

**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 **November 17, 2005**.

**Members Present:**

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

**Also in Attendance:**

Mea Knapp • Counsel to the Legislature  
BJ McCartan • Aide to Legislator Tonna  
Ilona Julius • Deputy Clerk/Suffolk County Legislature  
John Ortiz • Senior Budget Analyst/Budget Review Office  
Diane Dono • 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  
Paul Perillie • Aide to Minority Leader  
Ben Zwirn • Assistant County Executive  
Todd Stebbins • County Executive's Assistant  
Jacqueline Caputi • County Attorney's Office  
Janet DeMarzo • Commissioner/Department of Social Services  
Ed Hernandez • Deputy Commissioner/Department of Social Services  
Linda O'Donohoe • Assistant to the Commissioner/Dept of Social Services

Dr. Brian Harper • Commissioner/Department of Health Services

Len Marchese • Department of Health Services

Steven Moll • Island Public Affairs

Cheryl Felice • President/AME

Sondra Randall•Palmer • Secretary/AME

Nicholas LaMonte • Long Island Region President/CSEA

John McGrath • Family Law Reform NOW

Edward Cordoves • Family Law Reform NOW

Brenda Reid • VOICE

John Thorner • VOICE/Day Care Provider

Roxanne Savage • HUGS Group Family Day Care

Bill Kirchhoff • Long Island Dads

Mary Callaghan • Eyeon Justice

Bret Evans •

All Other Interested Parties

Minutes Taken By:

Alison Mahoney • Court Stenographer

**(\*The meeting was called to order at 11:43 A.M.\*)**

**CHAIRMAN TONNA:**

Let's start with the pledge led by my Legislative Aide, BJ McCartan.

### ***Salutation***

So what do you think, BJ? That might be your first and last pledge. Anyway. Okay, we have a number of cards. We have a short agenda, we do have a number of cards.

Before we do that, we have some students with us and so I'd like to recognize Sachem North High School. And I'm going to mess these names up a little, so please. Believe me, to be a Legislator doesn't mean you have to know how to read, okay, so that's the first thing you should learn as young students. Anyway, Nancy \\_Vavarros\\_? Nancy, where are you? Is that pronounced pretty correct?

**MS. \\_VIVAROS\\_:**

Vivaros, that's fine.

**CHAIRMAN TONNA:**

Vivaros, thank you. Kay \\_Ramnaren\\_? How was that?

**MR. \\_RABNAREE\\_:**

\\_Rabnaree\\_.

**CHAIRMAN TONNA:**

Yep; okay, close, close. Mohammed \\_Kahn\\_?

**LEG. LOSQUADRO:**

You got that one.

**CHAIRMAN TONNA:**

All right, got that one. And Lauren Cody. Well, congratulations. We're glad you're here. I noticed that some of you did not wear jackets today and this is Health and Human Services, so you should bundle up and dress warm when you come to places like this, but anyway. Okay, we don't want to hear that you're in the hospital.

Okay, we have a number of cards and maybe we'll start •• is Nick here?

**MR. LAMORTE:**

Yes, I am.

**CHAIRMAN TONNA:**

Nick, where are you? Hey, Nick. How you doing? Come on up here.

**MR. LAMORTE:**

Good. How you doing, Paul?

**CHAIRMAN TONNA:**

Good. Nick LaMorte from the CSEA regarding Sense Resolution 63. Nick, it's great to see you.

**MR. LA MORTE:**

It's good to see you.

**CHAIRMAN TONNA:**

All right.

**MR. LA MORTE:**

How is everybody doing this morning?

**CHAIRMAN TONNA:**

Good.

**MR. LA MONTE:**

Good. Good morning. My name is Nick LaMorte, I'm the Long Island President for CSEA. I represent some 50,000 CSEA members across Long Island as well as our newly organized child care providers. I'm here to voice opposition to Sense Resolution No. 63. CSEA is urging you to vote no to Sense Resolution 63 today because it will have a negative impact on our children and families on Long Island. The resolution in front of you today will just add another layer of bureaucracy to a service that is already heavily regulated by New York State. Resolution 63 would initiate sweeping changes to Social Service Law 390 that could actually result in job losses for many of the CSEA members in the State service that I represent. Many of the State employees are taxpaying residents of Suffolk County. Their work forms part of a chain that ensures a safe and healthy environment for our children in these child care facilities. This resolution would also allow the creation of a patchwork of unnecessary and conflicting regulations for family day•care providers because each County, town, village and city would then have the ability to change regulations as they see fit. This would create regulatory chaos. The result would be utter confusion, competing regulations, needless court challenges and even the continued harassment of our vital family child care providers. I believe that the children and parents who need these services would be the true victims here because this nightmare scenario would ultimately drive many of our day•care providers out of business.

In closing, New York State already monitors and maintains our family child care facilities, so I'm asking you to vote no to Sense Resolution 63, or at the very least hold it in committee until you

conduct a complete and thorough review. The future of our children, grandchildren and Long Island's working families dictates that you exercise extreme caution on this issue. Thank you very much.

**CHAIRMAN TONNA:**

Thank you. Thank you, Nick. Okay, John McGrath. I notice that there are a lot of people here, and I think in Ways & Means, the Chair of Ways & Means already explained to you that I think it's Sense Resolution ••

**MS. JULIUS:**

No.

**CHAIRMAN TONNA:**

Oh, no. Which resolution is it?

**MS. JULIUS:**

It's 2084.

**CHAIRMAN TONNA:**

Yeah, that is subject to what they call a public hearing which means •• and just correct me if I'm wrong; I'm right, right? That it has to be tabled in committee. There is a public hearing at our next General Meeting which will be next Tuesday in the Legislature. Then after that, after the public gets to speak, and usually public hearings start at around 2:30, when that is done then that bill comes back to committee, or it's actually in committee, and at that time this committee will vote on whether to bring it to the floor of the Legislature or not.

We would love to hear from you if you want to speak anyway, but to tell you quite honestly, all I can say is that the time to really speak is, one, when all Legislators are assembled; and secondly, when Legislators are going to act on the bill that day, that would be my suggestion to you. But clearly you're free •• in Suffolk County we have a great government system whereby the Legislature, whether it be any committee, you could speak about anything, you could speak about men on Mars if you wanted to, all right, and also in the General Legislature you can fill out a card and speak. But there is time designated specifically on this bill in front of all of the Legislature during public hearings next Tuesday and they start at around 2:30, those public hearings. Okay? And then again at this committee which would be two weeks from today, the

6th of December. Okay? So that's up to you what you would like to do. But if you have prepared remarks, I would say they would probably be more effective when the bill is right in front of us and we have to act on it when Legislators are actually have already heard your comments in the General Legislature and now are, you know, thinking very seriously about the merits of the bill. Okay?

**MS. KNAPP:**

December 1st.

**CHAIRMAN TONNA:**

Oh, December 1st? I'm sorry. Then it's December 6th, though, right? December 1st, I'm sorry.

**MR. McGRATH:**

Legislator Tonna, if I just may have a second of your time?

**CHAIRMAN TONNA:**

Sure, John, you have more than a moment.

**MR. McGRATH:**

Well, I don't want to belabor the point. I have already, as you are aware, spoken earlier this morning and submitted a copy of my presentation. I just have a question in regards to the issue that you're raising. I'm not specifically speaking directly at this bill that you're going to decide on, but there are other issues that sort of circle the wagon; and again, they're on the last page, there are certain points that I made, one through five. Because in a sense I'm supporting victims of domestic violence, I'm not trying to discredit that in any way or form, but I want to make these points. Would you think that it would be best suited to bring that up again at next week at that committee in front of you at that time?

**CHAIRMAN TONNA:**

It would be my opinion, yes.

**MR. McGRATH:**

Yes.

**CHAIRMAN TONNA:**

Because that's when Legislators are focused on the issue at hand.

**MR. McGRATH:**

Okay, I would do that, because I ••

**CHAIRMAN TONNA:**

We have stuff that we're focused on today that we have to vote and bring out to committee for this meeting.

**MR. McGRATH:**

understandable.

**CHAIRMAN TONNA:**

But what happens is is that you'll have an opportunity at the General Legislature where Legislators are familiarized with the issue and the bill that they're going to vote on next time if it gets out of committee and then committee members themselves will be aware.

**MR. McGRATH:**

That's understandable. Thank you very much. I just don't want to ••

**CHAIRMAN TONNA:**

Thank you. But I have your documents, I see points one through seven, by the way.

**MR. McGRATH:**

That's correct, one through seven.

**CHAIRMAN TONNA:**

And I think that members of the Legislature already have that, so that's great.

**MR. McGRATH:**

Okay.

**CHAIRMAN TONNA:**

You know, if you want to speak now or hold your comments to when I think it will be right in

front of our ••

**MR. McGRATH:**

I think I'll defer to another time ••

**CHAIRMAN TONNA:**

Great.

**MR. McGRATH:**

Because I do want to make these points and I do want the Legislature to be focused on them and take them seriously and I want to try to further them into possibly bills in the future.

**CHAIRMAN TONNA:**

That's great. And I will have to tell just, again, it's great that you've come because now everybody's going to say, "Oh yeah, they're going to come and speak on this, I better focus on this a little." So that's great.

**MR. McGRATH:**

All right. Well, I do thank you for your time and your courteousness.

**CHAIRMAN TONNA:**

Thank you, sir. Brenda Reid? Do you want to do the same, is it on the same issue?

**MS. REID:**

It's on Resolution 63.

**CHAIRMAN TONNA:**

Please. That's one that we're addressing today, so that's great.

**MS. REID:**

Hello, committee. My name is Brenda Reid and I'm a day•care consultant. I do provide all of the State mandated trainings for day cares in the State of New York. I've been working with quite a few of the providers here in Suffolk County, Nassau County and also in the five

boroughs. I'm here to read a statement on behalf of Anthony \\_Recapero\\_ . He's a day•care provider in Suffolk County and his statement does highlight the confusion that could be caused when the local municipalities insist on trying to overstep existing State regulations. We're here today as a united community of residents, residences and child care providers to voice our opposition to Sense Resolution No. 63. This is Anthony's statement.

My wife and I have been providing family day•care in our community in Southampton for six years. About three years into it we decided that we wanted to build an addition on to our home to provide more space for the children in our care. We went to the Building Department to get the permits, they inspected us at various intervals to check our project, we had the Fire Marshal come and inspect all the wiring, making sure that all of the fire extinguishers were all in place and the State also came down to inspect the day•care facility. We did everything we were supposed to do and we never hid anything from any of the departments. Everyone knew we were doing this for the kids. We had always run a family day•care, one of the only facilities of its kind in our area.

After investing over \$200,000 and three months, our beautiful addition was completed. The kids were eager to have a new playground and the parents were excited that their children would have a wonderful, big space to grow. We have been •• we had been told on various occasions that our space would be considered a model for future family day•care. However, a week into moving into the new space, the building inspector comes with a list of over 12 infractions and informs us that we were not permitted to have a business in our home. We were devastated and extremely frustrated, as we had told them long ago what was happening. During the time of the construction on the other end of the house, we still were operating our family day•care. We had nothing to hide and we did nothing to hide anything. All we had done was make the building bigger because we needed more space for the kids. We had to shut our doors to the kids that love spending time, learning in our home and the parents who needed the space where their children could be safe and in a loving environment as they went to work.

**CHAIRMAN TONNA:**

Ma'am, you're going to have to summarize your comments, I'm sorry.

**MS. REID:**

Okay, no problem. We provided an essential service to the economy. Most parents can't stay home for five years until their children are old enough to go to school. With prices so high,

families need two incomes to survive. We love the children we care for and we need a strong, Statewide policy regulating day care. Thank you very much.

**CHAIRMAN TONNA:**

Thank you very much. Does that mean he's in favor of this Sense Resolution or against it?

**MS. REID:**

He opposes, I apologize. We did say it in the beginning that he opposes Sense Resolution No. 63.

**CHAIRMAN TONNA:**

Great. Thank you, Ma'am.

**MS. REID:**

Thank you very much.

**CHAIRMAN TONNA:**

Okay. John Thorner? Did I get that right, John?

**MR. THORNER:**

Yep, thank you. Good morning.

**CHAIRMAN TONNA:**

Good morning.

**MR. THORNER:**

My name is John Thorner. On behalf of my wife and I, we are a group family day care provider out in Riverhead. I am here as a member of VOICE, the CSEA, the voice of organized, independent, child care educators with fellow providers to demand that this committee votes no to Resolution 63.

There are hundreds of petitions of parents and other family child care providers that demand that you vote no to Resolution No. 63, Amending New York State Social Service Law 390 just creates more bureaucracy and will only add to the burden we as family day care providers

already carry. We need uniformed policies, we need more support and we do not need Resolution No. 63. So I thank you. My wife has some of her day•care children here.

**CHAIRMAN TONNA:**

Thank you. Hey, guys. How are you doing? Thank you.

**MR. THORNER:**

Thank you.

**CHAIRMAN TONNA:**

Could we just get their names? What are these young people's names? You don't want to say?

**MR. THORNER:**

Just the first names.

**MS. THORNER:**

This is Caden, Gabrielle and Alexis. Say hi.

**CHAIRMAN TONNA:**

Hello, Alexis. How are you? And how old are they?

**MS. THORNER:**

Two•and•a•half, these two are three.

**CHAIRMAN TONNA:**

Great. Well, some day hopefully we'll be voting for you. Thank you.

**LEG. FOLEY:**

Thank you.

**MS. THORNER:**

Thank you.

**CHAIRMAN TONNA:**

Now, was that •• Brian, was that a political prop that they used in Brookhaven at all?

**LEG. FOLEY:**

It was quite similar to one, yes, it was.

**CHAIRMAN TONNA:**

Yeah, I thought so. That would be a good campaign piece, I can see that. Okay, thank you very much. Roxanne Savage? I just want to make sure there's no cash in here. Petitions, signed petitions. Thank you.

Hi. How are you?

**MS. SAVAGE:**

Fine, thank you. My name is Roxanne Savage and I'm the owner of the HUGS Group Family Day•Care in Holbrook. I'm here to talk about our challenges with the local townships that we've endured. I think the simplest means of doing this would be to relate my own personal experience.

After several attempts by the Islip Town Enforcers during the spring of 2002, I was finally issued a summons on June 28th, '02; Section 68, Subdivision 5•B, Change of Occupancy Building. Written on the summons was, "Did allow permit and maintain a one•family dwelling as a child day•care center with approximately nine children at this time." When three Town Code Enforcers came to my home on that day, I asked them to please come in and look around, I wanted them to see what they were attempting to close down. They all appeared to be impressed and confused, one even mentioned that it looked like a Club Med for kids. I was advised to obtain a lawyer and upon receiving my summons they left with what I felt were sincere apologies.

The saga with the town continued for about eleven months. I found the entire ordeal to be one big nightmare. I was emotionally and financially drained. Much time was spent writing letters, placing calls, sending faxes and a day in court; all of this cost me time and money. Some of my larger expenses were the lawyer, salaries to cover my time away from the day•care, whether it be outside the premises or in another room taking care of town business and correspondence costs.

Over the past few months I became aware of a woman who wanted to open a group family day care in Islip. It was clear from the newspaper articles and driving by her house that she is being harassed. The neighbors have posted huge signs on the lawns with arrows pointing to this lovely home in an attempt to display their negative feelings. In the meantime, this woman has invested a huge amount of time and money to fulfill her dream and the dream of many families, to have a home where children can come for nourishment and the parents can go off to work confident that their child is being well cared for.

As family day care providers, we are people committed to children and their families. We are dedicated professionals who put in long hours for the love and the needs of the child. I have been asked over the years why I continue with home-based day care and not open a center. My reply is always the same, I believe in group family day care, it provides the child with more.

**CHAIRMAN TONNA:**

Ma'am, you're going to have to summarize your comments, you're out of time.

**MS. SAVAGE:**

Things that are not tangible, the basics of family that are either not happening at home or need to be reinforced during the day, every day. Thank you.

**CHAIRMAN TONNA:**

Thank you, Ma'am. Okay, Edward Cordoves. Hi. Did I pronounce that correctly?

**MR. CORDOVES:**

Cordoves.

**CHAIRMAN TONNA:**

Cordoves; sorry.

**MR. CORDOVES:**

Under your suggestion •• my name is Edward Cordoves and I am a resident, a long-time resident in Suffolk County and I would like to thank you ladies and gentlemen for this opportunity to address the committee. But I'm going to put my comments off until December

1st when it's more appropriate you're saying?

**CHAIRMAN TONNA:**

Yeah, I think that would be great.

**MR. CORDOVES:**

And again, thanks again and I will see you then.

**CHAIRMAN TONNA:**

Okay. Next Tuesday is the Legislative meeting, 2:30 is the public hearings portion, that would be a good opportunity. And then on December 1st is our Legislative meeting and if the public hearings are closed, which I'm sure they'll be closed, then it will be eligible for a vote on December 1st.

**MR. CORDOVES:**

Thank you.

**LEG. FOLEY:**

Next Tuesday is the public hearing on this resolution, so folks should be attending next Tuesday.

**CHAIRMAN TONNA:**

Yes, I think I said that, I'm not sure.

**MR. KIRCHHOFF:**

Just in case •• I know you have a card in front of you, sir for bill Kirchhoff. He has deferred also to speak at that time as well, okay?

**CHAIRMAN TONNA:**

Okay, great. Thank you very much, sir. Mary Callaghan, I think.

**MS. CALLAGHAN:**

I wish to •• I will defer.

**CHAIRMAN TONNA:**

Thank you, Mary. Bret Evans.

**MR. EVANS:**

Hi. I'm Bret Evans and I'm a resident of Southampton, New York. And instead of deferring, I just want to bring to the attention that the title of the resolution, it's the law to protect residents of Suffolk County against domestic violence; I just want to make the Legislators aware, anyone with 40% of, you know, their mental capabilities will know that this is really women against domestic violence. And if we could say that •• if we could mandate that all legislation be written according to this to protect residents, I would be all for it.

Thank you.

**CHAIRMAN TONNA:**

Thank you, sir.

Okay. No other cards. I do have Jacqueline Caputi? Hi, Jackie.

**MS. CAPUTI:**

Okay. Is it okay if I just wait for you to call the bill?

**CHAIRMAN TONNA:**

Sure, we'd have no problem with that.

Okay, does our Commissioner of public Health or Social Services want to address the committee for anything.

**COMMISSIONER DEMARZO:**

(Shook head no.)

**CHAIRMAN TONNA:**

I love seeing you guys here, I'm sure you love seeing me that I finally showed myself, so it's a match made in heaven. You mean we're not going to grill anybody today? It's amazing after Election Day what happens, huh? Okay, thank you. So let's go to the votes. All right, we'll go to the agenda.

**TABLED RESOLUTIONS**

**1421•05 • Adopting Local Law No. 2005, a Local Law to prohibit the sale of all cold medicine containing Dextromethorphan (DXM) to minors within the County of Suffolk (Nowick).** 1421, by the way, **is aged out, it no longer exists.** Okay, so that's •• you know, we just cross that out, it's by the aging law, I think it's past six months.

**1828•05 • To establish an information program to protect Suffolk County residents from the dangers of overexposure to the sun (Viloria•Fisher).** Is there a motion?

**LEG. FOLEY:**

I'll make a motion.

**CHAIRMAN TONNA:**

Motion by Legislator Foley. Second?

**LEG. MONTANO:**

I'll second.

**CHAIRMAN TONNA:**

Second by Legislator Montano. All in favor? Opposed?

**LEG. LOSQUADRO:**

Abstention.

**CHAIRMAN TONNA:**

Abstain? Okay, that will go to committee. **Approved (VOTE: 4•0•1•2 Abstention: Legislator Losquadro • Not Present: Legislators Binder & O'Leary).**

**1922•05 • Adopting Local Law No. 2005, a Local Law establishing Suffolk County Citizens Public Health Protection Policy by requiring retail display of public warning notices regarding pesticides (County Executive).** Is there a motion?

**LEG. FOLEY:**

I'll make a motion to approve, but I would like to have the commissioner step forward, Mr. Chairman.

**CHAIRMAN TONNA:**

Okay.

**LEG. FOLEY:**

Just to give us the thoughts of the department on that.

**CHAIRMAN TONNA:**

Supervisor•Elect would like to speak to you.

**LEG. FOLEY:**

If we could have the thoughts of the Commissioner on 1922?

**CHAIRMAN TONNA:**

I'll read the bill. This is a Local Law establishing Suffolk County Citizens Public Health Protection Policy by requiring retail display of public warning notices regarding pesticides; it sounds like something that Schneiderman would have put together.

**MS. KNAPP:**

It's very similar.

**CHAIRMAN TONNA:**

Didn't we kill that one, Schneiderman?

**LEG. LOSQUADRO:**

Who's is this?

**CHAIRMAN TONNA:**

This is the exact same bill?

**MS. KNAPP:**

No, very similar.

**CHAIRMAN TONNA:**

How about this, Commissioner, or how about Jackie ••

**MS. CAPUTI:**

I can help.

**CHAIRMAN TONNA:**

Give me the nuance of why, if I didn't vote for Schneiderman's bill, I think I actually did, but why I would vote for this one.

*(\*Legislators O'Leary & Binder entered the meeting at 12:07 P.M.\*)*

**MS. CAPUTI:**

This is a smaller, much smaller sign that would be posted near the displays of pesticides, just advising the public that there may be some dangers associated with the use of pesticides. It doesn't require segregating the chemicals, it doesn't require putting them in a locked cage, it's just a sign, a small sign that would be ••

**CHAIRMAN TONNA:**

Okay.

**MS. CAPUTI:**

It's a County Executive sponsored bill as opposed to ••

**CHAIRMAN TONNA:**

Okay, the other one I know they had to have locked containers and all that other stuff.

**LEG. LOSQUADRO:**

No.

**MS. KNAPP:**

The sign.

**LEG. MONTANO:**

No, no, the sign.

**CHAIRMAN TONNA:**

Oh, what does the sign say?

**CHAIRMAN TONNA:**

Oh, is this the measurement of the sign, is this the two inch sign that we were addressing?

**MS. KNAPP:**

This is the two inch sign, at least two inches.

**LEG. FOLEY:**

I have no idea.

**LEG. MONTANO:**

Ben is there, let Ben answer it.

**LEG. FOLEY:**

Yeah, let Ben answer it. This is pesticides.

**CHAIRMAN TONNA:**

Do you have a demonstration for us of what a two inch sign looks like?

**LEG. FOLEY:**

This is pesticides. Are you going to have this under rigorous review like you did with Tobacco 19 signs?

**MR. ZWIRN:**

This is our bill?

**MS. CAPUTI:**

Yes, it's the sign one.

**MR. ZWIRN:**

We can table it.

**CHAIRMAN TONNA:**

Table? Why don't we just •• can I make a suggestion? I'll make a motion to approve for the purposes of voting against it.

**LEG. LOSQUADRO:**

Sure.

**CHAIRMAN TONNA:**

Obviously this was •• this is like one of those he said/she said deals where a Legislator puts it in, that goes down, but now the County Executive says, "Well, I'll allow •• sign•ya." You know, I'm surprised it's not two•and•a•half inch sign because, you know, one upsman. Anyway ••

**LEG. LOSQUADRO:**

Second.

**CHAIRMAN TONNA:**

Okay, a motion and a second on the vote. All in favor?

**LEG. KENNEDY:**

Mr. Chair, this is •• the vote is for what at this point?

**CHAIRMAN TONNA:**

This is the vote to approve. So I made a motion and there's a second, but now who wants to approve? I want to kill this.

**LEG. KENNEDY:**

That would be wonderful.

**CHAIRMAN TONNA:**

Yeah. So there's a motion and a second.

**LEG. KENNEDY:**

It's like beating a dead horse.

**LEG. O'LEARY:**

Be more blunt.

**CHAIRMAN TONNA:**

Yeah, right. I just say why are we wasting time? So there's a motion and a second. All in favor? Opposed?

**LEG. LOSQUADRO:**

Opposed.

**CHAIRMAN TONNA:**

Opposed.

**LEG. O'LEARY:**

Opposed.

**CHAIRMAN TONNA:**

There's two abstentions; right, there you go, stand by your man. Okay, so Legislator Foley and Montano are standing by the County Executive with that incredible vote of courage in abstaining, okay, and then the rest of us are voting against it. **Failed (VOTE: 0•5•2•0 Abstentions: Legislators Foley & Montano)**. Okay, that's a nice vote there. So 1922 is, as they say, DOA. Okay, thank you.

**1985•05 • Amending and appropriating the 2005 Capital Budget and Program funds for the construction of Environmental Health and Anthropol Borne Disease Laboratory (CP 4003)(County Executive).**

Now, maybe since we have •• this is about •• maybe you could explain this to us; what is this bill?

**COMMISSIONER HARPER:**

Essentially this is a request for actually funding to assist us with the planning of the construction of two laboratories, or to potentially combine two laboratories. In essence, we believe that we've outgrown our current laboratories and this will increase our capacity to do public health testing which includes West Nile Virus. I think at the previous meeting there was a question raised about what level of laboratory and we have clarified that it will be a Level II laboratory which is not the top level, Level III.

**CHAIRMAN TONNA:**

And hence the anthropod because I guess mosquitoes ••

**COMMISSIONER HARPER:**

Yes, that's correct.

**CHAIRMAN TONNA:**

•• are arthropods?

**COMMISSIONER HARPER:**

No, actually that's for ••

**CHAIRMAN TONNA:**

I know they're not \\_arachnids\\_ but I didn't know they were arthropods.

**COMMISSIONER HARPER:**

No, anthro.

**LEG. FOLEY:**

Anthropods, anthro.

**CHAIRMAN TONNA:**

Anthropods. Oh, that's what they are, anthropods? I'm going to ask my kids when I get home.

**LEG. FOLEY:**

Mr. Chairman?

**CHAIRMAN TONNA:**

Okay, great. Yes, Legislator Foley.

**LEG. FOLEY:**

Thank you. There was talk over a period of time, Commissioner, that we would work in a more cooperative fashion, if you will, with the laboratories at Stony Brook University. Has that been explored as a way of cost avoidance so we wouldn't have to move forward with this particular capital project?

**COMMISSIONER HARPER:**

Yes, that was also ••

**LEG. FOLEY:**

Since much of the equipment, if you will, and laboratory space is already available in Suffolk but it's at a university setting.

**COMMISSIONER HARPER:**

That's correct. I think there was an effort made by the Legislature to do that in the past, but it turns out that financially Suffolk County •• excuse me, SUNY Stony Brook was requesting a fairly large amount of money such that it would be more reasonable for us just to continue with the current system and to work with the State Health Department, and that's why that didn't take place. The concern was that there was no feedback, that the Legislature was not notified of the fact that we weren't going in that direction and we have put in place a system now to make sure that the Legislature is notified in the future.

**LEG. FOLEY:**

So how does that •• just through the Chair, then. Since we now would be notified, does that change the argument, if you will? I mean •• go ahead.

**COMMISSIONER HARPER:**

No, no, we believe that this is still necessary, despite the attempts to work with SUNY Stony Brook in the past.

**CHAIRMAN TONNA:**

Legislator O'Leary.

**LEG. O'LEARY:**

Commissioner, what's the anticipated cost of this initiative that's before us?

**LEG. LOSQUADRO:**

One point three six nine.

**COMMISSIONER HARPER:**

I believe it's 1.39.

**LEG. O'LEARY:**

One point three nine, almost \$1.4 million, the initiative that I sponsored to get into a working relationship with Stony Brook University two or three years ago was \$275,000 a year. My understanding, if I understand your statement correctly, was that that price from Stony Brook University for utilization of their labs exceeded the 275?

**COMMISSIONER HARPER:**

That's correct. I would ask my budget people to come up.

**LEG. O'LEARY:**

Did it reach 1.4 million?

**CHAIRMAN TONNA:**

That's just for planning.

**COMMISSIONER HARPER:**

No, I think it's two separate issues that we're dealing with. Actually ••

**LEG. O'LEARY:**

Well no, I'm focused on the issue regarding the initiative passed by this body for purposes of the Health Department sitting down, negotiating with Stony Brook University Lab for the

purposes of expediting tests involving the mosquitoes.

**COMMISSIONER HARPER:**

That's correct, it did not approach \$1.4 million.

**LEG. O'LEARY:**

I'm certain that it did. My point being is that there was \$275,000 appropriated for that initiative. And even if that money had doubled with respect to the negotiations that were undertaken with Stony Brook University, it wouldn't come close to what you're asking for with respect to this particular initiative.

**CHAIRMAN TONNA:**

Just the planning.

**COMMISSIONER HARPER:**

No, it would not.

**LEG. O'LEARY:**

Yeah.

**CHAIRMAN TONNA:**

It's not the construction.

**LEG. O'LEARY:**

So, I mean, I'm under the impression that Stony Brook University labs have all the means necessary to conduct the analysis and tests that you're requesting to be done with these new labs to be built in Yaphank; is that correct?

**MR. ZWIRN:**

Mr. Chairman, may I?

**CHAIRMAN TONNA:**

Well, No, Pete has the floor, you'd have to address it to him if you want to ••

**MR. ZWIRN:**

Legislator O'Leary, can •• we have people here who can answer the good questions and those questions can be answered, and I was going to turn it over to them.

**COMMISSIONER HARPER:**

To Len.

**CHAIRMAN TONNA:**

Okay, yeah. Let the staff ••

**LEG. O'LEARY:**

Are you, sir, the individual who was charged with negotiating with Stony Brook University with respect to the initiative that this body passed?

**MR. MARCHESE:**

Yes, I was one of the individuals working on that.

**LEG. O'LEARY:**

And what was the differential with respect to what was appropriated and what the Stony Brook University was looking for for purposes of expediting the tests that we had requested them to do?

**MR. MARCHESE:**

They wanted to approximately double what we had appropriated.

**LEG. O'LEARY:**

Five hundred thousand and change.

**MR. MARCHESE:**

Right.

**LEG. O'LEARY:**

And they would have afforded to the County all the testing necessary with respect to ••

**MR. MARCHESE:**

No, no. What this resolution does right here is the Health Department currently has two this disjunctive labs, one is in Hauppauge, one is in Yaphank. The Hauppauge-based lab is basically running out of space, it's inadequate in terms of its current capacities. What we're looking to do is expand the capabilities of that lab and consolidate them with expanded capabilities of the lab in Yaphank and consolidate the two; that's what this money is being appropriated so that we can continue the planning to expand the project. The total project is about \$13 million.

**LEG. O'LEARY:**

In the meantime •• 13 million, you just stated that. In the meantime, are we still utilizing Albany for purposes of testing of ••

**MR. MARCHESE:**

Correct. What we were able to do is work out a deal directly with the Wadsworth Laboratory that we paid them actually a smaller fee to expedite our testing, so that now the turnaround time is as good or very close to that of Stony Brook and we're only spending \$20,000 a year.

**LEG. O'LEARY:**

Has that •• can you document that, that the turnaround time has been decreased by that amount? Because previously, the reason why this body passed that initiative was the turnaround time was anywhere from ten days to two weeks.

**MR. MARCHESE:**

Yeah, at that time the State was backed up at their lab and they really didn't have a method to expedite our testing. By working with them, we were able to set up a Federal Express system, we were able to work out an expedited method for the test results to get back to us more timely, so that's what we did this last season.

**LEG. O'LEARY:**

That's able to be documented, that the turnaround time •• are there reports that have dates submitted and date returned to the County?

**MR. MARCHESE:**

Well, we'd have to check with our Public Health people. Yeah, I mean, that's our word from the Public Health people.

**LEG. O'LEARY:**

Yeah, well, I'd like to see documentation that what you're saying is accurate. Are you able to supply that to this committee?

**COMMISSIONER HARPER:**

Yeah, we can get the documentation.

**LEG. O'LEARY:**

Are you able to supply that to this committee?

**MR. MARCHESE:**

I'll go back •• well, I'll attempt to get it.

**LEG. O'LEARY:**

At least before January 1st.

**MR. MARCHESE:**

Okay.

**LEG. O'LEARY:**

You're not going to drag this out, are you?

**COMMISSIONER HARPER:**

Yes, we will certainly investigate it and get the information and see exactly where this is at.

**LEG. KENNEDY:**

Mr. Chair?

**CHAIRMAN TONNA:**

Sure.

**LEG. KENNEDY:**

I have some questions along the same lines, I guess, that Legislator O'Leary has. How many mosquitos were tested during this past season?

**COMMISSIONER HARPER:**

Let me see.

**MR. MARCHESE:**

I don't have that number.

**LEG. KENNEDY:**

Two, 20, 200?

**MR. MARCHESE:**

No, it's thousands. We take calls on a weekly basis from a lot of different traps throughout the County. We don't have the exact numbers because we don't have our epidemiologist here, but we do •• we take tests on a weekly basis from a lot of different trap areas throughout the County.

**COMMISSIONER HARPER:**

That's correct, yeah. It's certainly in the thousands, we can get you the exact number, certainly, if you would need that.

**LEG. KENNEDY:**

It's in the thousands.

**COMMISSIONER HARPER:**

Yes.

**LEG. KENNEDY:**

So it's reasonable to expect that we probably spent a couple hundred thousand dollars over the course of this season having them tested now, is that the case?

**COMMISSIONER HARPER:**

No, I don't think that's the case.

**MR. MARCHESE:**

It's somewhere around \$30,000 to expedite the testing. The State will do certain •• first, what

happens is we don't test every sample. What we do is we take selected samples and those selected samples are the ones that we choose to test so that we can get a sense of where the West Nile threat is. And those particular ones in the early part of the season where we need to have a diagnosis, we expedite those, so some of the tests are done in a stat manner and some of them are not.

**LEG. KENNEDY:**

So your arrangement with Albany now then is, in other words, a flat contractual fee for the purposes of testing specimens submitted, regardless of whether it's 20 or 200 or 2,000.

**MR. MARCHESE:**

Albany is free, it's not a cost to the County. What we did was we worked out an expedition process so that we would pay for extra perhaps overtime that they would incur to do our rush samples, so we paid that for them so that they wouldn't have extra costs.

**LEG. KENNEDY:**

The point that I'm trying to get to here is •• I'll go back to the fact that there was an attempt to go ahead and negotiate with Stony Brook, I wonder whether or not there's still some legitimate route to go there. But that notwithstanding, we're talking about \$13 million now to do what it sounds like is being done for 20,000 or 200,000.

**COMMISSIONER HARPER:**

No, that's incorrect.

**MR. MARCHESE:**

No.

**CHAIRMAN TONNA:**

Well, that's what we need clarified.

**LEG. KENNEDY:**

Well, then •• right.

**CHAIRMAN TONNA:**

Can you clarify that?

**LEG. KENNEDY:**

Help me out.

**MR. MINEI:**

Maybe I can help, Legislator Kennedy. What we're talking about is the construction of two laboratories combined into one. One of those laboratories works for me, the Public and Environmental Health Laboratory; they're currently located here in the Medical Examiner's Building. There were plans for many years to bump it out the back, but it encroached on the Police Precinct here and the decision was made to relocate on County-owned property, it's very difficult to put laboratories into rental space. So on that basis •• and I think you know well the Environmental Health Laboratory, we do in excess of 50,000 samples of water, drinking water, ground water, sewage, toxic chemicals. Concurrently, and I invite you to visit poor Dr. Campbell out in Yaphank, he's got his traps in the hallways and people working in hallways and bench tops in shared space with the people who do Vector Control. So the concept was to locate in one building the ABDL, the Arthropod Borne Disease Laboratory with the Public and Environmental Health Laboratory, expand our capabilities and have it in County-owned facilities. It's laboratory construction, not contracts for any particular testing.

**CHAIRMAN TONNA:**

Right. But the question •• we know that the 4th Precinct is moving, right, you're aware of that?

**MR. MINEI:**

I'm not aware of it but, you know, keep in mind how slow the planning process is taking.

**CHAIRMAN TONNA:**

Well, just imagine how expensive the planning process is. I mean, if we couldn't move out because of the 4th Precinct and now the 4th Precinct is moving, I think there is ••

**MR. MINEI:**

Right. But what happens ••

**CHAIRMAN TONNA:**

I mean, why can't we then do what you say which is add on?

**MR. MARCHESE:**

Well, this is part of a master plan for both North County Complex and the Yaphank Complex, this is not just us on our own.

**MR. MINEI:**

And also it frees up space.

**CHAIRMAN TONNA:**

Right.

**MR. MINEI:**

The other, you know, ancillary benefit is it frees up space here for toxicology and the other ME activities, criminal labs and things like that. So you're freeing up space here and you're building a very efficient, combined laboratory in Yaphank, so it does a couple of major goals.

**CHAIRMAN TONNA:**

This is a great picture right here, I just want you to know, this is a great picture; I'm reminded of a Groucho Marx movie.

But anyway, what I'd like to do, before I recognize Legislator Losquadro, is it seems to me that at least on the Legislative part we feel like there's piecemeal issues going on with an expensive price tag when you're talking about over a million dollars worth of just planning alone. We have precincts moving, we have labs combining, we have a relationship, a possible negotiated relationship with Stony Brook on something. It would seem to me that at least I would be a bit hesitant at best to vote piecemeal when we use the word master plan. I'd like to see a master plan, I'd like to see that this is moving here, this is moving there and it's cost effective. I think that that's the •• at least for me, my angst would be one of saying, you know, this department is •• you know, we're moving ahead here at a very high price tag, we're moving a precinct, we're doing this, we're doing that and we have a relationship maybe with Stony Brook. So anyway, Danny?

**LEG. LOSQUADRO:**

I'll defer to Legislator O'Leary for just a moment.

**LEG. O'LEARY:**

Thank you, Legislator Losquadro. To the gentleman who stated he negotiated with Stony Brook University; can I have your name, sir?

**MR. MARCHESE:**

Len Marchese.

**LEG. O'LEARY:**

Len Marchese. And do you recall who it was that you negotiated with at Stony Brook University?

**MR. MARCHESE:**

It was the doctor •• no, I don't remember his name, I'd have to look ••

**LEG. O'LEARY:**

You don't recall his name?

**MR. MARCHESE:**

I would have to go back to the file.

**LEG. O'LEARY:**

You don't recall his name. Was it one individual or a team of individuals?

**MR. MARCHESE:**

Two researchers that ran their lab.

**LEG. O'LEARY:**

Okay. So those are the individuals that you personally sat down and negotiated with.

**MR. MARCHESE:**

Along with Dr. Graham at the time, yeah.

**LEG. O'LEARY:**

Dr. Graham. Okay, so it was just two individuals from the Health Department negotiating with two from Stony Brook University, that's your recollection?

**MR. MARCHESE:**

Yeah.

**LEG. O'LEARY:**

Thank you.

**LEG. LOSQUADRO:**

Thank you. And this goes back •• that additionally goes back to the point that I was going to make. I don't know if it was good fortune or bad fortune, but I chaired the last public health •• the Health Committee meeting when this was brought to light. And what really bothered me about this then and continues to bother me about it now is no one is addressing the fact that we sat here last time, and if not for the fact that I sat here and kept going back to, "What do you mean by might? This says for construction." And people sat there and just sort of looked and we basically had to drag out the fact that this was for planning. There was a reluctant •• I can pull out the minutes, I mean, if you recall.

**MR. MARCHESE:**

Well, this is appropriating money as part of the Capital budget that this body has already approved last year. This was •• it was all •• the documents are all detailed.

**LEG. LOSQUADRO:**

I'll be happy to pull out the minutes and refresh your memory as to how this transpired last time.

**MR. MARCHESE:**

Okay.

**LEG. LOSQUADRO:**

It seems like as we continue to move forward with this, more and more facts come out. As a result of that discussion last time, we found out that there was a resolution by a Legislator that was never acted upon and we were never filled in on that. And it seems like the deeper we go

into this, now we find out this is part of an overall master plan; I wasn't aware of this.

There's a lot that goes into this that doesn't seem to have been discussed with the other branch of government here, with the Legislative branch of government. And I'm not inclined at all to vote for this at the moment until we get all the facts, because every time we ask a question we seem to get a new set of information regarding this. And I wasn't happy with it at the last meeting when I happened to chair this committee and I'm not happy with it now.

**MR. ZWIRN:**

But this was approved in the 2005 Capital Budget, so obviously ••

**CHAIRMAN TONNA:**

No, it was •• everybody knows the Capital Budget is a plan; please, it's a plan.

**MR. ZWIRN:**

But you review the projects that are in the plan.

**CHAIRMAN TONNA:**

Absolutely, and we know ••

**MR. ZWIRN:**

Because the two branches of government fought, argued over some of them.

**CHAIRMAN TONNA:**

This is a resolution, this is a resolution for approval. The Capital Budget plan is a plan, it's a planning document, unlike County Executive Levy's press release after our Capital Budget where we just spent an extra 40, 50 or whatever else, which was disingenuous. I would say that that doesn't really hold that much water. There are a lot of projects that have been put in the Capital plan that we haven't voted on that our County Executive doesn't want to do or approve or appropriate. So let me •• again, maybe I could articulate it this way, as best I can.

**MR. ZWIRN:**

I understand what you're saying.

**CHAIRMAN TONNA:**

Okay.

**MR. ZWIRN:**

But before that happens, the County Exec and the Legislature looks at all the projects that are in there and if there are projects in there that they think don't have merit, usually they get a little attention.

**CHAIRMAN TONNA:**

Well, yes, and there are projects when it comes up for appropriation and they say •• and amending, they saw, "Now I really have to scrutinize it because now this is at the point where we're putting taxpayer dollars, whether bonding or whatever else. So that's the time when it gets absolute scrutiny.

The problem that I see is this. Is that we have a situation where the Legislature has asked the County Executive, okay, and his administration to act on something, negotiating with Stony Brook, a whole bunch of other things. It seems that what's transpiring, what's taking place is that the Executive Branch of government is saying whatever we can •• however we could work around this to get what we want. Legislators feel very uncomfortable. Obviously a trust factor, if you hear the non•verbals •• I mean, even the verbals, I heard last week or the last meeting it was very clear. There's a point where in the Legislature, and I don't think it's something that is just a partisan Legislature looking at this, there's a trust factor that we feel •• and somehow that trust has been violated, okay.

So we want •• at least I want, I'll speak for myself •• I want to know very clearly, from a master plan standpoint, where are we with Stony Brook, where are we with the pros and cons from the standpoint of what we do in Albany, what we do in a police precinct; what is the plan? Before we expend a million, over a million dollars in planning, okay, I think we should have •• what does it take, two committee meetings, two groups of guys getting together, men and women getting together, all professionals from the Legislative Branch and the Executive Branch to say, "This is what we see." So maybe we could have a subcommittee, maybe the County Executive could even call it blue ribbon, whatever you want to do, okay, but just to say, "This is what we're looking at, this is what it's going to cost us."

**MR. ZWIRN:**

With respect to this project.

**CHAIRMAN TONNA:**

With respect to this project in light of all of the other things, the precinct moving, Stony Brook negotiations and everything else and to say the pros and cons, cost effectiveness. And then now Legislators will be, once again, maybe have a sense of trust, a process so that they can work through this and feel comfortable voting for this, or at least know very clearly that they're against this.

**MR. ZWIRN:**

Can I just say one thing about the trust factor? I don't think there was any malace or forethought here. The County ••

**CHAIRMAN TONNA:**

I've never said malace.

**MR. ZWIRN:**

I'm just saying, you're talking about the trust factor. The county Executive directed the Health Department to go out and negotiate a deal based on the information and the support that Legislator O'Leary's bill had, they were able to get a better deal with a reliable lab from the State. They saved the taxpayers a lot of money and still protected their safety, that's a ••

**CHAIRMAN TONNA:**

And that was communicated back to the Legislature?

**MR. ZWIRN:**

You know, I don't think •• that may have been a fault, but the fact is is that the public safety ••

**CHAIRMAN TONNA:**

Well, how would, you know ••

**MR. ZWIRN:**

Well, I'm just saying, we saved the taxpayers that money, that money goes back to the fund

balance into the General Fund.

**CHAIRMAN TONNA:**

Ben, how did it feel when you were dating as a young man and found out your girlfriend started dating somebody else and you're the last to know? Come on. You know, this guy puts in a bill •

**MR. ZWIRN:**

Now I'm going to answer that question.

**CHAIRMAN TONNA:**

Yeah, right. I don't feel too good about it, right? So what I'm saying is is that how could a Legislator, who obviously ••

**MR. ZWIRN:**

You didn't see my old girlfriend, it wasn't so bad.

**CHAIRMAN TONNA:**

So my point is how do you •• when a Legislator puts in a bill, asks the County Executive, the County Executive does all his things and somehow forgets to communicate back to the Legislator that, "By the way, it really spurred us on to a better deal and we got a better deal with Albany. Thank you very much for looking at this," or you know, "It was a really good idea, we did save \$275,000." I mean, give me a break.

**LEG. O'LEARY:**

Through the Chair? Through the Chair?

**COMMISSIONER HARPER:**

Can I just •• can I just make note? Just so that you're aware, I agree with the concern and that was a concern that was raised at the last meeting. In fact, we put in a system now so that we can keep better track of legislation and get back to the Legislature when that needed to be done. As far as the •• I would be pleased to do a presentation, lay all of this out on the table so that everyone can see that there's •• we're trying to do what's best for the Health Department and for the general public. And we could address all of those concerns if we are

fully aware of what it is that we are dealing with now that we know that we have two issues. Because there's one at the SUNY Stony Brook issue and we'll bring you all of the details that you need, and then the other issue is regarding the construction of these two laboratories which are desperately needed.

**LEG. O'LEARY:**

Would you be •• Commissioner, would you be kind enough to consider bringing the parties from Stony Brook University before us so they can verify that, in fact, there were negotiations?

**COMMISSIONER HARPER:**

I have no problem with that.

**LEG. O'LEARY:**

Okay. And the other point that I wanted to make is even though this was my initiative, my resolution, this had total bipartisan support, it was eighteen zip, and at the very least, at the very least, if negotiations broke down with Stony Brook University officials, I think it would have been •• it would behoove the administration to come before this Legislature to appropriate additional monies. At the time this was a health and safety issue, clearly, and something of that magnitude was, in my opinion, just put on the back burner and shelved and it should have been brought to our attention.

I was under the impression, I was under the clear impression, as was my colleagues, that we were utilizing the services of Stony Brook Lab, and for two•and•a•half years we were under that impression. And when we found out through Dr. Graham's statements here, you know, before this committee, we were astounded by that. You know, how could something like that happen when we were clearly under the impression we were addressing a health and safety factor of the citizens of this County for a good reason, by the way, we're talking about West Nile Virus and Eastern Equine Encephalitis, and that was the concern back then because of the turnover.

And I'm also anxious to see the documentation that, in fact, we did come to some agreement with the Albany people to expedite the turnover which at the time was almost two weeks, and I'm told, based on

Mr. Marchese's statement, that this was reduced to a similar amount of time that Stony Brook University Lab would have turned over back to the •• with the results, which my understanding

is three to four, maximum five days. So I would like to see the documentation that Albany labs were given specimens to be analyzed and it came back to the County with results within five days.

**LEG. KENNEDY:**

One last thing that I could add to this.

**CHAIRMAN TONNA:**

Sure.

**LEG. KENNEDY:**

You summed it up I think very succinctly, but I would just like to add also. Doctor, I don't think that anybody here, certainly I don't and none of my colleagues want to minimize the important functions that you do in any of these lab areas, and I applaud you for advocating on behalf of the department. But I think what it really gets down to is we've got the responsibility to go ahead and make the fiscal decisions for the County in total, and when we see something that talks about an inability to look at modifying an existing building, predicated upon the fact that there's an intrusion on a building that will be gone within the next 12 to 18 months; that gives us pause to sit here and say •• that comes to your side, Ben, I think, as far as going back to what the Chair had talked about as far as some master plan aspect to that. Else wise, we wind up with decisions that are just shots in the dark.

**MR. ZWIRN:**

Well, I don't want to get into it, but they were doing a master plan for the North Complex and that's part of what's held the precinct up.

**LEG. KENNEDY:**

It's done, it's been out there.

**MR. ZWIRN:**

Well, it's getting there. I mean, everything is starting to move.

**LEG. KENNEDY:**

I've read it, I've read it from a year ago.

**CHAIRMAN TONNA:**

All right.

**LEG. KENNEDY:**

So again, I mean, it's getting to a point where you say something, we know different, we go back to that issue of the trust factor.

**MR. ZWIRN:**

I trust you.

**CHAIRMAN TONNA:**

All right.

**MR. ZWIRN:**

I trust the Chairman.

**CHAIRMAN TONNA:**

Really? Anyway, so just from the standpoint of voting, I'm going to make a motion to table, okay? Second by Legislator O'Leary. All in favor? Opposed? **Tabled (VOTE: 7•0•0•0)**. I would suggest •• I mean, next year is a new year; ha, ha, ha, ha, see you guys.

**MR. ZWIRN:**

I thought you were going to call a special meeting of this committee so we could do a presentation.

**CHAIRMAN TONNA:**

Yeah, maybe we'll do that, but I think we have December 1st, I think December 1st would be a fine time. Since we tabled it, it's only two weeks away, it will give you time to put your Power Points together; please, no Power Points. Anyway, just ••

**MR. ZWIRN:**

But we will try and make a presentation because this money will be lost if it's not appropriated before the end of the year.

**CHAIRMAN TONNA:**

Yes, I understand that. You know, it is and it isn't; it's only a plan.

Anyway, okay. Any other thoughts, no? Thank you. All right, so that's tabled. 19 •• that's 1985, right?

**MS. JULIUS:**

Yep.

**CHAIRMAN TONNA:**

***1992•05 • Adopting Local Law No. 2005, a Local Law to protect the health of Suffolk residents by requiring consumers to sign a release form in order to purchase certain chemical pesticides (Schneiderman).***

Is there a motion? I'll make a motion to table.

**LEG. O'LEARY:**

Table.

**CHAIRMAN TONNA:**

Make a motion to table.

**LEG. LOSQUADRO:**

Who's is this?

**LEG. BINDER:**

Schneiderman.

**CHAIRMAN TONNA:**

Seconded by myself. Do we want to just kill it?

**LEG. LOSQUADRO:**

Is this Jay's or the County Exec?

**CHAIRMAN TONNA:**

I'd make a motion to approve for the purposes of ••

**LEG. FOLEY:**

Second.

**CHAIRMAN TONNA:**

•• you know, killing it. Okay. So there's •• do you still want the motion to table, Legislator O'Leary?

**LEG. O'LEARY:**

I'll withdraw the motion to table.

**CHAIRMAN TONNA:**

Okay, great. There's a motion to approve and a second. All in favor?

**LEG. BINDER:**

Opposed.

**CHAIRMAN TONNA:**

Legislator Binder, opposed, opposed, Legislator O'Leary, myself, Montano, Foley.

**LEG. KENNEDY:**

Abstain.

**LEG. LOSQUADRO:**

Abstain.

**CHAIRMAN TONNA:**

Abstain, Legislator Kennedy and Legislator Losquadro, so it fails. **Failed (VOTE: 0•5•2•0 Abstentions: Legislators Losquadro & Kennedy).**

Okay. **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).** We can't vote on that, right, because there's no Senate bill?

**LEG. FOLEY:**

Right.

**CHAIRMAN TONNA:**

Yes, Legal Counsel?

**MS. KNAPP:**

There's no Senate.

**LEG. FOLEY:**

Yes.

**CHAIRMAN TONNA:**

Okay, great. So Home Rule Message 6 is •• I don't know what it is.

**LEG. FOLEY:**

Tabled subject to call.

**CHAIRMAN TONNA:**

Yeah, there we go. Motion to table subject to call, seconded by Legislator Foley. All in favor? Opposed? ***Tabled Subject to Call (VOTE: 7•0•0•0).***

### **INTRODUCTORY RESOLUTIONS**

Okay, ***No. 2071•05 • Accepting and appropriating 0,940 in 100% Federal funding under the Shelter Plus Care Grant Program from the United States Department of Housing and Urban Development and authorizing a contract with United Veterans Beacon House, Inc. (County Executive).*** I'll make a motion to approve.

**LEG. O'LEARY:**

Second.

**LEG. FOLEY:**

Second.

**CHAIRMAN TONNA:**

Seconded by Legislator Foley. All in favor? Opposed?

**Approved (VOTE: 7•0•0•0).**

**2084•05 • Adopting Local Law No. 005, a Local Law to protect residents of Suffolk County against domestic violence (Cooper).**

**LEG. BINDER:**

You have to table it.

**CHAIRMAN TONNA:**

Table subject to a public hearing. I'll make a motion to table, second by Legislator Binder. All in favor? Opposed? **Tabled (VOTE: 7•0•0•0).**

**2096•05 • To reestablish the Suffolk County "Disaster Animal Rescue Plan" Task Force (Cooper).** Is there a motion?

**LEG. FOLEY:**

2096?

**CHAIRMAN TONNA:**

I'm going to make a motion to table, because I gave my word to Legislator Cooper I would never vote for another pet bill of his. So I'm going to make a motion to table, seconded by Legislator O'Leary. All in favor? Opposed? **Tabled (VOTE: 7•0•0•0).** It's great, a Task Force about pets. Okay, maybe we should do a human rescue plan first; but anyway, just a thought, just a thought.

**LEG. BINDER:**

Animals human?

**CHAIRMAN TONNA:**

There we go. I could just see people running all over saving the dogs and cats while they're drowning.

***2105•05 • Appropriating funds in connection with the purchase of equipment for the Arthropod Borne Disease Laboratory (CP 4052) (County Executive).***

**LEG. BINDER:**

"I can't help you, I've got to get that dog."

**LEG. FOLEY:**

Motion.

**CHAIRMAN TONNA:**

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

**LEG. BINDER:**

It goes to ••

**CHAIRMAN TONNA:**

Can I just •• we're buying equipment, is this equipment with a building that's not going to exist?

**COMMISSIONER HARPER:**

No.

**CHAIRMAN TONNA:**

No; okay, great. All in favor? Opposed? ***Approved (VOTE: 7•0•0•0).***

See, we're not against •• oh, that's because these are arthropods.

We might have been against anthropods. Okay, there's a whole movement afoot with the anthropod movement.

**2106•05 • Amending the 2005 Adopted Budget to accept and appropriate additional 100% State aid from the New York State Office of Alcoholism and Substance Abuse Services to WSNCHS East Inc./South Oaks hospital for gambling Treatment and Prevention Services (County Executive).** I'll make a motion to approve, second by Legislator O'Leary. All in favor? Opposed? Great. **Approved (VOTE: 7•0•0•0).**

**SENSE RESOLUTION**

**Sense Resolution No. 63•2005 • Memorializing Sense Resolution requesting the State of New York to grant municipalities in Suffolk County the authority to promulgate rules and regulations governing day care facilities for children (Alden).** I'm going to make a motion to approve for the purpose of defeating. Is •• okay? Is there a second?

**LEG. FOLEY:**

Second.

**CHAIRMAN TONNA:**

Second, Legislator Foley. Okay. All in favor? This is defeating, I think it's •• I think it's ••

**LEG. FOLEY:**

No, you have to make ••

**LEG. BINDER:**

Motion to table.

**LEG. KENNEDY:**

Yeah, let's make a motion to table.

**LEG. O'LEARY:**

Second on the motion to table.

**CHAIRMAN TONNA:**

Okay. So there's a motion to table and a second, by Legislator Binder, seconded by Legislator O'Leary. The tabling takes precedence. All in favor? Opposed? I'm opposed.

**LEG. FOLEY:**

Opposed.

**LEG. MONTANO:**

Opposed.

**CHAIRMAN TONNA:**

Okay, three opposed, four for. ***That's tabled (VOTE: 4•3•0•0 Opposed: Legislators Tonna, Foley & Montano).***

***Sense No. 69•2005 • Memorializing Sense Resolution in support of the Federal ALS Registry Act of 2005 (Senate Bill S. 1353) (Viloria•Fisher).*** Could I ask Legal Counsel what this does?

**MS. KNAPP:**

Yes.

**LEG. FOLEY:**

(Inaudible).

**MS. KNAPP:**

Yes, right.

**CHAIRMAN TONNA:**

Great. A motion to approve, seconded by Legislator Losquadro.

All in favor? Opposed? Okay, great. ***Approved (VOTE: 7•0•0•0).***

***Sense Resolution No. 71•2005 • Sense of the Legislature Resolution requesting the New York State Legislature to enact greater protection for domestic violence victims (Cooper).*** Is this a concomitant bill or a companion bill with the piece of legislation that is subject to a public hearing?

**MS. KNAPP:**

This one •• this one is •• I would call it a companion bill ••

**CHAIRMAN TONNA:**

Okay.

**MS. KNAPP:**

•• in that it's asking the State Legislature to require that all domestic violence victims receive notification when their attackers are released.

**CHAIRMAN TONNA:**

Okay. I'd like to table this so that they can be basically same day, same issue kind of thing.

Motion to table, seconded by Legislator O'Leary. All in favor? Opposed? **Tabled (VOTE: 7•0•0•0).**

**MS. KNAPP:**

Put the two resolutions on the consent calendar.

**CHAIRMAN TONNA:**

Okay, we need to put two resolutions on the consent calendar.

**MS. KNAPP:**

The two 100% grants.

**CHAIRMAN TONNA:**

Oh, I'm sorry. Yep, 2071, there's a motion to put it on the consent calendar by myself, second by Legislator Binder. All in favor? Opposed? Okay, and then 2106, motion to put it on the consent calendar, seconded by Legislator Binder. All in favor? Opposed?

**LEG. FOLEY:**

Mr. Chairman?

**CHAIRMAN TONNA:**

And then finally •• yes?

**LEG. FOLEY:**

When we're through, I just have a question to the Commissioner on another issue.

**CHAIRMAN TONNA:**

Okay. Okay, we're at the other issues point, portion of this committee.

**LEG. FOLEY:**

Through the Chair?

**CHAIRMAN TONNA:**

Through the Chair.

**LEG. FOLEY:**

Thank you very much. Commissioner, not today but for our next meeting, if you could also give us a briefing. As you know, earlier in the year we had approved monies for the Gallop Organization to do a report on the effectiveness of our Tobacco Control Program. And as a meaningful way to survey the effectiveness of it and see whether or not there are either Legislative changes or administrative changes that need to be undertaken in the new year to strengthen those particular programs.

I know we had some back and forth on it in this committee earlier in the year. You know, I'd like to have a follow-up to that before the conclusion of this year. Particularly the chair and I, as you know, over a number of years, over the past 12 years within the Legislature, we've been in the forefront of issues to combat tobacco control. And while we believe that most of the laws are now in place to protect the public, the key point now is administrative follow-up to the laws that we had enacted. And one of the ways that we can measure the effectiveness of the programs that follow-up to our laws is by having a review and a report that has been •• that we need in order to gauge these things and Gallop is one of the outstanding organizations.

I know last year we wanted to give you a good year in your present position, but you're going to make some judgments as well. But given the fact that Gallop has undertaken similar reports •• yes, on a statewide basis in other states •• we still feel that that would be another important way to give you the information and next year's Legislators the information to make some judgments in the new year.

**COMMISSIONER HARPER:**

That's fine. Certainly, we will do that.

**LEG. FOLEY:**

So if you can at the next meeting give us ••

**COMMISSIONER HARPER:**

Absolutely.

**LEG. FOLEY:**

•• some follow•up to that.

**COMMISSIONER HARPER:**

Yes, we will.

**LEG. FOLEY:**

All right. Thank you very much. Thank you, Mr. Chairman.

**CHAIRMAN TONNA:**

Okay. Thank you very much.

***(\*The meeting was adjourned at 12:43 P.M.\*)***

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

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