

**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 **June 23, 2005**.

**Members Present:**

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

**Members Not Present:**

Legislator Paul Tonna • Chairman

**Also in Attendance:**

Mea Knapp • Counsel to the Legislature  
Ron Cohen • Aide to Legislator Tonna  
Ilona Julius • Deputy Clerk/Suffolk County Legislature  
Diane Dono • Budget Analyst/Budget Review Office  
John Ortiz • Budget Analyst/Budget Review Office  
Linda Bay • Aide to Presiding Officer Caracappa  
Dan Hickey • Aide to Presiding Officer Caracappa  
Frank Tassone • Aide to Majority Leader  
Kevin LaValle • Aide to Legislator Losquadro  
Maria Ammiratti • Aide to Legislator O'Leary  
Ben Zwirn • Assistant Deputy County Executive  
Jacqueline Caputi • Assistant County Attorney  
Janet DeMarzo • Commissioner/Department of Social Services

Linda O'Donohoe • Assistant to the Commissioner/Dept of Social Services

Lydia Sabosto • 1st Vice•President/AME

Sondra Palmer•Randall • Secretary/AME

Pamela Johnston • Victims Information Bureau of Suffolk

Sonia Wagner • Executive Director/Response of Suffolk

Judy Pannullo • Executive Director/Suffolk Community Council

Sarah Anker • President/Community Health & Environment Coalition

Colette Coyne • Colette Coyne Melanoma Awareness Campaign

Laura Ahearn • Executive Director/Parents for Megan's Law

Richard Koubek • Catholic Charities

Larry Weiss • Family Service League

Bernice Selig • Family Service League

Joan McGay • Suffolk Welfare Advocacy Coalition

Cheryl Keshner • Suffolk Welfare Advocacy Coalition

Mary Weiler • Suffolk Welfare Advocacy Coalition

Rita Greenberg • Suffolk Welfare Advocacy Coalition.

All Other Interested Parties

Minutes Taken By:

Lucia Braaten • Court Stenographer

Minutes Transcribed By:

Alison Mahoney • Court Stenographer

**(\*The meeting was called to order at 10:58 A.M.\*)**

**VICE•CHAIRMAN BINDER:**

Would everyone please rise for the salute to the flag.

***Salutation***

The Health & Human Services Committee will come to order. We have a number of cards, a lot of cards. Ron, do you know if we have the timer around?

**MR. COHEN:**

Yes.

**VICE • CHAIRMAN BINDER:**

When we have this many cards, we get the timer, right. I'm going to ask that everyone be as respectful as they can. You're going to hear the beep, even if you're talking and you're really in to what you're saying, the beep will be loud enough for you to hear and it will be a three minute beep and then I'm going to ask you to sum up. There are a number of cards, a lot of people that want to speak and so I'd appreciate your staying within those three minutes. The first card is •• first is Colette Coyne?

**LEG. O'LEARY:**

It's Colette.

**VICE • CHAIRMAN BINDER:**

Oh, Colette, that's a C.

**MS. COYNE:**

I've been here so long, I thought you knew my name by now.

**VICE • CHAIRMAN BINDER:**

I forget, right, that's what happens. I didn't call it last time, it was another chair.

**LEG. LOSQUADRO:**

Just make sure the microphone's turned on.

**VICE • CHAIRMAN BINDER:**

It looks like a C, you kind of had the top over the O, Colette.

**MS. COYNE:**

Good morning again. I don't know what I can say today that I haven't said in the past other than I would hope that partisan politics is not what's holding up Legislator Fisher's tanning bill. The longer we wait, the more young women use a tanning parlor and get a start, quite, possibly, on Melanoma. I can tell you many young people who have used them who are fighting Melanoma at the moment. So I would urge you to at least get that bill out of

committee and make a difference.

I've looked at some of your other bills you're focused on today and, quite rightly, they are being proposed to safeguard our youth; this bill is to do the same thing and it just doesn't fit together. It's beyond me why it has taken so long for this bill to get out of committee. I really would urge you gentlemen to •• and ladies, to think about the importance of the bill and to pass it, please.

Save the lives of our youth.

**VICE•CHAIRMAN BINDER:**

Do you there's another bill on the floor right now of the Legislature. And the difference between the two •• there's one difference, real main difference •• is that one bill says that for 14 and under that the parent has to be on premises and be there all the time so the parent can make the decision, this bill prohibits 14 and under. So we have a bill that does the restrictions, does the same thing as this does. The Vilorio•Fisher bill, what it does is it says that you can sign a permission slip, the difference is that's a six month permission slip, the other bill is a year permission slip; that's one of the differences, that really isn't that much of a difference. And number two is the 14 year old question.

It is my contention that parents who have the same amount of smarts, the same amount of responsibility, the same amount of •• the same ability as parents to drop their kids off at a beach and leave them there all day or make a decision on how much sun or take care of their kids 14 and under, making sure they put on sunscreen or don't put on •• I mean, that's a parental responsibility. They could have the same as long as they're informed and they're there and they're there full•time, to have the same ability, they should have the same ability. And government, I don't think, has the right to take that responsibility away from a parent, if they can make all these other decisions for a child 14 or under. Here we're saying 14 or under, the parent has to be on premises, and that's the bill that's on the floor of the Legislature right now and that's the difference.

**MS. COYNE:**

I would have to inform you that unfortunately our parents are not aware. Very few people, even going into the schools, our health teachers are not aware that we have an epidemic regarding Melanoma skin cancer. The Federal government at this point is •• or the agencies on

a Federal level have become tuned in. But I agree with you in saying, yes, parents should have the ultimate, but if that is the fact and a parent isn't educated, why do we pass any laws restricting any kind of behavior of young people? Because we want to support the parents that know better and we want to educate.

Someone asked me did I think this bill was going to be the answer and I said certainly it is one step. I would hope in the future I will be back asking you to see that there is shade covering on playgrounds, that just as you worry about a mammo, people having mammos, that they will also be able to have scans, skin exams, I mean, there's so much to it. I would hope •• I would wish that the bill would have the parents sign every time a child goes, because we know children are going to push the envelope.

**VICE•CHAIRMAN BINDER:**

Neither bill does that.

**MS. COYNE:**

I know that, but at least six months is a little bit better than a year.

**VICE•CHAIRMAN BINDER:**

Okay, thank you.

**MS. COYNE:**

Thank you.

**LEG. FOLEY:**

Thank you, Ms. Coyne.

**VICE•CHAIRMAN BINDER:**

Before I move forward, is there anybody from the Health Department here? Could you please ask •• I would like the Commissioner to come. The Commissioner has been asked meeting after meeting after meeting to come, so can you please •• Dr. Graham, can you please get on the phone with him? And there's been a very interesting article in Newsday •• and in fact, I would like •• if staff can •• it was from yesterday, maybe you can get me a copy of that article. I think the Commissioner has a responsibility to discuss what's going on in our restaurants and •• I mean, when Newsday writes a story like that, you would think that the Commissioner

would come down the next day. I have to insist that the Commissioner come down. And you know what? If he doesn't, I would just urge my •• you know, maybe we'll have to just urge the committee to hold up anything that the Commissioner is interested in, just hold everything up in the committee until he shows up. Because it is an outrage that he's not here today again, and please tell him we'd like him here today. Thank you.

Let me go on to the next, if I can, the next card. Laura Ahearn.

**MS. AHEARN:**

Thank you, Legislator Binder. First I'd like to thank all of you for finally giving us the authority to fingerprint people who come into contact with children who have been sexually victimized. We have been trying to get authority to fingerprint our volunteers and our staff and we haven't had authority because the State won't let us do it.

So the first bill to require that contract agencies of Suffolk County fingerprint and check all of the references of those who are going to be volunteering or working in that agency is proactive. What it will do is it will allow us to fingerprint even the person emptying our garbage, because let me tell you something, sex offenders will employ every technique to try to get at victims, including going out into the neighborhood and bragging that they're working at an organization that serves children who have been sexually victimized just so they could get entry to a family thinking that that family would believe they're being proactive.

Number two, it is not too costly. You guys give us money, we serve the community, we are willing to do whatever fund-raising we have to do to try to cover the cost of fingerprinting. If you're willing to give us the funding to provide services to the community, our commitment back to you is we will cover the expense of fingerprinting anybody who comes into contact with our agency. Thank you for that.

The second bill is the youth organization bill, it will allow contract agencies now or require contract agencies, anybody dealing with youth will have to check everyone through the State Sex Offender Registry.

There's just two little technical issues in both of the bills, and I know Legislator O'Leary is aware

of our concern. Both bills offer an opportunity for those that have a Certificate of Relief from Disabilities to be able to work in the contract agency. A Certificate of Release •• of Relief of Disabilities is a certificate granted typically by the court and what it will do is it will allow somebody who has a felony conviction to be able to apply for a license before with that felony conviction. For example, if you wanted a liquor license and you had a felony conviction, you wouldn't automatically be able to get •• even apply for it, it bars you from applying with that felony conviction. If you have a Certificate of Relief from Disabilities, it will allow for the State to •• or it will allow for that person with a conviction to apply.

We don't want convicted sex offenders to be applying to work in our contract agencies and to be given an out, and some of the language unfortunately allows for the out. Sex offenders are not a protected class in New York State; in fact, there's a section of the law, Section 752 and I have copies for everyone, that allows us to discriminate against those who have been convicted of a crime if there's a direct relationship between one or more of those criminal offenses and the license or employment that they're seeking. And number two, the issuance of the license or granting of the employment would involve an unreasonable risk to public safety, that's the risk. So we just ask that that section just be omitted so that sex offenders trying to apply to contract agencies can't get in and then if we bar them from employment, they won't bring an action against us that we're discriminating against. We shouldn't let them even apply or work in our agencies no matter what certificates they have.

**VICE • CHAIRMAN BINDER:**

Thank you. Legislator O'Leary?

**LEG. O'LEARY:**

Hi, Laura. How are you doing?

**MS. AHEARN:**

Good. How are you, Legislator?

**LEG. O'LEARY:**

Good, good. I've had some discussion with Legislative Counsel with respect to the issues you raise as well as with representatives from the County Attorney's Office, and we are •• we are both in agreement or of the mindset that 1577 will, in fact, be amended to address your concerns. So because of that, I'm going to have to ask my colleagues on the committee to

table this ••

**MS. AHEARN:**

Okay.

**VICE-CHAIRMAN BINDER:**

•• at least one cycle until such time as we can address those amendments.

**MS. AHEARN:**

Thank you very much. I have to tell you, that is a very proactive measure that we're taking in the County to keep sex offenders away from children. So it's unfortunate that has to be tabled, but thank you.

**LEG. O'LEARY:**

Yeah. Well, to address the concerns that you raise and those that were brought to our attention through the County Attorney's Office, Legislative Counsel and myself, we're going to have to go this route on a temporary basis. But I just wanted to point out, just to clarify, that the youth organizations, as a result of the amended version, will bear the responsibility of liability and it would, by all intents and purposes, take the County out of that equation. But also, the effect of my resolution was that if they don't adhere to the provisions as provided in enabling legislation, that they will no longer receive funding, which I think is important. That's the point that I'm trying to make with respect to my intent in going forward with this resolution.

**MS. AHEARN:**

Absolutely. And that, again, is very proactive because any agency that's serving youth has a responsibility. If we are working to try to help children in any way by providing the services that we're providing, we have to protect them as well and we have to be willing to go ahead and assume whatever liability there will be to keep sex offenders away from the vulnerable population that we're serving.

**LEG. O'LEARY:**

I understand that.

**MS. AHEARN:**

Thank you very much.

**LEG. O'LEARY:**

But you're going to have to have a little patience, at least one more cycle for this to be amended, okay?

**MS. AHEARN:**

It's been a while and I really appreciate how quickly you've moved on this, Legislator. Thank you very much.

**LEG. O'LEARY:**

Okay.

**VICE • CHAIRMAN BINDER:**

Thank you. Okay, next person is Pamela Johnston.

**LEG. FOLEY:**

And Sonia Wagner, if they both want to come up.

**VICE • CHAIRMAN BINDER:**

If Sonia Wagner wants to come up with, that would be fine.

**MS. JOHNSTON:**

Good morning. I'm Pamela Johnston from VIBS.

**LEG. LOSQUADRO:**

Your microphone is not on, Ma'am; top button, closest to ••

**VICE • CHAIRMAN BINDER:**

Pull it towards you.

**MS. JOHNSTON:**

Good morning. I'm Pamela Johnston from VIBS, Victims Information Bureau of Suffolk, and thank you for allowing me to speak. Sonia Wagner, Executive Director of Response of Suffolk County is also here.

I just became aware of Resolution 1585 a couple of days ago, I happened to see it on the agenda for the Health & Human Services Committee; so I don't have the advantage of having seen it until a couple of days ago and only this morning got a copy of the amended version. We really support in spirit what you're trying to do. VIBS, as I think most of you know, provides counseling, advocacy and a variety of services to victims of rape and sexual assault and domestic violence. We were founded in 1976, we are designated by New York State Department of Health as the Certified Rape Crisis Program in Suffolk County. And I have packets for you in case •• I think some of you might be more familiar with our domestic violence services than our rape crisis services, so I just wanted you to have that information. The way I read this legislation, it would apply to VIBS, since we do provide the Rape Crisis Hotline and that certainly can include children.

At VIBS we've been concerned for a long time about being able to do some sort of checks through the central •• the Child Abuse Register or certainly checking with the Sex Offender Registry. And it simply has been too expensive for us to take any of this on and to •• and to •• especially the full criminal background check, which is not to say that we are not willing to do it. But I do have some questions and concerns about the legislation.

One, why does the legislation single out hotlines rather than programs that provide services to children? You know, why just children that have been sexually abused, why not all children? I'm confused as to definition of employee; it seems to imply, although I'm not certain of this, that it would not only include employees but board members and volunteers and people who have no direct contact with children. Who will do the fingerprinting? Will the employee •• my daughter works for a day•care center and had to do this herself; is that how it would work? I'm going to skip some of this because I heard that little beeping and I don't want to take up more than my time.

**VICE•CHAIRMAN BINDER:**

Right. I don't think •• we kind of combined six minutes, so I don't know if •• I don't know if you want to start and then •• because there'll be questions anyway, you're going to get a lot of •• I think you're going to get questions anyway.

**MS. JOHNSTON:**

Okay.

**VICE•CHAIRMAN BINDER:**

So why don't we just go three and three and then ••

**MS. WAGNER:**

Okay.

**VICE•CHAIRMAN BINDER:**

Okay.

**MS. WAGNER:**

Is this on? You can hear me. Hi, I'm Sonia Wagner, I'm the Executive Director of Response of Suffolk County. We're a non•profit, we provide a 24•hour crisis intervention hotline. I'm not sure if this legislation applies to us or not, but I'm here anyway.

First of all, I very strongly support not only the spirit of the legislation, but the attention that's been given to this issue. It's not enough to say we support the spirit, that implies we don't support action which is not the case. My agency is providing a hotline, it is available to a lot of vulnerable populations out there. We have people who have been traumatized by poverty, loss of job, sexual abuse, you name it, and we put a lot of time in to considering how we can best put the most qualified and ethical people on those lines.

The reality as far as sexual abuse goes is that most people who have perpetrated are people who are known to the victim. It's Uncle Joe who puts his hand on your lap under the kitchen table, often with other people sitting at the table; I've known many children in that situation. It's Dad who comes into the bedroom after dinner, it's Aunt Josephine who undresses in front of kids when the parents aren't around. It happens usually by people who know us and most of those individuals are not charged, let alone convicted.

I wish that if we did everything here that it would create a perfect screen, and I think we'd all agree that it wouldn't. My concern is a couple of concerns. One is related, truthfully, to cost and it is an issue for a small nonprofit that already counts on volunteers. The State Office of Mental Health, which has mandated fingerprinting for those mental health programs it funds, does provide the funding. The State stands behind that goal and provides funding for

fingerprinting.

In addition, I have a concern about logistics, and this isn't a stonewall, it's to raise questions. We do have a pretty lengthy screening process. Before a volunteer can come on our lines, they go through a lot of training and role playing around sexual abuse issues, before they can even literally come into our office and know where we live. So we put quite a bit of time into it. Could we do better? I'm open to looking at that question, actually. And what I'd like really from the committee is the opportunity to meet in a less formal way and talk more about the logistics of this, how we would fund it and how we would implement some of the things we're talking about. Like my colleague, I didn't know about this legislation until very recently, so I haven't had the opportunity to meet with everyone privately and learn more about this. Really, that's all I'm asking for at this time.

Thank you.

**VICE • CHAIRMAN BINDER:**

Thanks. Legislator O'Leary.

**LEG. O'LEARY:**

I just want to, A, thank you for your support of my initiative and, B, just make the statement that this is a starting point. You know, we're looking to get this codified for the purposes of Megan's Law, obviously, and those sexual offenders that would be of a concern in that particular hotline system. And this would not preclude us, of course, in the future to amend the resolution to include your organizations, and I'm taking •• and I'm getting the impression that you do want to be included in this as ••

**MS. WAGNER:**

I'm not comfort •• you're asking me?

**LEG. O'LEARY:**

Yes.

**MS. WAGNER:**

I'm not comfortable supporting this resolution as it's currently written.

**LEG. O'LEARY:**

And the reason why?

**MS. WAGNER:**

Well, I have a concern ••

**LEG. O'LEARY:**

Because of a cost factor?

**MS. WAGNER:**

That's one of my concerns is cost. And as I say, the State did provide that funding when it made a similar demand on its providers. Running an agency that relies heavily on volunteers, I have a concern as well in terms of timing. When you run a volunteer organization, a person calls up and says, "I'd like to work with you, I'd like to volunteer my time." If you don't involve that person fairly quickly, at least in training, you'll lose them. So my concern is really a question.

**LEG. O'LEARY:**

But certainly you would not advocate or condone the hiring of someone who as a history of ••

**MS. WAGNER:**

Absolutely not, absolutely not. As a matter of fact, one of the things ••

**LEG. O'LEARY:**

And I'm not implying that. And I'm not implying that.

**MS. WAGNER:**

No, certainly not. What I am addressing is the difficulty of determining who's at risk. There's a piece here about doing a check on the State Registry; that's something that does sound very practical.

**LEG. O'LEARY:**

There is a provision in that resolution that allows the hiring until the checks do come back.

**MS. WAGNER:**

I'm sorry?

**LEG. O'LEARY:**

There is a provision in my resolution that allows hiring of the individual until the checks do, in fact, come back.

**MS. WAGNER:**

Well, the difficulty is if you ••

**LEG. O'LEARY:**

Because there is a time lapse.

**MS. WAGNER:**

If I understand that correctly, you can hire someone and then they would be let go, is that how that would work out?

**LEG. O'LEARY:**

Yeah, absolutely; why not?

**MS. WAGNER:**

Well, we try very hard ••

**LEG. O'LEARY:**

I mean, it's ••

**MS. WAGNER:**

I'll be honest with you, we try hard not to let them in our doors. We literally keep our location very discreet for reasons of protecting our volunteers. I have volunteers working all hours, we don't let people in until we're really comfortable with them. These are details. Again, what I'm really asking for is that we be given the opportunity to talk with the people in this committee in a less formal setting and address some of the logistics of it; I didn't have that opportunity prior.

**LEG. O'LEARY:**

I'll be happy to sit down and discuss with you your concerns, but I'm also anxious to move this forward for the purposes of getting it adopted. And as I ••

**MS. WAGNER:**

I hear that, and I appreciate where you're coming from.

**LEG. O'LEARY:**

And as I stated before, this ••

**MS. WAGNER:**

I would request that it be tabled.

**LEG. O'LEARY:**

•• doesn't preclude us from amending the resolution in the future.

**MS. WAGNER:**

Okay. We're coming at it from shared places in the hearts but a different feeling of what to do right now.

**MS. JOHNSTON:**

Could I respond?

**LEG. O'LEARY:**

Sure.

**MS. JOHNSTON:**

I am •• I'm not sure that I agree with Laura that absolutely every person that has any kind of affiliation with our agency needs to have a full background check. You know, I'm concerned that, you know, people that •• who's functions have absolutely nothing to do •• I'm particularly concerned about board members and volunteers who have •• who aren't even on•site at the agency have to go through this, you know, it might create another burden in getting ••

**LEG. O'LEARY:**

I mean, do you think it would be a chilling effect on people volunteering their services or you

employing people?

**MS. JOHNSTON:**

Sure, I think it could. I think people ••

**LEG. O'LEARY:**

Well, then the effect of the resolution is good.

**MS. JOHNSTON:**

No, no, no.

**LEG. O'LEARY:**

Because we don't want these type of people working for us or volunteering their services for us.

**MS. JOHNSTON:**

Could I finish my statement?

**LEG. O'LEARY:**

Sure.

**MS. JOHNSTON:**

I think it's •• I think the idea of fingerprinting and criminal background check, when it's •• when there's not a logical reason for it, could have a chilling effect on people. There are a lot of people who just feel very, very strongly about their civil liberties and ••

**LEG. O'LEARY:**

It's a logical reason being ••

**MS. JOHNSTON:**

•• would say, you know, "I'm not even paid by that organization".

**LEG. O'LEARY:**

Well, then guess what? If they have a previous history of abusing children they won't volunteer their services based on this process, I would hope.

**MS. WAGNER:**

I would have to disagree with that.

**MS. JOHNSTON:**

I'm assuming we're most certainly not talking about people who •• I would certainly want to chill out people who would sexually abuse children.

**LEG. O'LEARY:**

I would hope so, and that's the whole purpose and intent of my resolution, to cause a chilling effect for these people to even consider coming into a volunteer situation or the employ of working with children; that's the intent.

**MS. WAGNER:**

And I don't think anyone is questioning the intent. Who could argue with this? I mean, the intent is something everyone in this room, I would hope, would stand behind. Really what I'm looking for, I think Pamela also, is the opportunity to have discussion about this before it goes through exactly as it's codified here. It's not to stonewall it, it's not to minimize the importance, it's to have an opportunity to talk about how this will affect my agency, my volunteers. And I very much support keeping kids safe, my whole agency is about working with vulnerable populations. So I'm assuming no one sitting at this horseshoe has any doubts as to my intentions here, why I'm speaking about this.

**VICE • CHAIRMAN BINDER:**

The •• and I'll go to Legislator Foley in a moment. But one of the thing I do know about both agencies, in 16 years here, both have shown really an unswerving dedication to vulnerable populations. And the work you've done, both, I've been so supportive of, it's been exemplary. People are alive today, healthy today, getting their lives together today because you guys are out there doing this.

**MS. WAGNER:**

Thank you.

**VICE • CHAIRMAN BINDER:**

So you've got to keep doing what you're doing. This bill won't be coming forward until •• as

Legislator O'Leary said, he's going to be tabling the bill. We won't be meeting again, we have the July break, so •• what is that?

**LEG. O'LEARY:**

Is there a public hearing scheduled?

**VICE-CHAIRMAN BINDER:**

There's a public hearing on something else afterwards, right. Oh, yours is closed. So there won't be another meeting to even consider this until August, so you're going to have plenty of time to track him down and he'll track you down.

**MS. JOHNSTON:**

That's all we're asking for. We're not opposing the bill ••

**VICE-CHAIRMAN BINDER:**

Right.

**MS. JOHNSTON:**

•• we just want more discussion.

**VICE-CHAIRMAN BINDER:**

I know that. And the fact is your intent has always been clear, it's not •• it's never been in doubt or in question. So I think you'll spend some time over the next •• you'll have many weeks to sit down with Legislator O'Leary and go through it point by point your concerns. And I'm sure •• I'm sure that •• that provisions could be crafted that keep you doing what you need to do and protect children at the same time which is absolutely necessary, and then we'll •• that's what legislation is about is finding the right way to do it. Legislator Foley.

**LEG. FOLEY:**

Thanks, Mr. Chairman. And I just wanted to assure Legislator O'Leary that particularly VIBS and Response have been in the forefront of protecting and helping people in crisis for decades, as was just mentioned. In that the suggestions put forward to the committee are not only sincerely felt by those who are expressing their views, but also they have an informed opinion on these matters. And I think it would be very helpful to the process, between now and the

time we would vote on this at the end of July or early August, to sit down with the representatives from VIBS and Response to hear what they've got in more detail.

It's not an adversarial •• the position they're taking, it could be one in the best traditions of this Health Committee where we have over a period of years listened to what a number of contract agencies have said about a variety of issues, have incorporated their ideas when they've been constructively and sincerely, in a well informed way, submitted them to the committee and could even strengthen this particular piece of legislation. So I don't •• you know, I had sensed that there was some tension here and I don't think any •• there was no intent on that, number one. And number two, I think it's all been done in the same spirit that everyone is walking down the same path in trying to help save people's lives and protect people. So I would hope that in the spirit that their ideas were given, that they would be received in the same fashion so that by August we can then move forward with the bill. Thank you.

**VICE•CHAIRMAN BINDER:**

Thank you. Any other comments?

**LEG. O'LEARY:**

Just to comment.

**VICE•CHAIRMAN BINDER:**

Legislator O'Leary.

**LEG. O'LEARY:**

I absolutely agree with Legislator Foley, and it wasn't my sense there was any tension involved here or any negatism. It was a feeling on my part that I want this thing moved as quickly as possible and I'm hearing for the first time, we only heard about this just recently and you weren't involved in the process. So I'm more than happy to sit down with you and discuss your concerns.

**VICE•CHAIRMAN BINDER:**

He's a pretty reasonable guy.

**MS. JOHNSTON:**

Thank you very much.

**MS. WAGNER:**

Thank you very much.

**VICE • CHAIRMAN BINDER:**

Okay, they're smiling at each other, we're okay now. We'll move on to the next card. Larry Weiss and Bernice Selig both signed a card, I don't know if that means that you want to be three minutes between you or you want three minutes a piece.

**MR. WEISS:**

Three minutes between us.

**VICE • CHAIRMAN BINDER:**

Whoa, three minutes between you.

**LEG. LOSQUADRO:**

Much appreciated.

**VICE • CHAIRMAN BINDER:**

Right, a lot of cards.

**MR. WEISS:**

Good afternoon.

**VICE • CHAIRMAN BINDER:**

Is your microphone on? Pull it.

**MR. WEISS:**

Hi. I'm Larry Weiss, I'm Associate Executive Director of Family Service League, Bernice Selig is our Business Director. We are here to clarify in support of Resolution 1567 that was tabled. It was put forth by Legislator Caracciolo in May. The resolution requested that monies already allocated to Family Service League be transferred from two of its community support programs, adult case management and act, to support its East End Mental Health Program.

The East End Mental Health Program, with offices in East Hampton, Hampton Bays, Mattituck, Greenport and Bay Shore, provide services to over 800 families at any given time. As with most Article 31 outpatient mental health clinics, the past few years have been very difficult with pronounced shift in payer mix, especially the influence of Managed Care and Managed Care/Medicaid resulting in decreased revenues. This has occurred at a time when referrals are dramatically increasing, especially amongst children. It has become extremely difficult to continue to maintain these programs and Family Service League has had to contribute a sizeable amount of its philanthropic funds to cover the deficits.

The two programs that we are requesting fund transfer are not currently experiencing the same dramatic fiscal problems. Both the Adult Case Management Program, serving the Town of Islip, and the ACT Team serving the east end, are able to fully maintain services without these funds; this is the result of a restructuring of the reimbursement system late last year. We aren't requesting any additional funding. The transfer of these funds will not impact services to the doner programs but will ensure continuation of services for our outpatient mental health clinics. Thank you.

**VICE • CHAIRMAN BINDER:**

Thank you. Any questions? Okay, thank you for coming forth.

**LEG. FOLEY:**

Thank you.

**VICE • CHAIRMAN BINDER:**

Okay, Judy Pannullo, Suffolk Community Council.

**MS. PANNULLO:**

Good morning. I'm Judy Pannullo, Executive Director of the Suffolk Community Council, an umbrella agency of health and human service agencies, most of which are contract agencies to the County. So, I have a question and some of these questions have been answered already but I filled out the card and maybe I can get more clarification. These are your bills, Pete, about •• it's 1585 and 1577, both of which we agree with, we know they're well intentioned. I do fear of the costs to smaller contract agencies.

My understanding is •• I'm sorry, I'm losing my voice. My is that the background checks can be

about \$90 a piece. And the question is how will agencies, especially the smaller ones, be able to pay for it? I understand the larger agencies, as a best practice, already do this and they pay for it, but I'm concerned about the smaller agencies. So that's one question that comes up.

And the other one is will this slow down the entire process for contract agencies? Some agencies were in June, some agencies already don't •• still don't have their contract money. So those are my two concerns.

**LEG. O'LEARY:**

If I may, Mr. Chair?

**VICE-CHAIRMAN BINDER:**

Go ahead. Legislator O'Leary.

**LEG. O'LEARY:**

I'll make it very brief. Your second concern is beyond our control, that's the Executive's Office with respect to contract agencies and the effectuation of those contracts; that's number one. And number two, as far as the ••

**MS. PANNULLO:**

But wait, before you go to number one •• referring again to number two, is there anything that you can put in the legislation that would keep that from slowing down the process, or you're saying that's totally out of your hands?

**LEG. O'LEARY:**

In answer to that question, yes, we can put a lot of things into the resolution but the effectuation of it is beyond our control, it's across the street. And that's been the particular problem with respect to contract agencies for the last two years or so. How many years, Brian, one?

**LEG. FOLEY:**

A lot of years.

**LEG. O'LEARY:**

Brian says a lot of years, he has a lot of tenure here, so; the last two years that I've been here. But I hope that answers your concern about number two.

Number one, the •• to be perfectly frank with you, my intent when I first had this bill drafted was to address the Megan's Law concerns, and I've now become aware there's a spin•off as a result of that and I'm going to address that, including the smaller agencies. So I think all parties should be somewhat relieved of the fact that there will be some more discussion with respect to this particular proposal and how we're going to go forward with it.

**MS. PANNULLO:**

Okay.

**LEG. O'LEARY:**

All right?

**MS. PANNULLO:**

Fair enough. Thank you.

**VICE•CHAIRMAN BINDER:**

Thank you. Sarah Anker.

**MS. ANKER:**

Hi. I'm here today to talk about an issue that's happening in my community. I'm Sarah Anker, a resident, mother of three and President of Community Health & Environment Coalition. I just wanted to also state, Resolution 1065, regulating the tanning facilities, I think is a very important resolution to consider relating to that.

The issue that I have is a cellular antenna on school property which was voted in on •• last two Tuesday and it was at a school board meeting. On Tuesday, June 14th, the Mt. Sinai Board, school board, announced its proposal to construct a cellular antenna on the school's athletic field attached to a light fixture. The district is composed of three schools located on a 65 acre parcel with 2,200 students attending. The antenna will be located between the middle school and the high school, and this is a controversial issue. This is something that it seems to be happening across the country. But from what I understand, this may be the first school in Suffolk County and on Long Island to have a cell antenna on school property. There is not

100% data showing the long-term health effects on children. This technology is new. I'm also on Brookhaven Lab's Community Advisory Council or committee, and I sit •• every month I go there and I listen to the hundreds of millions of dollars they're using right now cleaning up what they thought 50, 60 years ago was safe technology.

I am not against cell towers, I think we need them, we need •• the technology is needed but I believe it should not be on school property or near children. I'm very active with the breast cancer and cancer coalitions and the data that I hear this year, in the recent year, cancer starts in utero and as children, that's when the cells are changing. It takes about 15 to 20 years for cancer to show itself, and I don't want to find out 20 years from now that my children who are going to the schools right now may have a higher incident of cancer or other diseases because they're being exposed to the radiation, which is electromagnetic radiation, it's a radio frequency from the cell tower.

I'm asking you to do what you can, whether it's writing a letter, a Sense Resolution. I have •• I downloaded a document, I don't know how accurate it is. There was a case study done, the Counties can use prudent avoidance principal and choose sites with greatest distance from school houses to minimize potential health impacts. And I do understand the Telecommunication Communications Act of 1996, you cannot use health and environmental reasons for denying cellular service, but there is a case law that was •• happened in Clarkstown that was used May 26th, 2000.

So I'm asking the Health Committee, if there's anything you can do, if you could use your legal initiatives, you know, for actual suggestions with the situation that I'm having to deal with.

**VICE-CHAIRMAN BINDER:**

Legislator Losquadro, you wanted to ••

**LEG. LOSQUADRO:**

Yes. Hello, Sarah.

**MS. ANKER:**

Hi.

**LEG. LOSQUADRO:**

Good to see you.

**MS. ANKER:**

Thank you.

**LEG. LOSQUADRO:**

This has been something that has •• that yourself and several others have reached out to me on this issue to my district office, so I took it upon myself to do a little research, reach out to the school district, get their position. And I just want to put on the record, based on the information that they provided me, that the district has record of mailing out approximately 4,000 letters to families in the district advising when the board meeting would be, that only approximately 20 people showed up at the meeting, approximately five voiced concern, the rest that showed up were in favor of the proposal. And that they put on the record the OSHA and FDA standards and compared and contrasted them to several household items that gave off more radiation and electromagnetic activity that are in common household use. They said that this information was shared at the meeting and based on public response, they reviewed and decided to move on the lease agreement.

They pointed out, obviously something that was pointed out at the last meeting, we do still have a number of school districts who are facing and my own home school district just yesterday, the day before, failed on a second attempt to pass their budget. So financial concerns are •• must be taken into account. This is \$200,000 in up•front money, plus additional revenue totaling half a million dollars to the school district and a number of residents voiced strong support for that in light of the •• in light of the scientific evidence presented to them.

As you said, there are •• there is not long•term evidence to suggest a correlation between this technology and increased incidents of cancer or other illnesses. And again, just to put on the record this is information that they shared with me, that this is a local school board issue, they maintain respect for all opinions, that the board and the administration believe that they have acted on quality data and research and that they are of the firm understanding that this initiative makes good sense for the school district and for all involved members of the community and they believe this to be a very safe technology.

I know •• it seems as though the school district has done their due diligence on this, I know obviously you've done a lot of research and a lot of case law research. But I just want to put on the record just to make very clear that the school district has not tried to sort of sneak this in on the community.

**MS. ANKER:**

Can I address what you had just said?

**LEG. LOSQUADRO:**

Absolutely.

**MS. ANKER:**

Let me just clarify some issues. The contract is for a 30 year lease, that's \$20,000 a year, they're giving 20 •• \$200,000 up front to pay for light fixtures which have already been paid for by a bond, so that money that we approved, the community approved, the light fixtures are actually being paid for. Now, I don't know where that \$150,000 will now go; it's not \$200,000, it's \$170,000. It's 150 they're going to give for the light fixture •• well, they're claiming •• up front and then the \$20,000. Now, that 150, we're not going to be getting paid for 16 years another \$20,000 because that lump sum is included. So after 16 years, for the rest of the 30 year contract lease, then we'll continue to get \$20,000 to go for •• towards our \$42 million budget, per year budget, that's just this year and every year it's been going up. So that's actually the financial situation. So we're committed.

I mean, what happens in ten years where leases are going for \$50,000? We're stuck with 20,000. I mean, if you're looking at this from a financial sense, what happens if they want to put some other type of technology on this poll? We're stuck because the school has signed a 30 year lease. That's also the structure. Has this been done before on a light fixture? Miller Place Civic Association opposed a cell tower. It was •• I don't know if it was denied, but they decided not to do it, I don't remember which company it was, because of safety concerns, it was going to fall over. This is above the children's heads as they're walking around the track, elementary school kids use this track as well as middle school and high school. And for •• and it's a 24 •hour a day, seven day a week issue with low radiation. Yeah, your microwave oven would put

out a lot of radiation if you're standing in front of it, and I understand that.

But again, I really feel, as far as if you feel that they didn't pull one over on us, I disagree because I was at that meeting, it was a low turnout. Most people •• school board meetings, they're lucky if they can get five people to come which is unfortunate, and I hope more people come to the meetings because of this issue. But during the meeting, the school board President Richie \\_Heins\\_ said, they're not going to vote on this for another month; when most people left they voted on it. That I don't think is an ethical situation, I think they should have waited at least, like he said. They also said the data that he received was from \\_Scienatetics\\_ Corporation, it's an engineering report summary talking about the evaluation of radio emissions from the proposed cell tower. And the applicant is Verizon Wireless; I'm assuming they paid for this information that they gave to the school. I don't believe they have •• I believe there's more information out there that they need to look at.

We're getting signatures, I have over 100 signatures from people who had no idea this was happening. This is an issue that's very important and people aren't aware. Now, is it my fault that they didn't read their newsletter and didn't come to the meeting? No, they just didn't know about it. They know about it now. But basically it says •• you know, we don't oppose cell towers, just so you know, the technology, but because this is a controversial issue, and it is, but they should not consider at this time until more is known about the safety of cell antennas and its health effects on children. That's all we're asking for. And from what I understand, they're building that right now, they're not giving a week to go by, they're starting it. So they're almost committing themselves right now. So I •• and collecting the signatures, people didn't know about this issue; when they found out about the issue, they were very uncomfortable with it and they wanted to know.

All I'm asking is that if the county can do something to create awareness about this issue or even just to slow the process down so people can become more aware of it. You mentioned some other issues ••

**LEG. LOSQUADRO:**

Well, they were very responsive to my request for information, so •• and in deference to a fellow elected official, which school board members are elected officials and volunteers for that matter, I felt it incumbent upon me to put their comments on the record. But you have raised several additional questions. As I said, they have been responsive to the questions I've posed

to them, so I will pose these additional questions to them.

**MS. ANKER:**

Thank you.

**LEG. LOSQUADRO:**

And obviously follow•up with yourself and other members of the community as to my findings.

**MS. ANKER:**

Thank you. And just one other •• I wanted to comment about the standards, if this is what they're saying. And again, I do understand because of Federal law you cannot pose this because of health issues. However, the standards that the FCC relies on regarding human exposure. Children exposure? I don't think so. Human, adult exposure to radio frequency is prepared by American National Standards Institute; 1982 standards. You know, again, this is information that I collected and I have a lot more information. I have a lot of studies. From what I've heard, I can't confirm, the State of California has prohibited this from school property, on or near school property. I can't •• again, I don't know if I can confirm that. The County of Palm Beach, Florida, prohibited building cell towers on or near school property. The country of New Zealand, the information I downloaded, verification needs to be confirmed. However, again, this is an issue that needs to be addressed. And if my children are going to be the first children to have this, I'm not going to stop, I'm being very persistent. And you all know me, I mean, between the breast cancer and the pesticides. This is •• I live in a breast cancer and a cancer cluster. I just found out ••

**LEG. LOSQUADRO:**

And I would expect no less. And unfortunately, I have the dubious distinction of representing a large portion of that cluster, so it's something that I know we all take very seriously. I myself personally take very seriously, it's where I reside, it's where my wife resides, obviously, so take it very seriously. And I will pose these additional questions to the school board. They obviously do have the home rule power here, ultimately it is their decision, but I will follow•up with yourself and other members of the community as to my findings based on the additional questions I'll pose to them.

**MS. ANKER:**

So as far as a legal counsel, is there anything as far as the prudent avoidance principal that the County can use?

**LEG. LOSQUADRO:**

Counsel?

**MS. ANKER:**

Are you familiar with that?

**MS. KNAPP:**

I'm looking for the Clarkstown case as you were speaking. My understanding is the Federal basically preempts regulation by all local municipalities, but if there's another case I'll be happy to look at it.

**MS. ANKER:**

I'll make a copy for you.

**MS. KNAPP:**

Thank you.

**LEG. LOSQUADRO:**

Thank you, Sarah.

**MS. ANKER:**

Thank you.

**VICE-CHAIRMAN BINDER:**

We generally •• as far as we know, we're preempted, as you understand. The Federal government, when they have a field preemption, they're very serious about it. But if Counsel can find something. I know that I'd be concerned if one went up in my schools, in my kids school yard, a cell tower went up, I'd be very concerned about it, and I think we all would be, even with incomplete information. And if there's something we can keep checking into and keep looking at, I'm sure Legislator Losquadro is concerned, too, we'll all •• we'll all take a look at it. I just don't know what we as a committee or as a Legislature can do.

**MS. ANKER:**

Well, I thank you. I thank you for your ideas and I hope to hear from you and work with you more on this.

**LEG. LOSQUADRO:**

Absolutely.

**VICE • CHAIRMAN BINDER:**

Thanks for coming.

**LEG. LOSQUADRO:**

As always.

**MS. ANKER:**

Thank you. Thank you.

**LEG. FOLEY:**

Mr. Chairman, if I may?

**VICE • CHAIRMAN BINDER:**

Legislator Foley.

**LEG. FOLEY:**

Yeah, thank you. Ms. Anker, before you leave; Sarah?

**VICE • CHAIRMAN BINDER:**

One more.

**LEG. FOLEY:**

Thank you. You mentioned one County in Florida. If in your own research, obviously if there are other counties in the country that have adopted similar legislation, again, it may be different State laws, there's different County laws, different County Charters, but that would certainly be helpful to us in researching.

**MS. ANKER:**

Okay.

**LEG. FOLEY:**

To see whether or not there's any way in which the County can play a role in this.

**MS. ANKER:**

Well, that's •• right.

**LEG. FOLEY:**

And I also want to thank you for bringing this to all of our attention. Certainly there's a greater sensitivity, just as with the early issue, when children are involved. So thank you for your advocacy.

**MS. ANKER:**

Thank you.

**VICE • CHAIRMAN BINDER:**

Where in Florida, do you know what County; is it County?

**MS. ANKER:**

Palm County, Florida, that's what I read.

**VICE • CHAIRMAN BINDER:**

Okay, so we'll research that.

**MS. ANKER:**

And again, I don't know how accurate ••

**VICE • CHAIRMAN BINDER:**

I don't know how a County is able to pass such a law. I think that it would ••

**LEG. FOLEY:**

Jeb Bush said it was okay.

**VICE • CHAIRMAN BINDER:**

Because Jeb Bush said it was okay and he asked his brother if he can ••

**LEG. FOLEY:**

He wouldn't mind.

**VICE • CHAIRMAN BINDER:**

Right, if he wouldn't mind. We'll take a look at it. I would think that something like that would pass very easily here if we had the ability to do it, it's just never thought of as something we could do because of Federal preemption, but we'll take a look at it.

**MS. ANKER:**

Thank you very much.

**VICE • CHAIRMAN BINDER:**

Thank you.

**LEG. LOSQUADRO:**

Thank you again, Sarah.

**VICE • CHAIRMAN BINDER:**

Joan McGay.

**MS. McGAY:**

Good afternoon. I'm Joan McGay. I'm here on behalf of the Suffolk Welfare Advocacy Coalition. Cheryl is also a member of the coalition and has a card, so we came up together.

Our coalition is made up of not•for•profit agencies that serve people who are receiving public assistance or leaving public assistance. We would like to raise our concerns with you about the Flexible Fund for Family Services, which is a block grant adopted by the State as part of the 2005 budget. This grant will eliminate a number of line item programs once funded by Temporary Assistance to Needy Families, surplus monies. In place of these programs, Suffolk County will receive a block grant of almost \$23 million to tailor to the needs of Suffolk County programs for people on welfare or who have left welfare.

The New York State Office of Temporary and Disability Assistance recommends that a coordinated effort is most effective in the delivery of services. Our coalition would like to ask if there will be an opportunity for input or suggestions, or a public hearing on the allocation of those funds.

**VICE-CHAIRMAN BINDER:**

My guess, I would ask Counsel, but my guess is that that doesn't happen. The allocation happens as administrative course of business probably in DSS. I don't know that •• well, with block grants, generally, other than how we treat it in the budget specifically. I mean, that's the hearing you would get in the sense that we would line item an allocation in our budget, so you'll see in September •• but that will be for 2006. Are you saying that this block grant is 2005 money or 2006 money?

**MS. McGAY:**

According to my information, it's 2005.

**VICE-CHAIRMAN BINDER:**

Because if it's 2005 money, then it's already allocated. However, from what I understand, what you're saying is that it's in addition to, or I should say some TANF money is in this block grant, it was kind of broken off and made into a block grant. What we then would normally do, I would assume is as we budget we put it into line items and that question would start with the Social Services Department, the County Executive, the County Executive's budget presentation. He would look at the block grant and they would look at the block grant and we would •• and so in our budget presentation for this year, which we did last November, it's already allocated. We will again do it this year, we'll get a budget in September and by November we will allocate it again. I can ask Counsel, it would seem to me that's how it's going to work.

**MS. KNAPP:**

In connection with the Operating Budget process, you're absolutely right, there are budget hearings. And to the extent that there's an interim concern, then this Health & Human Service Committee is a place where people come and express those concerns.

You know, I'm not entirely familiar with which grants •• which grants have been eliminated and which have been turned into block grant. Are we talking about from last year's State budget

process or from the one that was completed?

**MS. McGAY:**

This is a ••

**LEG. FOLEY:**

If you can speak closely into the mike.

**VICE•CHAIRMAN BINDER:**

The question is when did the State do this; did the State pass this?

**MR. KESHNER:**

Okay. Yeah, this is •• Flexible Fund for Family Services has been enacted in the 2005•2006 State Fiscal Year Budget.

**VICE•CHAIRMAN BINDER:**

Right, so they just did that.

**MR. KESHNER:**

Okay, yes, they just did it.

**VICE•CHAIRMAN BINDER:**

Right, so •• right. So what's going to happen is we're going to get those numbers. Our Social Services Department will then have to crunch the numbers and figure out which ones have been pulled out of TANF, put in to block grant form and then as New York State expects us to do, to direct it to those places most •• that we need most. What will happen then, a recommendation will go to the •• or a budget, really, goes to the County Executive from the department, and then the County Executive will •• will then bring •• give us a budget with those breakdowns, which you'll be able to come to the committee for the budget hearings, you'll be a part of it and talk to us about it, if you don't think it was allocated in a way or in a manner that is •• that you're comfortable with.

**LEG. FOLEY:**

Mr. Chairman, if I may?

**VICE • CHAIRMAN BINDER:**

Legislator Foley.

**LEG. FOLEY:**

Thank you. After we hear from the two panelists here, if we can hear from the Commissioner, maybe she can give us some more light on it. But what I would add is that the department has submitted as of this month, all the departments, their budgets for next year, their proposed budgets to the County Executive's Budget Office. So as we say every year, while it's important to come to us in the fall, for the advocates to speak directly now to the Executive Branch and to the Department of Social Services. You have every right to know what has been requested in that budget from the department to the Executive's Budget Office as it relates directly to the change of TANF from a line item to a block grant. And I'm ready to be corrected by the Commissioner after she comes up to speak, have her come up and speak on the issue, but if she's already proposed how those monies, the 23 million, 25 million, say?

**MS. McGAY:**

Twenty•three.

**LEG. FOLEY:**

How they will be divvied up in those six, that information should already be available. So if it's not, we'll find out why it's not.

But I would say that for any of those, for all advocacy groups, instead of waiting for the fall to request right now, and I usually say this every year about this time, to speak with the Executive's Office and the departments about what the department has proposed to the Executive's Budget Office for '06, and that is public information.

And then you'd have all summer to work on it as opposed to waiting till next fall when all we can do is amend it.

**MS. McGAY:**

Right, okay.

**VICE • CHAIRMAN BINDER:**

I stand corrected.

**MS. McGAY:**

Thank you.

**MR. KESHNER:**

My understanding is that the exact amount is ••

**VICE • CHAIRMAN BINDER:**

That is a better way to do it.

**MR. KESHNER:**

I'm sorry. My understanding is that the exact amount is \$21,986,000. I think that our main concern is that we would like to have input into that process. We would like to know if the Department of Social Services is going to allow community organizations an opportunity to give some suggestions as to how those funds should be allocated.

And I'd just like to just briefly put a couple of suggestions on the table, if I may? Okay. One of the things that we would recommend is that Social Services restore the hours of operation which were •• had been reduced. Right now they open at eight o'clock in the morning and close at three o'clock in the afternoon; within that time they have a two hour lunch break. And so, therefore, the hours that people in need are actually serviced is only five hours over the course of a day, okay. And there are •• I frequently ask Social Services myself for hearings or to work with various people on trying to assist and there's such frustration there because people are not being serviced adequately. There are not enough hours, there are not enough workers. You know, at three o'clock folks come expecting to be serviced, most offices don't close at three and the door is shut in their faces. So we would ask that those hours be restored and there be a greater effort made to accommodate people who are working.

In Nassau County they do have some evening hours, they do have •• I think there was an effort to make some hours available on Saturdays as well and we would ask that if that's at all possible that Suffolk also do the same. Because the main goal here is to move people from welfare to work, but if they don't have the supportive services that they need such as food stamps, such as child care, transportation, which they often need to access through Social Services, then they can't maintain their employment. But if they need to take time off from jobs in order to do that, they're going to lose their jobs.

Another suggestion is that additional funds be allocated for education and training. So many people want to move off of welfare and find jobs where they can truly be self-sufficient, but they are not being allowed sufficient opportunity to get into training programs and to really gain those skills that they need in order to be able to move from welfare to work. So we would also put that forward as a suggestion.

We would ask that additional funds be allocated for transportation as well. I know that that Department of Labor does provide some vans to transport people to some work sites, but often folks have to get there on their own. They •• you know, the bus service is very sporadic, people often don't have tokens or enough money in their budget in order to be able to just get around, so we would ask that additional funds be allocated for that.

And we did have a couple of other suggestions that we wanted to make to Social Services in terms of new initiatives that we would suggest. Perhaps having information specialists available within the Social Service Centers at tables who could help to ease the process in terms of informing people who are coming in to apply for services as to what their rights and their responsibilities are and what they need in order to access those services, it might make things operate more smoothly there. There was something similar to that done within the New York City Housing Courts where advocates have been placed at the different courts and provide information and referral to people who come there and we'd like to see something similar to that set up here at Social Services Centers.

So, you know, we would like to elaborate on this more in the future, but just wanted to put those forward, get them on the record and just ask Social Services to give us an opportunity to have some input into this process. Thank you.

**MS. McGAY:**

Thank you.

**VICE-CHAIRMAN BINDER:**

Thank you.

**LEG. KENNEDY:**

Mr. Chair?

**VICE•CHAIRMAN BINDER:**

Legislator Kennedy.

**LEG. KENNEDY:**

Just one last comment. I guess I'm going to try to dovetail a little bit on Legislator Foley's comments regarding having the Commissioner detail to us. Also, my question would be I guess for the department and also for yourselves. That 21.9 now in block grant fashion, how does that equate to what had been the collaborative or the comprehensive funding for the previous State fiscal year? And in effect, are you seeing something that's an actual reduction in funding? If you had five, six or seven separate streams that were being funded cumulatively to the tune of twenty•one nine or to the tune of something else, what does the block grant do as far as the State•based funding and where would you anticipate that you need to prioritize it, in addition to what you've shared with us?

**MR. KESHNER:**

I don't think that I can adequately answer that, I think I would need to know from Social Services more specifically what their budget was and what their •• being at with now. You know, when we first saw this we were very excited and thought that it would be a new funding stream and that there could be new programs created and now we're hearing from Social Services, kind of through the grapevine, that it actually is a reduction. So I'm not really sure how this is going to play out, but I would like to hear more from them.

**LEG. KENNEDY:**

We hope so, too. I guess the Commissioner is going to share that with us. Thank you.

**VICE•CHAIRMAN BINDER:**

The history of block grants in the United States and on the State level has always been one of a decrease, not increase or even parody saying, you know, "We have \$20 million, now we'll just cut this out and now you do it the way you want to do it with the 20 million." Usually what a block grant is is basically saying, "You can do more with less if we don't direct you on how to do it," so this is their way of the trade•off, "we're going to give you less but don't cry because you're going to get to spend it the way you want to." And that has been the history of block grants with CDVG and all of these that I've ever seen. Okay? Great. Thanks.

**MR. KESHNER:**

Okay. Thank you.

**MS. McGAY:**

Thank you very much.

**VICE • CHAIRMAN BINDER:**

Okay, we're going to go to the public hearing. I'm going to open •• well, it's open. We have a Public Hearing on IR 21 •• **1421 • 05.**

How are we doing on all the paperwork?

**MS. JULIUS:**

The affidavits were duly filed and are in proper order.

**VICE • CHAIR BINDER:**

Thank you. 1421 is a ***Local Law to prohibit the sale of all cold medicine containing dextromethorpan (DXM) to minors within the County of Suffolk (Nowick).*** This is a recessed hearing. I have no cards on this. Is there anyone who wants to speak on this? If not, I'm going to make a motion to close, second by Legislator O'Leary. All those in favor? Opposed? IR 21 is closed.

**LEG. LOSQUADRO:**

1421.

**VICE • CHAIRMAN BINDER:**

1421, I'm having a •• you know what it is?

**LEG. LOSQUADRO:**

It's the seat.

**VICE • CHAIRMAN BINDER:**

Right, I think Mr. Tonna is dyslexic and it's the seat or the position or something that's doing it to me.

**MR. COHEN:**

He's dyslexic.

**VICE•CHAIRMAN BINDER:**

Long as we have it in front of us, I'm going to make a motion to table at the request of the sponsor, she's still working on it. Second by Legislator O'Leary. All those in favor? Opposed? ***1421 is tabled (VOTE: 6•0•0•1 Not Present: Legislator Tonna).***

We'll move to the agenda. Before we move to the agenda ••

**MS. KNAPP:**

Was the public hearing closed?

**VICE•CHAIRMAN BINDER:**

Yes, we just closed it and I just tabled it.

Before we do •• let me ask, before we go into the agenda, can I ask

Dr. Graham to come up? Oh, and Ben, Ben too. We're going to have the excuse team •• I mean, the Executive's team. Dr. Graham's great. In fact, should I put on the record, I think he should be Commissioner, how's that? I've thought that for years. I'll put this on the record; before I leave, I only have a few months to tell you, I've thought for years you should be the Commissioner.

**CHIEF DEPUTY COMMISSIONER GRAHAM:**

Thank you very much, but ••

**MR. ZWIRN:**

That's the end of his career, right now.

**VICE•CHAIRMAN BINDER:**

Yeah.

**CHIEF DEPUTY COMMISSIONER GRAHAM:**

But I would ••

**MR. ZWIRN:**

He's putting his papers in this afternoon, he's finished.

**CHIEF DEPUTY COMMISSIONER GRAHAM:**

I'm very pleased to work under Dr. Harper, he's a very capable, very competent professional, a man with great integrity and I'm very pleased to work with him.

**VICE • CHAIRMAN BINDER:**

So now can you tell us why he's not here?

**MR. ZWIRN:**

I can probably explain that.

**VICE • CHAIRMAN BINDER:**

I figured you'd be the one. Yes, thanks, Ben.

**MR. ZWIRN:**

You figured correctly. Dr. Harper won't be attending, and it's not anything malicious. I mean, when he looked •• and if you look at the agenda today, most of the items on the agenda are tabled resolutions and the only new items are one appointment, Legislator Binder's appointment to the Health Commission, and two grants. He had no presentation to be made today. His testimony with respect to the •• Legislator Nowick's bill on the cold medicines has been part of the record. And as I say, he had no presentation to make so there was no particular reason for him to be here today.

He runs a department of almost 2,000 people. The Chief Deputy, Dr. Graham, is here and Legislator Binder has already indicated, given him a vote of confidence. Certainly he's equipped and briefed to answer all the questions. And so I don't think Dr. Harper saw a need for him to be here today and that his time would be better spent back at the department handling public health matters.

With respect to the restaurant issue that was in the paper yesterday, Dr. Graham is fully briefed on that.

**VICE•CHAIRMAN BINDER:**

Ben, let me ask you a question.

**MR. ZWIRN:**

Sure.

**VICE•CHAIRMAN BINDER:**

Do you think it's reasonable for a committee, particularly the Chairman of the committee and members, I think, bipartisanly, asking a Commissioner to be here at their next meeting? Do you think it's reasonable to expect that just for that alone, that when members of the Legislature ask a Commissioner to show up at the next meeting, we didn't say, you know, depending on what's going to be on the agenda, if there's enough there for you to warrant it, for you to make this calculation that we need to see you. We wanted to see him, for whatever reason, we as Legislators and the chair of the committee asked for him to be here, he was asked to be here.

Number two, though Dr. Graham could probably answer these things on restaurant permits, as we say, restaurant permits on back burner, that I'm sure he can answer. Maybe we want, as Legislators, the Commissioner to answer those questions. Maybe we want him to have a back and forth with us. Maybe we want the person ultimately in charge over there as a term Commissioner, and that makes him an independent Commissioner, an independent appointed Commissioner with a term to have a dialogue with us.

Now, when we asked this morning, it's probably over an hour•and•a•half ago, for him to be here and he still can't be here, can you tell me what he's doing that he can't be here, that there's something so pressing that he can't spend at least time to talk about this article so we can have a back and forth with him? Something so pressing that we can't discuss this with him personally, that we have to do •• we have to talk to number two, number three, number four or whatever it is, we're going to have to talk to other people.

**MR. ZWIRN:**

Let me respond. With respect to the restaurant issue, I don't think he realized that you would want to have a conversation, a dialogue with him today on that, unless somebody called his

office and requested that. And secondly, you know I have great respect and admiration and affection for the Legislature. But with all due respect, the Chairman of the committee who asked for him to be here is not here himself. I mean, where is the Chairman of the committee? It was so important that the Commissioner be here, the Commissioner would have been here and the Chairman wouldn't have been here. With all due respect, you're number two and here you've got Dr. Graham who you think should be number one and is certainly qualified. My only point with that ••

**VICE•CHAIRMAN BINDER:**

The difference is that there's a whole committee, there's a whole committee who wanted that. We all chimed in and said we as a committee, as a group •• see, he's just a first among equals here, but there are equals here. The chair only runs a committee, there's no Commissioner here. So to essentially equate a Chair of a committee, not that I would want to back up Legislator Tonna, but to essentially •• sorry, it's going to be painful to me, but to essentially equate the chair of a committee to the Commissioner who runs a department is absurd on its face.

Number two, to think for him to actually •• I have to tell you, I have to question, I have to question what he does as a Commissioner. If it's not completely obviously, painfully obvious that when an article like this comes out the day before a committee, that he doesn't think that this committee is going to want to talk to him about what's going on at the department, it's painfully obvious. You don't have to get a call, this is one where you should run down to the committee and you should say, "I want to make a statement, I want to be there because I want to set the record straight, as the Commissioner. As the guy who's running the whole ball of wax over there, I want to make this clear." And this is •• it's outrageous, I'll tell you what. And I'll tell you what, I think, Ben. I think as •• when you were on a town board and you were supervisor, which is also as the part of also legislatively because you kind of have a dual roll, I think if someone didn't come down the day after, you'd go nuts, you'd go nuts. It would be unacceptable to you, especially if you guys ••

**MR. ZWIRN:**

I'd go nuts. I'd go nuts over a lot less.

**VICE•CHAIRMAN BINDER:**

Well, that's true, you did go nuts over a lot less. But if you asked the meeting before that

someone should be there and they didn't show up, and then to hear that his calculation is, "Well, you know, I looked, I don't really have anything," maybe we just want to talk to him, maybe we just want to see him. And you know what? That should be good enough for the Commissioner. And it's an outrage, an outrage on two levels; number one, he was asked to be here by the whole committee, not only the chair. Number two, it's an outrage when there is a stinging article the day before and you have to absolutely assume that Legislators here are going to want a straight-forward response from the Commissioner himself as to how he's running the department. Because this raises some real serious questions of management.

**MR. ZWIRN:**

At Public Safety, the Police Commissioner is not at all the Public Safety Committees, he sends Chief Moore many of the times or many of the department heads or the Inspectors.

**VICE-CHAIRMAN BINDER:**

If many times were the case ••

**MR. ZWIRN:**

The District Attorney never appears, since I've been here, before the public.

**VICE-CHAIRMAN BINDER:**

The Commissioner is hardly ever here, Ben. You can't even ••

**MR. ZWIRN:**

I'm just saying ••

**VICE-CHAIRMAN BINDER:**

If I went and I looked at all the committees and I figured out how many times Commissioners showed up, I always see Janet DeMarzo, I probably mostly see the Police Commissioner. And the other Commissioners, Charlie Bartha is always at Public Works, which I'm the Chair of. I am always seeing Commissioners, this Commissioner is almost always absent, he's here almost once in a while, that's it. And when he's asked to specifically be here, it is an outrage and it's a slap in the face of the Legislative Branch and this committee that he didn't show, he was asked to be here. Not for him to calculate, not for him to figure out what else he's should be doing.

And then when he's asked this morning, an hour•and•a•half ago to be here, that he can't get out of his chair and come over here to sit for an hour with us is an outrage. And I'm asking again that somebody give him a call and tell him we want him down here.

**MR. ZWIRN:**

No, I don't think he'll be attending today.

**VICE•CHAIRMAN BINDER:**

Right.

**MR. ZWIRN:**

I know you're outraged, but I wouldn't take it as a slap in the face.

**VICE•CHAIRMAN BINDER:**

It is a slap in the face, Ben, it is.

**MR. ZWIRN:**

The Chief Deputy is here, Dr. Graham, who can answer all your questions.

**VICE•CHAIRMAN BINDER:**

Maybe what it's starting to say, Ben, is that the Commissioner isn't up to the job. Maybe he's concerned about answering questions, maybe he's not up to answering a back and forth. Because I have to tell you, it's starting to get to that kind of question in minds of Legislators, that is he really up to what he's doing.

And this management question is a real question and it's starting •• it's not •• you know, the answer here, the come•back yesterday about Mr. Alden was, "Well, he's upset, Mr. Law says he's upset, it's personal because of a question with Dr. Harper opposing one of his pieces of legislation." I have no axe to grind with Mr. •• Dr. Harper, I don't have an axe to grind. I don't have an axe to grind with the Department of Health. But I think, I think there's a problem. I think, and I'll be •• and I'll just lay it out, I think, from what I've heard, what I've seen, things I've heard going on, I think there's a problem there, that's what I think. I think there's a question of whether the Commissioner is up to doing what he's supposed to be doing. I think that's a question. And I'd like an opportunity to have my questions answered on this article, and it's unfortunate he's not here.

**MR. ZWIRN:**

Are you saying that there's a health risk to the residents of Suffolk County?

**VICE•CHAIRMAN BINDER:**

I said I think there's a question as to whether this Commissioner can adequately run this department.

**MR. ZWIRN:**

And specifically ••

**VICE•CHAIRMAN BINDER:**

I'm not going to get into specifics, I'm not going to go into a back and forth, he's not even here. You know what, if he's here, maybe I can go back and forth.

**MR. ZWIRN:**

But Dr. Graham is here. If you want questions answered ••

**VICE•CHAIRMAN BINDER:**

I want the Commissioner to answer it.

**MR. ZWIRN:**

•• the Chief Deputy is here to answer.

**VICE•CHAIRMAN BINDER:**

I want to know if the Commissioner can answer the questions, Ben.

I want to know if he can answer the questions. Because I can tell you, I hear when he goes over and makes presentations he's just reading off a cue card. Ben, I have seen when he's in the room and we have questions, doesn't have answers, Ben, when we're in a closed door. I have concerns, Ben, and I think he should be able to answer on the record.

**MR. ZWIRN:**

I have sat here ••

**VICE • CHAIRMAN BINDER:**

I have real concerns about him.

**MR. ZWIRN:**

I've sat here next to the Commissioner before this body and he's always answered the questions, I've never seen him have a problem.

**VICE • CHAIRMAN BINDER:**

I've seen him have problems. We have a difference.

**MR. ZWIRN:**

But any questions that you have ••

**VICE • CHAIRMAN BINDER:**

He should be here, Ben, and it is an outrage and a slap in the face of this Legislature that he's not, and you would feel just as outraged if you were sitting this side. And it is unacceptable when he's asked to be here, that he doesn't come.

**MR. ZWIRN:**

All I can say to the committee is if they have any questions with respect to the article yesterday or any questions on items that are ••

**VICE • CHAIRMAN BINDER:**

We do, please have him here in August, he'll have plenty of time to write his response down and he'll have his cue cards all ready to go.

**MR. ZWIRN:**

But for the public good, Dr. Graham is here today and can answer any of the questions that you might have.

**LEG. O'LEARY:**

Can I make a comment with respect to a Newsday article? The veracity of it is the printed word and, you know, it's not subject to review. I don't think we should get into the habit of reacting to that extent because of an article printed. But be that as it may, the point I think that Legislator Binder is making here is that it could be, it should be incumbent upon the department

heads, when requested, to be here, and I think that's the point. And if there's a specific request made by a committee or a Legislator with respect to an issue to be discussed that he wants to address to the Commissioner, I think they should be adhered to.

As far as the Newsday article, you know, that doesn't phase me one way or the other. But the fact that if there's a request made, it should be adhered to.

**LEG. FOLEY:**

Mr. Chairman?

**VICE-CHAIRMAN BINDER:**

Legislator Foley.

**LEG. FOLEY:**

Thank you, Mr. Chairman. And just follow-up because, you know, certainly we would hope that the Commissioner would be attending these committee meetings or would be at the next committee meeting, but I don't want to wait til then to have some questions answered because the Newsday article, in the finest traditions of journalism, does raise some legitimate points that need to be addressed and should be addressed in this committee. And so while the Commissioner himself is not here and we do hope he will be here, at subsequent meetings I used to ask the same when I was chair of this committee under a different administration and I think it would be important.

With that said, there were times when the Commissioner had very able assistants who would attend and answer questions. So in that spirit, I ask Dr. Graham, Dr. Graham, with the article that was in Newsday •• first, as a rhetorical question and then if you want to go from here. Is the public's health threatened by the fact that there are permits that have expired and their has not been a new •• let's say a new issuance of permits because of this move from Riverhead to the old infirmary building?

**CHIEF DEPUTY COMMISSIONER GRAHAM:**

Absolutely not, there's no evidence whatsoever that the public's health is threatened here one bit. The routine permitting process and investigation by our sanitarians are continuing and this is actually a non-issue. From my perspective, as previous Director of Public Health for many,

many years, as now Chief Deputy Health Commissioner, there's no public health impact here whatsoever.

**LEG. FOLEY:**

You mentioned there's no public health impact. As far as the expiration of some of these permits, when will that get under way again? When will the mechanics, you know ••

**CHIEF DEPUTY COMMISSIONER GRAHAM:**

The mechanics, I understand, are in the process of being completed, We should receive these 10,000 packets basically of permits within a week or so, a very short period of time. Obviously, those permits should be accurate, they should have correct addresses on them and phone numbers. It's very important when you give a permit to establish (inaudible), that last over time, many years. It's a quarterly process so it's not unusual.

**LEG. FOLEY:**

Okay. But the sanitarians are going about their business throughout ••

**CHIEF DEPUTY COMMISSIONER GRAHAM:**

They certainly are, they're continuing their routine business as usual, without any delay whatsoever.

**LEG. FOLEY:**

That has not changed at all during this ••

**CHIEF DEPUTY COMMISSIONER GRAHAM:**

Absolutely not.

**LEG. FOLEY:**

Okay. Thank you, Mr. Chairman. Thank you, Commissioner.

**LEG. KENNEDY:**

Mr. Chairman, just one follow•up.

**VICE•CHAIRMAN BINDER:**

Legislator Kennedy.

**LEG. KENNEDY:**

Dr. Graham, I'm relieved and pleased to hear that the sanitarians are doing their routine inspections. I'm also aware, though, that Sanitarians, as part of their duties, will do spot checks or unannounced checks or impromptu investigations where they just walk in to sample conditions, midway through a permit or randomly. Is that process still happening as well?

**DR. GRAHAM:**

That process is also continuing, that has not abated one way or another.

**LEG. KENNEDY:**

So notwithstanding the fact that we're getting this physical relocation, both scheduled routine renewal investigations and unannounced spot checks are continuing at the same rate.

**CHIEF DEPUTY COMMISSIONER GRAHAM:**

That's correct. Our obligation is here to make sure that the food establishments are producing and preparing foods in a very sanitary way and that the sewage disposal systems are working properly and that is continuing.

**LEG. KENNEDY:**

All right. Thank you.

**VICE-CHAIRMAN BINDER:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. I, too, had hoped that the Commissioner would be here, he has not been here for some time. And I have raised a number of concerns over the past year or so regarding the lag time in issuing permits and the like. I warned many, many months ago about the damaging effect this could have on commerce in Suffolk County, that we are strangling our businesses. I talked about two very large corporations who choose to do business in Suffolk County who

waited over a year to get the permits for their cafeterias approved. I have serious questions about this department, at the speed at which they're processes are operating.

We worked very hard, my predecessors worked very hard to make Suffolk County an attractive place to do business. And for something as simple as this, something that should operate smoothly and should not be a concern for those who do business in Suffolk County, for this to become a sticking point for them and to drive away potential businesses who want to come here and want to add to our tax base, I find unacceptable. I have questions, I would like the Commissioner to answer them. I look forward to seeing him at this committee very shortly because this is just yet another example to me of problems in this department that have not been resolved.

**MR. ZWIRN:**

If I might, Mr. Chairman.

**VICE • CHAIRMAN BINDER:**

Ben, go ahead.

**MR. ZWIRN:**

If Legislator Losquadro has some specifics, I mean, I think that would be important.

**LEG. LOSQUADRO:**

I'd be happy to share them with you.

**MR. ZWIRN:**

I appreciate it.

**VICE • CHAIRMAN BINDER:**

Legislator Montano, did you just ask or was that just Legislator Foley?

**LEG. FOLEY:**

No, I just have a follow•up.

**VICE • CHAIRMAN BINDER:**

Legislator Foley.

**LEG. FOLEY:**

Yeah. We all would like to have the Commissioner here, but I would also say on the record •• and I hope that when we do ask questions and in the past when we've asked questions of Commissioners of whatever administration and whoever was the majority or minority of this committee, it was usually done in the most respectful of ways and we tried our best to avoid sounding confrontational or in some cases sounding •• well, we try to avoid sounding over •• we try to avoid sounding confrontational when we're trying to get some Q and A with the Commissioner.

So let's hope, you know, voices do raise •• voices are raised once in a while and questioned and that happens in a give and take of that format. However, you know, hearing it today, hearing it at other committee meetings when there's been more of a confrontational approach as opposed to trying to arrive at the truth of something, I would hope that if and when the Commissioner does arrive, Mr. Chairman, that we ask the questions in a business-like fashion, give the Commissioner the opportunity to answer and if we're happy •• if we're satisfied with the answers, fine. If we're not satisfied, well, then it would require further examination. But I do hope, though, that we not only have an open mind but that we avoid making it sound overly confrontational. As much as some may be frustrated about different things, many of us have been frustrated about different departments for decades. But at the same time, you know, we haven't •• we've studiously avoid trying to sound overly confrontational with Commissioners, so let's try to keep that in mind if we can.

**VICE-CHAIRMAN BINDER:**

Well, Legislator Foley, thank you for those comments. But I think your •• well, you've been here a while so you must •• and your hair is getting gray and I'm seeing that your memory is going also, because I can tell you that we have had some serious confrontation with Commissioners. When Commissioners haven't been here, we have been vociferous about it, that is even when there's been a Republican County Executive, Republican appointed Commissioners and Republican Legislators have taken them to task, Democrats, I mean, this has been a bipartisan slugfest. And all of a sudden we're talking •• we're talking, "Well, you know, we really should be nice and let's just calm down."

**LEG. FOLEY:**

That's it.

**LEG. BISHOP:**

I was always nice to Gaffney's people.

**VICE • CHAIRMAN BINDER:**

Oh, yeah, right. Legislator Bishop just came here to let us know how nice he was to former County Executive Gaffney's Commissioners, and I beg to differ. And I beg to differ with the Legislator, Legislator Foley, his Dad and all that have been here. I've been here 16 years and I've watched some incredible confrontations and that is kind of the nature of the beast that we have here, and that's what we do because we want answers. And I think that we rightfully, no matter who is in the County Executive seat and no matter who the Commissioners are, we rightfully expect that when we make a request of a Commissioner that they fulfill that request, particular when it's as simple as showing up. We're not talking about asking for a whole report and get it to us on time and we're upset that it's not before us because it's taking too long, we're talking about the simplest of requests. The last meeting, the Commissioner was straight •forward asked to be here, the request was not based on his calculation.

**LEG. FOLEY:**

We agree with you. We agree with you.

**VICE • CHAIRMAN BINDER:**

And that's unfortunate and that can't happen and the Legislature can't allow that to happen. If we allow that to happen then shame on us because too many time we're losing powers in the Legislature just by allowing things to happen. And maybe •• and sometimes I think it's on a political basis and that's unfortunate. I appreciate it.

Let me ask if Janet DeMarzo is still here or if she's awake. I don't know, because I feel bad, we probably put her to sleep on this.

**COMMISSIONER DEMARZO:**

I'm still here.

**VICE • CHAIRMAN BINDER:**

All right, if Commissioner DeMarzo can come up and then we'll just go through the agenda.

We'll have •• Dr. Graham, why don't you stay up there also, we'll have both of you, we can go through it because the agenda is not set up into different areas.

**Tabled Resolutions**

**1065•05 • Adopting Local Law No. 2005, a Local Law to regulate the use of tanning facilities in Suffolk County.** Do we have a motion?

**LEG. O'LEARY:**

Motion to table.

**LEG. FOLEY:**

Motion to approve.

**VICE•CHAIRMAN BINDER:**

Motion to approve by Legislator Foley, second •• is there a second?

**LEG. MONTANO:**

Second.

**VICE•CHAIRMAN BINDER:**

Second by Legislator Montano. Motion to table by Legislator O'Leary, second by myself; that takes precedence. All those in favor? Opposed?

**LEG. FOLEY:**

Opposed.

**LEG. MONTANO:**

Opposed.

**VICE•CHAIRMAN BINDER:**

Opposed, Legislator Montano and Legislator Foley. **1065 is tabled (VOTE: 4•2•0•0 Opposed: Legislators Foley & Montano).**

***1072•05 • Directing the Commissioner of Health Services to purchase a replacement mammography van (CP 4076) (Caracciolo).***

**LEG. LOSQUADRO:**

Motion to table.

**LEG. O'LEARY:**

Second.

**VICE•CHAIRMAN BINDER:**

Motion to table by Legislator Losquadro, second by Legislator O'Leary. All those in favor?  
Opposed? Tabled.

**MR. COHEN:**

Mr. Chairman, this is technically killed, there's the six month rule.

**VICE•CHAIRMAN BINDER:**

Six month rule so, right, ***1072 will not be on the agenda at the next meeting.***

We did 1421.

***No. 1450•05 • \$35,000, establishing an affordable County•wide Fee Waiver Program for the testing of private wells by the Suffolk County Department of Health Services (Caracciolo).***

**LEG. O'LEARY:**

Motion to approve.

**VICE•CHAIRMAN BINDER:**

Motion to approve by Legislator O'Leary, second by Legislator Losquadro.

**LEG. FOLEY:**

Mr. Chairman?

**VICE•CHAIRMAN BINDER:**

On the motion, Legislator Foley.

**LEG. FOLEY:**

Dr. Graham, is there any •• is there a position from the department on 1450, are you aware of?

**DR. GRAHAM:**

I can •• I'd like to ••

**LEG. FOLEY:**

It's 1450. Mr. Minei?

**DR. GRAHAM:**

Mr. Minei, please.

**LEG. FOLEY:**

Through the Chair, if we can hear from Mr. Minei.

**VICE•CHAIRMAN BINDER:**

Sure. Mr. Minei, why don't you come on up here and help us out.

As you know, as you know, this is •• right, I'm just •• you understand, there's 1450, 1451, there's two different means test. That was the request of the County Executive on the first one, so a means test was put in and at two levels; the idea will be to pass both so that the County Executive can choose which means level actually he wants so he can veto one and pass one.

**MR. ZWIRN:**

We would prefer this one.

**VICE•CHAIRMAN BINDER:**

For 35.

**MR. ZWIRN:**

Yeah. We think that the bill could be improved, but if you're going to pass out of committee

one of them, we would prefer •• on the smorgasbord, Legislator Caracciolo smorgasbord legislation, he now has •• he puts in two bills on everything.

**VICE • CHAIRMAN BINDER:**

You can't have one from column A and one come from Column B, this is not a chinese menu, right, it doesn't work that way.

**MR. ZWIRN:**

A very novel approach.

**LEG. FOLEY:**

So 35 is the one that you're ••

**VICE • CHAIRMAN BINDER:**

Are you saying that we're going to get a signature on this one?

**MR. ZWIRN:**

I think it's more likely on this one than on the one subsequent.

**VICE • CHAIRMAN BINDER:**

Okay.

**MR. ZWIRN:**

You could have my signature but I don't know if that would help you.

**VICE • CHAIRMAN BINDER:**

Vito, I don't know, the department ••

**MR. MINEI:**

Yeah, hi. I'm Vito Minei, I'm Director of Environmental Quality of the Health Department. Yes, we would prefer this one. We think it's in line with the means test that we've had on the books. We've had 25,000 as the threshold, move it ahead 16 years, we figured that this one would be more in line with that means test.

**LEG. LOSQUADRO:**

Motion to approve.

**VICE•CHAIRMAN BINDER:**

We have a motion and a second to approve. All those in favor? Opposed? **1450 is approved (VOTE: 6•0•0•1 Not Present: Legislator Tonna).**

**1451•05 • \$35,000, establishing an affordable County•wide Fee Waiver Program for the testing of private wells by the Suffolk County Department of Health Services (Caracciolo).**

**LEG. LOSQUADRO:**

Motion to table.

**VICE•CHAIRMAN BINDER:**

Motion to table by Legislator Losquadro, second by Legislator O'Leary. All those in favor? Opposed? **Tabled (VOTE: 6•0•0•1 Not Present: Legislator Tonna).**

**1497•05 • Adopting Local Law No. 2005, a Local Law to regulate boarding kennels, businesses and establishments (County Executive).** Is that closed? That's open, right?

**LEG. LOSQUADRO:**

Yes.

**VICE•CHAIRMAN BINDER:**

Motion to table for a public hearing, second by Legislator O'Leary. All those in favor? Opposed? 1497 is ••

**MS. JULIUS:**

1497 is closed.

**VICE•CHAIRMAN BINDER:**

**•• tabled (VOTE: 6•0•0•1 Not Present: Legislator Tonna).**

**LEG. O'LEARY:**

The public hearing was closed.

**LEG. LOSQUADRO:**

There was still a request to table.

**VICE-CHAIRMAN BINDER:**

Okay. Well, we'll leave it at tabled.

***1567-05 • Transferring funds from the Community Support Services to Mental Health Programs (Caracciolo)***, that's on the east end. I'm going to make a motion to approve. As you heard today, Family Service League approves of it and there was no question. Second by Legislator O'Leary. All those in favor? Opposed? ***1567 is approved (VOTE: 6-0-0-1 Not Present: Legislator Tonna)***.

***1577-05 • To ensure the safety and protection of participants in youth organizations within Suffolk County (O'Leary)***.

**LEG. O'LEARY:**

Motion to table.

**VICE-CHAIRMAN BINDER:**

Motion to table by Legislator O'Leary, second by Legislator Losquadro. All those in favor? Opposed? ***1577 is tabled (VOTE: 6-0-0-1 Not Present: Legislator Tonna)***.

***1585-05 • Adopting Local Law No. 2005, a Local Law to require screening of employees of agencies providing hot-line services to children who are victims of sexual abuse (O'Leary)***. Same motion, same second, same vote. ***Tabled (VOTE: 6-0-0-1 Not Present: Legislator Tonna)***.

***Home Rule Message No. 6-2005 • Home Rule Message requesting New York State Legislature to authorize the County of Suffolk to conduct inspections of pet dealers and to provide penalties for violations of Article 26-A of the Agriculture and Markets Law (Assembly Bill A.8194 and Senate Bill S- ) (Presiding Officer at the Request of the County Executive)***.

**LEG. FOLEY:**

Motion.

**VICE • CHAIRMAN BINDER:**

Motion by Legislator Foley. Is there a second?

**LEG. O'LEARY:**

Yeah, I'll second it.

**VICE • CHAIRMAN BINDER:**

Second by Legislator Losquadro •• O'Leary, sorry; you guys look alike.

**LEG. O'LEARY:**

What?

**LEG. FOLEY:**

That's a compliment for one of them.

**VICE • CHAIRMAN BINDER:**

We have a motion and a second. Any comments? I guess the Health Department or •• on the Home Rule?

**LEG. O'LEARY:**

Do we have a Senate bill?

**MS. KNAPP:**

Yeah, there's no Senate.

**VICE • CHAIRMAN BINDER:**

I was just going to say, is there a Senate bill, anybody know?

**LEG. FOLEY:**

Is there a companion bill on this or not?

**VICE•CHAIRMAN BINDER:**

It's Senate and then dash, dash, dash. And this is •• and the truth is today is the last day anyway.

**LEG. FOLEY:**

They're waiting for this.

**VICE•CHAIRMAN BINDER:**

They won't even do the Senate bill until we can •• no, we can't pass this. We cannot pass this without a Senate bill.

**MR. ZWIRN:**

You could table it.

**VICE•CHAIRMAN BINDER:**

Okay, motion to table by Legislator O'Leary, or was that Losquadro? And second by Legislator Montano. All those in favor? Opposed?

***Home Rule No. 6 is tabled (VOTE: 6•0•0•1 Not Present: Legislator Tonna).***

### **Introductory Resolutions**

***1690•05 • Accepting and appropriating 100% State grant funds from the New York State Office of Children and Family Services for the Army Watkins Caseworker Education Program (County Executive).***

**LEG. O'LEARY:**

Motion.

**VICE•CHAIRMAN BINDER:**

Motion by Legislator O'Leary ••

**LEG. LOSQUADRO:**

Can we put it on the consent calendar?

**VICE•CHAIRMAN BINDER:**

•• to approve and put on the consent calendar, second by Legislator Montano. All those in favor? Opposed? ***Approved and placed on the consent calendar (VOTE: 6•0•0•1 Not Present: Legislator Tonna).***

**LEG. O'LEARY:**

Same motion.

**VICE•CHAIRMAN BINDER:**

***1702•05 • Accepting and appropriating 100% additional Federal grant funds passed through the New York State Division of Criminal Justice Services to the Department of Health Services, Division of Medical, Legal Investigations and Forensic Sciences for the No Suspect Caseworker DNA Backlog Reduction Program (County Executive).***

Same motion, same second, same vote. ***Approved and placed on the consent calendar (VOTE: 6•0•0•1 Not Present: Legislator Tonna).***

***1717•05 • Approving the appointment of Ronald J. Gaudreault as a member of the Suffolk County Board of Health (Binder).*** He is at a conference in Upstate, New York, so I couldn't have him here for an interview. As you might know or know, he's been the president for a very long time of Huntington Hospital, CEO of Huntington Hospital, but he isn't here.

What I would do is this.

**LEG. LOSQUADRO:**

Have him come on Tuesday.

**VICE•CHAIRMAN BINDER:**

Right. I'm going to ask discharge without recommendation and then he's going to be back in town this weekend, so he should be there, he said, Tuesday, we can interview him and do what we want. But really, we should be filling the position for the County Board of Health. And so I'm going to make a motion to table •• to discharge subject to ••

**MS. JULIUS:**

Without recommendation.

**VICE • CHAIRMAN BINDER:**

Discharge without recommendation and second by Legislator Losquadro.

**LEG. FOLEY:**

On the motion.

**VICE • CHAIRMAN BINDER:**

Legislator Foley, on the motion.

**LEG. FOLEY:**

Thank you. You mention, Mr. Chairman, it's to fill a position. There's a holdover in that position right now, it's the McGowan •• where Mr. McGowan is currently the member of the Board of Health, right?

**VICE • CHAIRMAN BINDER:**

Right.

**LEG. FOLEY:**

So it's not for a vacant position, it's for a current position that's a holdover, so I would point that out, number one. Number two, usually, particularly •• this is among the most important appointments we can make. We had traditionally, particularly with the Board of Health appointments, we try to have them at our regular committee meetings. If there's not a vacancy on the board •• you know, let the record reflect that I do have a reappointment resolution for Mr. McGowan, but if there's no vacancy right now and everyone agrees that Mr. McGowan has been doing a fine job at the Board of Health, but the fact of the matter is since there's no vacancy currently, there isn't that urgency then to fill a non•vacant position. So why not go through the usual process as we've done almost I think in every other new appointment, particularly with the Board of Health where we do have the candidate come before this committee before it's reported out to the full Leg. And that would be •• yes, it's a month from now, but it is not a vacant position.

**LEG. O'LEARY:**

Just a note, if I may, with respect to no vacancy on this particular commission. I just want to point out to Legislator Foley that on other commissions there are holdovers as well that there

have been attempts to fill positions that were currently held by holdover individuals.

**LEG. FOLEY:**

Sure. But they can •• there can be new appointments made in those cases, but it's not •• but not on the basis of an urgency of a vacancy.

**VICE•CHAIRMAN BINDER:**

Right, but ••

**LEG. FOLEY:**

It would be on the pros and cons of ••

**LEG. LOSQUADRO:**

(Inaudible).

**LEG. FOLEY:**

No, pros and cons of the expertise of each of the candidates. Okay?

**VICE•CHAIRMAN BINDER:**

Right. I would guess that members would not want their comments read back for meetings calling for the urgency of filling Planning Board positions when there were holdovers sitting them and the absolute necessity that we have to get these done, they have to be passed.

**LEG. FOLEY:**

Some were vacant, some were vacant positions.

**VICE•CHAIRMAN BINDER:**

No, we were talking about filling one, specifically one that was already filled and ••

**LEG. FOLEY:**

Some were vacancies. There were vacancies.

**VICE•CHAIRMAN BINDER:**

•• in fact, the town passed a resolution saying they were happy.

**LEG. FOLEY:**

All right, come on. Call the vote.

**VICE • CHAIRMAN BINDER:**

All those in favor? Opposed? 1717 is ••

**LEG. MONTANO:**

Abstain.

**LEG. FOLEY:**

Opposed.

**LEG. MONTANO:**

Make it opposed.

**VICE • CHAIRMAN BINDER:**

Opposed by Legislator Montano, Legislator Foley. ***It's discharged without recommendation (VOTE: 4•2•0•1 Opposed: Legislators Foley & Montano • Not Present: Legislator Tonna).***

Anything else to come before the committee? If not, I'll make a motion to adjourn, second by Legislator O'Leary. All those in favor? Opposed? We are adjourned.

***(\*The meeting was adjourned at 12:33 P.M. \*)***

***Legislator Allan Binder, Vice • Chair  
Health & Human Services Committee***

***\\_ \\_ • Denotes Spelled Phonetically***