

## **HEALTH AND HUMAN SERVICES COMMITTEE**

***Of the***

***Suffolk County Legislature***

### **Minutes**

A regular meeting of the Health and 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 March 15, 2007.

#### **Members Present:**

Legislator Eli Mystal - Chairman  
Legislator Wayne Horsley - Vice-Chair  
Legislator Jack Eddington  
Legislator Lynne Nowick  
Legislator John Kennedy.

#### **Also in Attendance:**

Presiding Officer William J. Lindsay - District #8  
Legislator Vivian Vilorio-Fisher - District #5  
George Nolan - Counsel to the Legislature  
Tim Laube - Clerk/Suffolk County Legislature  
Paul Perillie - Aide to Majority Leader  
Paul Sabatino - Chief Deputy County Executive of Suffolk County  
Ben Zwirn - Assistant County Executive  
Joe Dujmic - County Executive Assistant  
Greg Moran - Aide to Legislator Lynne Nowick  
Roland Gaines - Aide to Legislator Montano  
John Ortiz - Senior Budget Analyst/Budget Review Office  
Diane Dono - Senior Budget Analyst/Budget Review Office  
Dr. Humayun Chaudhry - Nominee as Commissioner/Dept of Health Services  
Matthew Miner - Deputy Commissioner/Dept of Health Services  
Margaret Bermel - Director/Health Adm.Services/Dept of Health Services  
Walter Dawydiak - Chief Engineer-Environmental Quality/DHS  
Dr. David Tonjes - Cashin Associates  
Janet DeMarzo - Commissioner/Department of Social Services  
Linda O'Donohoe - Assistant to the Comm./Dept of Social Services  
Ed Hernandez - Deputy Commissioner/Department of Social Services  
Gail Lolis - Deputy County Attorney for Suffolk County  
Jenny Kahn - County Attorney's Office  
Richard Koubek - Chair/Welfare to Work Commission  
Kathy Ligouri - Vice-Chair/Welfare to Work Commission  
Peggy Boyd - Welfare-to-Work Commission  
Alice McVey - Our Lady of Grace/West Babylon.  
Joan McGay - St. Joseph the Worker/East Patchogue  
Debbie Alloncius - Legislative Director/AME  
Pamela Schoeneman - Three Village Meals on Wheels  
Linda Bernstein - Three Village Meals on Wheels  
Thomas Beil - Three Village Meals on Wheels  
Nancy Bazzicalupo - Huntington Meals on Wheels  
John Gilmore - Advocates for Children's Health  
Christine Heeren - Director/Long Island Autism Conference  
Frank Christiano - Bishop Lane Civic Association

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Maria Mahady - Bishop Lane Civic Association  
Janice Barilla - Bishop Lane Civic Association  
Mike Mallone - Bishop Lane Civic Association  
Ray Merola - Bishop Lane Civic Association  
MaryLauren LaMont - Riverhead CAC/CEQ Representative  
Larry Merryman - Great South Bay Audobon Society  
Dr. John Potente - Regarding Vector Control  
Bob McAlevy - Citizens Advisory Committee for Vector Control  
Matthew Atkinson - Counsel/Peconic Baykeeper  
Adrienne Esposito - Citizens Campaign for the Environment  
Lauren Stiles - Suffolk County CEQ Representative  
Diane VanBuren - North Fork Audobon Society  
All Other Interested Parties

**Minutes Taken By:**

Alison Mahoney - Court Stenographer

***(\*The meeting was called to order at 2:12 P.M. \*)***

**CHAIRMAN MYSTAL:**

Would everyone rise for the Pledge led by Legislator Eddington.

***Salutation***

Good afternoon. Welcome to the Health and Human Services Committee. As usual, it's going to be a long meeting. And if we -- during the public portion, when we do tell you to wrap up, that's because you have consumed your three minutes, so please wrap up. And we don't want to be rude to anybody, but at the same time, we do have other speakers.

We are going to start with presentations and the first person we want to call to the table is the nominee for Commissioner for the Department of Health; Dr. Chaudhry, please come to the table. I want to advise the committee and the public in general that the Presiding Officer and myself had a meeting with the prospective Commissioner and we found him to be well spoken, well educated, well versed. We are going to try not to scare him off of this County and hopefully -- I'm calling him first before he sees what's going on, because if he does he might say, "I don't want this job, take it, I'm out of here." So Dr. Chaudhry, you have the floor.

**DR. CHAUDHRY:**

Thank you very much, Mr. Chairman. I have a few opening remarks and I'd be happy to take any questions after that.

Presiding Officer Lindsay, Chairman Mystal and distinguished members of the Health and Human Services Committee, good afternoon. My name is Dr. Humayun J. Chaudhry and I am pleased to come before you on this Ides of March as the County Executive's nominee for the position of Commissioner of Health Services for Suffolk County.

I would like to begin by summarizing who I am and then reviewing my approach to the oversight and management of this very important department, a department entrusted with the health care needs of a million and a half residents. First and foremost, I am a physician; I am Board Certified in the medical speciality of Internal Medicine and I possess a Master's Degree in Health Care Management from the Harvard School of Public Health.

In addition to taking care of countless adult patients at the bedside, something I have been doing continuously since my graduation from medical school in 1991, I have served as a hospital administrator and currently serve as a department chair of one of the largest medical schools in the

country, the New York College of Osteopathic Medicine of New York Institute of Technology which is located in Old Westbury in Nassau County.

I am an educator and an author, having written a textbook on the fundamentals of clinical medicine and have just completed eight very proud years of service as a Flight Surgeon and Active Reservist with the United States Air Force. Forty-five years ago, President John F. Kennedy challenged Americans to enter into public service, a challenge rooted in the ideals of commitment and sacrifice. As a child of the 60's myself, I bring these same ideals to this position today. Any physician would welcome the opportunity, as do I, to make an impact on the public health needs of hundreds of thousands of people. As an educator with experience in organizational behavior and operations management, I bring to this task a passion for hard work, a commitment to help promotion and disease prevention and a sincere desire to do everything that I can to promote transparency and improve communications in the operations of the Department of Health Services.

My personal vision for the department is a straightforward one, to be the best County Department of Health in the United States. We are already the ninth largest County Department of Health in the nation by size and by budget, there is absolutely no reason why we cannot also be the best in the delivery of quality health care in our preparedness for any public health threat and in our commitment, collectively as well as individually, to compassion and to humanism.

In the last couple of weeks, since being nominated by County Executive Steve Levy, I've had the opportunity to visit some of our department's health care delivery sites in Wyandanch, in Amityville, in Hauppauge, and to meet with some of our clinic managers, nurses, physicians, technicians, division heads, secretaries and patients. I have been struck in nearly every instance by the dedication and commitment of all of these individuals to their job, to the department and to Suffolk County. This is a trust and faith in the system and our citizens that should be valued, that should be appreciated and should be promoted.

As I continue to look at the department's operations and learn about some of the strengths, weaknesses, opportunities and threats that we face, I will be looking to work with the County Executive's Office and with the members of this committee, as well as the entire Suffolk County Legislature, to fully achieve the vision that I've just articulated. I've met with several of you already to hear your concerns and benefit from your years of experience on this body and in public service and I would like to meet with each and every one of you in due time.

Yes, I am aware of some of the staffing concerns in various divisions. I will support and promote aggressive recruiting to fill those vacancies without compromising on the credentials that we seek as quickly as possible so that we can move forward with our overall efforts. And I'm aware of the need for greater managerial oversight. The department has had some of its more senior positions either vacant or filled with temporary workers, but this is changing and I'm a part of that as well.

Just as County Executive Steve Levy seeks smart government for the County, I seek a smart Department of Health Services, one that is efficient, one that is robust, proactive whenever possible, farsighted and anticipatory. I am excited and eager to jump right in to this position, as I've done with every professional task that I've ever been involved with. I will tell you up front that I intend to be a hands on Commissioner, one who is out in the trenches, meeting with the rank and file as well as our middle managers as often as I can to learn first-hand the strengths and challenges we face and to get ideas to better achieve our vision and our mission.

I thank you for the expressions of support I've already received from many of you and I genuinely look forward to working with each and every one of you. I'd be happy to take any questions that you may have and I thank you for the opportunity to appear before you.

**P.O. LINDSAY:**

Very good.

## *Applause*

**CHAIRMAN MYSTAL:**

Thank you very much, Dr. Chaudhry.

**DR. CHAUDHRY:**

Thank you, Mr. Chairman.

**CHAIRMAN MYSTAL:**

Legislator Nowick.

**LEG. NOWICK:**

It's nice to see you again, I know we met yesterday and we had a nice talk. I just wanted to reconfirm what we had spoken about, and I'm glad that you mentioned it. I am happy that you realize that the staffing, of course, is one of the most important problems and you feel as though any time there are vacancies, you said what to me?

**DR. CHAUDHRY:**

They need to be filled as quickly as possible, whenever possible.

**LEG. NOWICK:**

Right, and we also spoke about waste water management and making sure that that was moving along in a very expeditious manner, so to speak, because we talked about the problems there. And thank you for mentioning the fact that you are going to be proactive and the Doctor mentioned that he's going to be going in and out of the ranks and files and I appreciate that.

My question for you, I have a piece of legislation on today that's going to be tabled for a public hearing, but I just wanted you to state for the record how you felt about the legislation I have that would prohibit the sale of Dextromethorphan, which is found in cough suppressants, to minors.

**DR. CHAUDHRY:**

Thank you, Legislator Nowick. I'd be happy to speak to that, as I did to you, with you the other day. Dextromethorphan is an over-the-counter ingredient in cough medications and as a physician, physicians out there know that it is of concern. When used appropriately by adults it is a fantastic medication as a cough suppressant, however it is also one of those ingredients out there in the wrong hands, particularly in minors, can be abused and when it is abused can be lethal in some circumstances. So I appreciate you raising the awareness of this issue, an issue that in the medical community this is fairly well-known but perhaps not so well-known outside of that community.

The tricky part is going to be how do you implement this, how do you enforce some over site over the way in which this over-the-counter ingredient and medication is given to minors? And I'd be happy to work with your office and this committee to try to seek ways in which we can do that. But certainly as a physician, I sport your seeking a way to solve this issue. Thank you.

**LEG. NOWICK:**

Thank you.

**CHAIRMAN MYSTAL:**

I think you're going to do well around here. Anybody else?  
Legislator Stern.

**LEG. STERN:**

Yes, thank you, Mr. Chairman, for the opportunity. Although I don't serve on this committee, it's certainly of great interest to me. And Doctor, it's good to see you, and most impressive.

First of all, I'm glad this is all happening today. You had an opportunity to see a little bit of what we

were doing outside in announcing legislation that would create Countywide Autism Awareness Month here in Suffolk County. I'm glad that so many wonderful families and advocates had the opportunity -- I told them who you were and that you were here and I'm sure you'll be hearing from them and from all of us on this very critical issue that affects so many families here throughout Suffolk County.

Just one question. And your resume is most impressive and, of course, I applaud your service. I guess my question is, is there any likelihood that you might be called to duty as a flight surgeon in the future?

**DR. CHAUDHRY:**

Thank you, Legislator Stern. I appreciate you also raising the awareness of autism. It's an important condition that unfortunately too many of us either have someone in our families who has autism or knows someone who has autism, and I appreciate you raising the awareness of that.

As to your specific question about my military service, when one joins as a physician, as a Reservist, as I have, there's technically an eight year commitment on paper. And so my nomination to this position happens to be coincidental with completion of that eight year commitment; in fact, officially it was the 6th of March of this year. Theoretically, anybody who has served as a Reservist or even as an active duty individual can theoretically be called up if there is -- in times of emergencies. But when one completes their 8 years of service and resigns their commission, as I have now formerly, one is less likely to be called up. But certainly I retain the skill set, if you will, in the field, but it is not highly likely.

**LEG. STERN:**

Thank you. Thank you for being here and I wish you every success.

**CHAIRMAN MYSTAL:**

Presiding Officer?

**P.O. LINDSAY:**

Does the Chair have a motion to take 1255 out of order?

**CHAIRMAN MYSTAL:**

Yes, I have.

**P.O. LINDSAY:**

You do, you have a motion?

*(\*Legislator Vilorja-Fisher entered the meeting at 2:24 AM\*)*

**CHAIRMAN MYSTAL:**

After I finish with him, I'm going to make the motion.

**P.O. LINDSAY:**

Okay, wonderful.

**CHAIRMAN MYSTAL:**

Anybody else? Thank you very much, Dr. Chaudhry. Sit right there for a moment. I'll make a motion to take 1255 out of order.

**LEG. NOWICK:**

Second.

**CHAIRMAN MYSTAL:**

Seconded by Legislator Nowick. All in favor? Opposed? Abstentions?

The resolution is in front of us now.

**1255-07 - Confirming the appointment of Commissioner of Health Services (Humayun J. Chaudhry, DO, MS, SM, FACP, FACOI)(County Executive).**

I'll make a motion to approve the resolution.

**LEG. EDDINGTON:**

Second.

**LEG. NOWICK:**

Second.

**CHAIRMAN MYSTAL:**

Second by Legislator Nowick. All in favor? Opposed? Abstentions? Welcome aboard. **Approved (VOTE: 4-0-0-2 Not Present: Legislators Horsley & Kennedy).**

**DR. CHAUDHRY:**

Thank you very much, Mr. Chairman. I look forward to working with each and every one of you. Thank you.

**CHAIRMAN MYSTAL:**

I don't know if you can make it on Tuesday for the General Meeting; I don't know if it's necessary for him to show up, but I think it might be a good idea for you, if you can. We are meeting at night on Tuesday in Riverhead, at four -- well, it's a night meeting at four o'clock, a night meeting.

**P.O. LINDSAY:**

Mr. Chair?

**CHAIRMAN MYSTAL:**

Yes, sir.

**P.O. LINDSAY:**

We'll try and extend the same courtesy, you should come early.

**CHAIRMAN MYSTAL:**

We'll take you out of order.

**P.O. LINDSAY:**

We'll take you out of order in case any of the other Legislators that are not on the Health Committee would have an opportunity to ask a question or whatever before they officially vote.

**DR. CHAUDHRY:**

Thank you, Presiding Officer Lindsay, I would really appreciate that. Thank you, Mr. Chairman.

**P.O. LINDSAY:**

You're welcome.

**CHAIRMAN MYSTAL:**

Thank you. We are going to proceed with the agenda.

**P.O. LINDSAY:**

Mr. Chairman, if I might?

**CHAIRMAN MYSTAL:**

You're the boss.

**P.O. LINDSAY:**

And I've been interrupting you all day today, I apologize for that. I have a meeting in my district office at three o'clock, so I can't stay for the entire Health Committee meeting and I know you have a hefty agenda and whatever. There is a group of my constituents here that have been here before, from Bishop Lane, and I know they're probably going to speak under the public portion, but while I'm here, I don't see Mr. Minei; is he in the audience?

**CHAIRMAN MYSTAL:**

I was just about to call him.

**P.O. LINDSAY:**

Is he in the audience? Is there anybody from Waste Water Management in the audience?

**MR. DAWYDIAK:**

I'm from the Health Department, Environmental Quality.

**P.O. LINDSAY:**

You might as well come up.

**MR. DAWYDIAK:**

I'd be happy to take questions back for Vito.

**P.O. LINDSAY:**

Okay.

**MR. DAWYDIAK:**

Walter Dawydiak, Chief Engineer for Environmental Quality.

**P.O. LINDSAY:**

A very simple question, Walter. We have been promising these folks on Bishop Lane for the results of the samples that we took from their homes for about two months now and they still haven't gotten them and it's really unconscionable. We took samples of the water in their basement and, you know, we have some confirmation that there was nitrates and other stuff in the water that confirmed that it was part of a leaching pool that was actually in the ground water, but they have more specific questions as far as the air quality and the dangers in their homes and they have a right to that information. And I do not understand. I mean, we met in my office two weeks ago and it was promised that the report would be imminent, that they're going through the final draft; these folks want that report, they have a right to that report. And I'm sorry that you have to be the one up at the mike today because I know that you haven't been directly involved in this problem, but we need that report; I can't emphasize that enough.

**MR. DAWYDIAK:**

It was my understanding that the data results were sent to the residents in terms of sampling; it's your understanding that they have not been sent?

**P.O. LINDSAY:**

From my understanding at that meeting, there was supposed to be -- the final draft was approved on the whole report and that it would be coming out very shortly and we still haven't gotten it.

**MR. DAWYDIAK:**

Right, there's report and there's individual data results.

**P.O. LINDSAY:**

There was individual data that was given to the residents some time back, but the report is what

was promised and still hasn't been delivered.

**DEPUTY COMMISSIONER MINER:**

Matthew Miner, Deputy Commissioner. I just spoke to Environmental Quality, I was unable to get Vito, but the report is going to actually be issued tomorrow; Dr. Graham has signed a cover letter and it's going out in the mail tomorrow. Everything is done, the report has been finalized and everyone should have a copy, including yourself, in a day or so.

**P.O. LINDSAY:**

Okay. You know, we -- I have some people on my staff, if it's available tomorrow, I'll send somebody to pick it up.

**DEPUTY COMMISSIONER MINER:**

That's fine.

**P.O. LINDSAY:**

Okay, thank you. Thank you for your indulgence, Mr. Chairman.

**CHAIRMAN MYSTAL:**

You're welcome, sir. Walter, sit but you'll be back, don't go away because Vector Control will come later on.

And now for the presence -- I thought I saw Commissioner DeMarzo. Commissioner DeMarzo? Welcome back, Janet. We missed you.

**COMMISSIONER DEMARZO:**

Thank you. I'm sorry that I wasn't at the last meeting. I come today to give you updates on some of the issues discussed at the last meeting, and both Chief Deputy Blass and myself will spend some time on the Family & Children Services Unit.

I just wanted to lead off with an issue that we said we would report regularly to you on and that's the issue of the payment timeframe in the Department of Social Services. We are happy to report that we have the two clericals on board, that our timeframe is at 49 days, we have our hiring plan for March 19th. We met this week with Budget Review, the Budget Office, Audit & Control, myself and members of the finance staff to start a process review of the payment procedures on how we process vouchers to see if there's any efficiencies or time-saving procedures we could implement and we expect that we -- it's our goal to try to do that before the next Legislative meeting, if we can get everybody's schedule together.

And the other issue that we -- and I would entertain any questions on that, I know that it's still similar to what was, all I could report is that we're moving forward with our plan and that our goal is to report at the next meeting to be below the current 49 days that we are at with the new staff on board March 19th, and your next -- so it would be April that we'd speak again.

The other issue that we had been asked to speak to was the issue of Family & Children Services Administration Programs. There was a lot of discussion about CPS and Family & Children generally. I just wanted to do a lead-off, and since Greg has come on board, he has spent most of his time in the Family & Children Services Bureau, and he brings with him that unique background of being on the other side of our Family and Children process by sitting on the Family Court Bench, and we've talked about not losing that perspective too quickly because it could help us really look at our operations with a distant look that we sometimes -- you know, we all fall victims of not being able to see the forest from the tree sometimes because we're so close.

So what we looked at -- you know, what I wanted to say generally was that the Family & Children Services administration is comprised of three bureaus. There's the Investigative Unit which does all

the CPS investigations, reports to the Child Abuse Registry. There's another unit that is called the Services Unit, they're the unit that provides services, either mandated by courts or they're voluntary, that people present to us that they're having issues and they're fearful of not being able to keep their children, there's eminent danger of foster care, that's the second bureau. And the third bureau is our Placement Bureau, that is for children that are in our care in custody, either placed by the court as neglect or abuse, removal from the families, children that have had their termination of parental rights and also all the individuals that are PINS or JD that are placed in our custody by the Family Court Judges to receive services in residential or therapeutic settings.

We thought today, since it is such a large division and there are a variety of services, that we would spend today speaking about the Investigative Unit. And often times people just think of Family & Children Services and when they say CPS, they really think of only the In-Take Unit which is the investigative part. But we really see it as a continuum of services, that being one of the -- often the front door to how people approach our services, although there are people that enter other ways through our system.

So I was going to say very little and just introduce the subject because Greg has spent so much time really developing expertise in what we do and what efficiencies we are looking at.

**CHIEF DEPUTY COMMISSIONER BLASS:**

Thank you, Commissioner. Mr. Chairman, Members of the committee, I'm going to just let you use the handout of the written statement with data as a backup, as a guideline. I'm going to summarize parts of it, I won't go into every word of it now to save time for questions, but I'll talk about the investigative process in CPS, namely what does a caseworker do. I'm also going to give you a glimpse of how CPS is organized.

I'd like to talk, of course, about a major concern involving caseloads that caseworkers have. I'll then deal with some of the issues we have such as training and staff retention, the timeliness of the assessments they make, how Family Court issues interrelate with CPS functions. But the main thing I want to talk about today, and involves caseloads, is that we don't really see the caseload issue only as a quantitative problem, it's really a qualitative problem much more. And what I mean when I say that is that we have about ten initiatives I'll go into here and these initiatives are non-personnel intense, non-personnel oriented, yet they are issues that will help personnel with their caseloads. So if I leave you with anything, it's to tell you that there are non-personnel intense ways of dealing with caseload issues that are the subject of initiatives that the department has undertaken and is undertaking, and I think that you'll find them to have measurable results as the presentation goes on.

First with CPS, I want to tell you that as the Commissioner said, and I don't know if it's wise to quote {Julius Cesar} on the Ides of March, but all CPS is divided into three parts and the investigative teams are the part that I'm going to talk about today. When a CPS worker gets a report or a referral from the so-called CPS hotline, they have to do an assessment within 24-hours -- this is just a brief summary of how they work -- they then have to come up, within seven days, an assessment of what type of services are needed. And what the caseworker will do is conduct interviews with many persons, primarily they'll contact the person who issued the report that went to the hotline; they'll also deal with the many persons in the family, the caregivers and above all the children. They also have a second function and that is to obtain criminal and domestic violence background checks, and they also have to obtain records from everything from the schools to the treatment and caregivers, also they have to obtain mental health and any other type of records, medical records that may be involved.

In terms of organization, the CPS Investigations Bureau is presently comprised of 14 investigative teams; they cover specific geographic areas. There are also two abuse teams that cover just the issue of child abuse reports. One of the first measures or reforms that we have accomplished in the department occurred in the Spring of 2006, where a new CPS investigative team was created and staffed by drawing casework -- caseworkers from staff and existing teams to create new teams done

with additional clerical support and casework supervisors, three senior caseworkers, all as a result of funding, extra funding that was provided by the State.

I'm only going to get into numbers in this portion of my presentation because I think that might also lend itself better to questions. The number of reports that we've received from investigations dropped by 9.4%; at the end of 2006 they were 1,875, and as of February 28th of this year, there were 1,699 CPS reports open for investigation. The number of overdue CPS reports, meaning reports that were not accomplished and filed within a 60 day timeframe -- it used to be 90 days, it's now 60 days -- that has also decreased, it dropped from 26% dropped from 486 to 358, and that's in chart one of the backup if you want to look at that. Despite an 11% increase in the number of new hotline reports, these decreases were achieved when compared to the monthly average of 2006 which is in charts two and three.

I also would like to point out that in January of 2007, 25% of the staff in the investigative teams were caseworker trainees. When you take into consideration the fact that trainees have limited caseloads, when you take into consideration the fact that we have people out on medical leave and on other leave, and this is all in chart four, only 68% of entire staff of caseworkers can carry a full caseload at any given time. So we are dealing with that issue of who can carry full caseloads, but I want to talk a little bit more about trainees before I go on.

Trainees at one point were going out the door as fast as they were coming in, caseworker trainees. They must attend both local and State sponsored training courses, they have six weeks of core training in New York City and out here which disrupts their time in an investigative team where they're expected to complete most of their training. Trainees require extensive training and over site which limits the amount of time a supervisor has available to supervisor the remaining staff of a team. The quality and quantity of training varied when you have maybe one or two trainees on each investigative team and they can be quickly overwhelmed and frustrated when they have themselves seeking training and handling casework. So the second major initiative that the department has taken that I would invite to your attention is that we've created separate training teams where trainees are now only in one team of trainees, of contemporaries like themselves, with one supervisor who is a mentor devoted entirely to training.

We think that the training team concept deserves time to show its value and we're convinced that it already is. A third and most important initiative was actually adopted by this Legislature in August of 2006 when the Executive and the Legislature together agreed -- and it was an important initiative by the Legislature, by the Executive too -- to fill all vacancies as soon as they occur in CPS titles. We are very happy that that's worked as well as it has, and it means an awful lot not only to staff efficiency and morale but also to reaching the cases of the children when they're presented.

When I talk about caseworker jobs, I've got talk to you about the computer system that caseworkers have to use. It's called the Connection System and it is where the child safety must be documented by the caseworker, reviewed and approved by the supervisor and placed in this computer system within seven days of the receipt of a CPS report. I asked our IT Director, "If you had one word to describe this computer system what would it be," and the best one she could come up with is clunky. She said that the Connections Computer System that the State runs is a very difficult system, constantly changing, constantly requiring backup training for the caseworkers to use. And we are trying to find ways, that I'll get into in a moment before I finish, of how to make this Connection System more a workable part of the caseworker's function.

A third issue that I think deserves the designation of a reform that we're very proud of is that we are working on the creation of response teams. Response teams are experienced and capable caseworkers who can handle the initial and critical response, do the 24-hour assessment and do the seven day follow-up assessment. The response team will consist of those experienced caseworkers to designate what kind of case this really is, who should be handling it, how it should be addressed and it will save an awful lot of the initial downtime and difficult time that the caseworkers have when they first have contact with a report.

I would point out to you that we also have done something else to make the caseworker's job a little easier and that is the new shift in the time that the caseworkers perform their duties. One day per pay period, and soon two, caseworkers can start their day at twelve o'clock till 8 PM so that they can reach people who are in school, so that they can reach people who are at work; this, again, reduces the time that the caseworkers spend getting their reporting, their mandated reporting done.

As of March 12th, 2007, we have initiated another important reform and that is training is now done for all three of the CPS bureaus by one experienced division Assistant Director who is in charge of training. Up till now, training was a more divided and a more scattered function, it's now done in a more organized fashion, this will do much to assist the training that I referred to before.

We also have an initiative on the administrative side that will provide backup from administration for case management, where after a case is closed it will still have administrative review to determine whether the right things were done, to determine whether the right services were offered, to determine whether the case should have been closed at the time it was closed, to determine whether it should be open again. This is the kind of backup from the supervisors and management that the caseworkers had indicated they would really appreciate and that they have asked for.

And then I'll get to -- and finally close with what's happening in Family Court. When I was on the bench for those ten years, my heart went out, and I know that my colleagues on the bench felt the same way, to how CPS workers would be struggling to manage time while waiting for time for the judge to call them to the bench to either testify, to be cross-examined or whatever. And very often the court would hold them off because a prisoner case had to be dealt with and the Sheriffs who were with the prisoner had to escort them back to the correctional facility, or we had an emergency application for an order of protection, or whatever, delaying the caseworkers from really having a chance to do their work in court and get back into the field. We had caseworkers involved in serving process on non-responding as well as responding parties; again, causing the caseworker -- you'd wonder as a Judge, how do they handle what the issues are for children when they're involved in process serving? They were involved in filing documents in court, back and forth to the Central Islip and Riverhead Family Court Houses.

So the reforms that come down to -- the eight, ninth and tenth ones I wanted to mention to you to are as follows. First, before I even get to those, we've undertaken a study to document the number of hours a caseworker spends downtime in court. Second, we have -- first, again, number eight, we've relieved caseworkers of the job of serving process because we have a contract agency that handles servers of process, now they are handling the servers of process that caseworkers used to have to handle. We have documents that are no longer filed manually in person by traveling to the two courthouses, many of the court documents are now e-filed, electronically filed. And the court-ordered investigations that the judges issue to CPS workers, they are sky-rocketing in the number of incidents of court-ordered investigations, we call them 1034 investigations. We have now developed, right up to today, the head of the Law Department of Family Court and the Supervising Judge have approved a streamlined form of court-ordered investigations that will be used, clearly identifying what issues the court wants the CPS to follow-up with and clearly explaining the issues that need to be resolved. This wasn't happening before, a lot of the court-ordered investigations left too many questions, caused too many delays, added too much time to the caseworker's work.

So with that, I can tell you that there are some measurable results already. The State report that has been cited where they're recommending a certain lower number of caseloads per caseworker I will only comment on this way; we are striving for that, we would like to see the State provide some funding for it. It certainly issued this with no fanfare, it was more like a guideline. We believe that many of the qualitative issues that we're addressing will help with -- will assist with the caseload problem, caseworkers will be less distracted. Even that connections issue that I mentioned, the computer system, we expect -- now, in striving as a department to make sure that the caseworkers can have access to the Connections Computer System from the field and possibly from the

courthouse as well as when they're doing their office work. They spend about three days a week in the field, two days in the office; thanks to Connections, it's making that figure reserve, we're hoping to make the Connections Computer System a tool that the State is supposedly giving us rather than a burden.

And with that, I appreciate your attention, I know it was a little bit involved. I'll be happy to join with the Commissioner in taking any questions.

**CHAIRMAN MYSTAL:**

Presiding Officer?

**P.O. LINDSAY:**

I thank you, Mr. Chairman, for allowing me to go first, I'm still trying to get out of here but this is a very important subject to me.

By way of a story I'm going to ask a question. My daughter is an Assistant Principal of a grammar school in Suffolk County and she told me a story that was very, very disturbing to me, that one of the fifth grade teachers came to her and said that, "We have a boy in class that has black and blue marks around his neck," and they questioned the boy, "Has somebody assaulted you? No, no, no, I fell off my bike," you know, and he would not talk to them. The boy has a younger sister that was in kindergarten so they talked to her and she said, "Yeah, my Mommy was choking my brother this morning." And, you know, she reported it to you guys; I never heard anything back. Is there some kind of regulation that you can't keep the school in the loop that they could check on periodically? Because the next time she talked to the little girl, the little girl said, "I can't talk to you anymore because I get in trouble." And if that's how we're closing cases, that's screwed up.

**CHIEF DEPUTY COMMISSIONER BLASS:**

If the hypotheses were correct, it would be a bad situation. I would point out several things based on the facts that you've described. A caseworker investigation has to be kept as confidential as possible until they file a petition with the court; I don't know whether one was ever filed in this case.

**P.O. LINDSAY:**

Don't know.

**CHIEF DEPUTY COMMISSIONER BLASS:**

But if there is no filing of a petition, that means the caseworkers are undertaking to try to keep the family together and address the issues with the parent or the caregiver; that's possibly what happened in this case, I don't know.

**P.O. LINDSAY:**

So it's not possible for the caseworker to go back to the school and say, "Have you seen any other signs of abuse?"

**CHIEF DEPUTY COMMISSIONER BLASS:**

They could, of course, but every investigation is different. I certainly would have a follow-up to this question when I have a chance to look into it more, but remember the -- even when they do file -- they can bring about an emergency removal of the child from the family without telling anybody anything, except the court which they have to within two days bring to the court by means of a 1022 petition it's called, under Article 1022 of the Family Court Act. But the point is that they may have been, without telling the children or the school, exploring and getting confidential communications with the family and the family consents to interference or intervention in the nature of treatment, domestic violence treatment, parental effectiveness treatment, they may go as far as getting a court-order of protection. It's very possible the school may not have heard of this but yet these things could have happened, because in the nature of the investigation, the referral party is questioned if they did file a report on the hotline, but after that initial questioning of the reporting party, their task is with the family. And I really can't define what happened in that case with the

family but the proper thing --

**P.O. LINDSAY:**

The only reason I ask that is -- you know, and I heard you when you said before about quantitative as well as qualitative; qualitative, certainly, we want to provide good services. Numbers are important, though. I mean, you know, you guys presented a chart to us as far as caseloads, of the caseworkers back a couple of months ago and the union that represents the people have totally different numbers; I think that was at the last meeting, wasn't it? And that's disturbing because if we're not dealing with the real numbers, what are we doing?

**COMMISSIONER DEMARZO:**

Well, on the numbers, there can be two ways of looking at similar sets of numbers. As Greg has explained, the State's Connections System is really the controlling system for determining that our cases are done in a certain time, who's in -- it is the official document per se that we have to use, so we use that. It has some issues that don't work well because a supervisor may come up as having a case when the casework -- because the caseworker has handed it off to the supervisor, and that's where the discrepancies come in. We use Connections because it is the State's official system for looking at us, judging us against other counties and it is mandated that we use it. So it was my understanding that the union took a separate set of numbers and looked at them and that's where the discrepancy came, but we use the official State system.

**P.O. LINDSAY:**

There's no doubt in my mind that our CPS workers have some of the most busiest and stressful jobs in Suffolk County. The one part about the school, I just thought that they could use every pair of eyes and ears they could out there to make sure that these little kids are protected. Just a thought that probably wouldn't be a bad idea to check back with the school once in a while to see if you see any other signs of abuse.

**CHIEF DEPUTY COMMISSIONER BLASS:**

Usually the caseworker has to get -- unless they file a petition in court, has to get the consent of the parent to get the child's records. If the consent of the parent is not forthcoming, then a judgment has to be made to file a petition anyway. And in your case, I don't know whether a petition --

**P.O. LINDSAY:**

I'm not saying that, I'm not saying about official records. You know, there's a case assigned to a caseworker, he or she has to do an investigation, part of the investigation is talking certainly to the children, to the parents, to the educators that see, that I would think that see the children every day.

**CHIEF DEPUTY COMMISSIONER BLASS:**

Right, they interview all of them.

**P.O. LINDSAY:**

So they can't talk to the school to see if they see any other signs of abuse without a court order?

**CHIEF DEPUTY COMMISSIONER BLASS:**

No, no, no, they can talk to the school, of course they can talk to the school.

**P.O. LINDSAY:**

That's what I'm saying, why don't they do that?

**COMMISSIONER DEMARZO:**

Legislator Lindsay, is -- you know, we handle a lot of cases, I would be very interested in being able to pull that record, so if there's any additional information, that would be helpful. But I'm confused, did we never as an agency touch base with the reporting officer? Did we never speak to the mandated reporter, is that what you're saying?

**P.O. LINDSAY:**

As far as I know.

**CHIEF DEPUTY COMMISSIONER BLASS:**

That would have been a flaw in the process, because they're required to talk to the referring party first before they speak to anybody else.

**P.O. LINDSAY:**

Well, yeah, about the initial complaint.

**COMMISSIONER DEMARZO:**

Right. We have --

**P.O. LINDSAY:**

I'm sure that was done because the school called with the initial complaint, as mandated by law; what is it, the school has to report any sign of abuse within 24-hours?

**COMMISSIONER DEMARZO:**

Right and, you know, one of the --

**P.O. LINDSAY:**

That was done, all I'm saying is last I heard there was no -- they have no idea what happened after that and there's concern, you know, there's concern, which there should be.

**COMMISSIONER DEMARZO:**

One of the things that I'm not confident of, but I was under the belief that once a case -- during the investigation there wasn't disclosure but upon -- we have a 60 day window to make a determination, at the end of the 60 days, if we determine that there was a problem of neglect or abuse or if we get to the point where we think there's a problem we offer services, that's the next piece of the puzzle. Because within those 60 days the goal is to make a determination, and then if we find there's a problem we offer services or we put a petition together to go to court to mandate it. But during the first 60 days, our goal is to make a determination about whether or not we're going to continue that ongoing provision of services where the consultation with the school and so forth may occur. But I do believe, and we can get back to the committee, that after the closing, after the determination within the 60 days, the mandated reporter is given the information about whether the case was closed, the outcome of the case.

**LEG. NOWICK:**

Can I interrupt?

**P.O. LINDSAY:**

I have to go anyway, pick it up. Excuse me, I have to go.

**LEG. NOWICK:**

Would you just suffer an interruption? I think what -- the Legislator was not asking that, I think what he was saying was it's reported, you're able staff looks into the circumstances. I think what he was trying to say was 30 days later, do they then come back to the teacher or whoever it is or to the school and say, "Thirty days have passed, have you noticed anything else?" That's what I think he was saying; am I mistaken?

**CHAIRMAN MYSTAL:**

Yes.

**LEG. NOWICK:**

I think it's like a follow-up; in other words, did the kid come in again with black and blue marks; "It's 30 days later now, what are you noticing?"

**COMMISSIONER DEMARZO:**

You know what I'd like to do? I'd like to -- because that's a level question and we do have the Bureau Director from Child Protective Services Investigation here who has -- while we have studied for this presentation, Mark Clavin, who is the Director of Child Protective Services Investigation, has been a caseworker in the unit and has really that level of detail that we can provide you and give you really case specific.

**MR. CLAVIN:**

Good afternoon. In answer to your question, yes, certainly we should have followed up with a call to find out about additional concerns. Without knowing the exact details of the case, which I would be as interested about reading as my Commissioner, it's hard to comment on not knowing all of the details. But yes, based on what was described by Presiding Officer Lindsay, we should not only have contacted the school as the initial reporting party, but then to follow-up midway through or certainly at the end to say now that we're in the process of bowing out, has there been an improvement, has there been a change, are there additional concerns. So yes, certainly in good practice that should happen.

**LEG. NOWICK:**

And that's what I think the Presiding Officer was trying to find out; 30 days later did you call up and say, "Hey, did you notice anything else?" Help us out, in other words. And I'm sorry that I interrupted, but I think that it was not --

**COMMISSIONER DEMARZO:**

You made it clear for us. Thank you.

**LEG. NOWICK:**

Okay, thank you.

**CHAIRMAN MYSTAL:**

Legislator Eddington.

**LEG. EDDINGTON:**

Yeah, I just wanted to add that as a school social worker, I unfortunately had to deal with this a great deal and I was usually the mandated reporter. And when I called, the earlier the better, that very shortly someone would -- within an hour or two I would have a visit and then they would investigate. And I always took it upon myself to call, I would get the case number and call and try to follow-up, and obviously the people couldn't say too much but they could say that, "We are following up." I took it upon myself to check up to see what was happening, and then within 30 days or 60 days it would be -- I would get an official report because otherwise I wouldn't close, I wouldn't let it go, I would wait until I heard. And I will say that the CPS staff was very, very good and on top of the situation, and I always appreciated their help.

**CHAIRMAN MYSTAL:**

Okay. I have three questions which I'm going to ask all three of them and let you deal with them. Janet, don't worry about it. We had asked BRO to do a report for us in terms of level of staffing in the Department of Social Services. I have the report with me, I will share it with you later. Are you -- and I know it's a difficult question, Janet. Are you adequately staffed right now to conduct all the various duties of the Department of Social Services, not just in CPS, not just in payment, but overall; that's the number one question. I'm going to ask all three of them so you guys can mull them over.

Number two question that I have is a very much concern for your union about the privatization of CPS which the County Executive has proposed to farm out or outsource certain duties of your

department to private agencies, that's number two question.

Number three question, which is something nobody has talked in a long, long time but I've been dying to ask you, what is the status of the Tier II Shelter?

**COMMISSIONER DEMARZO:**

Well, I'd like to start with the last one; no.

**CHAIRMAN MYSTAL:**

Which ever one you want to take, Janet.

**COMMISSIONER DEMARZO:**

I have had the opportunity to look quickly at the report that BRO has done for you, it's a two page summary, and it's quite interesting to me the ups and downs of the department. It's interesting that basically over, I think it's 12 years, we're -- we're where we were. But the interesting part is what's happened in between, there's been significant drops and significant increases.

*(\*Legislator Kennedy entered the meeting at 3:04 PM\*)*

There are -- it's an ebb and flow of needs and filling of vacancies. Right now I have a significant problem, which I will be bringing to the Legislature in the next month or so, in the area of Medicaid. The State has indicated that our eligibility timeframes are a problem and indicated they would provide full funding for us to get the staff up to where we needed to, ensure more timely eligibility determinations and that without this they would be considering financial penalties for the County. So I have shared that recent letter with the Legislative Presiding Officer and plan to meet with members of Legislature. The County Executive has indicated his support in providing a resolution so that we can hire additional staff in the Medicaid unit, so that unit surely needs additional staff.

Child Protective Services. You as a Legislator -- we requested nine positions, you gave us nine positions, the automatic refill has been so significant. You know, we now know that if there's a vacancy it will be filled, we're seeing SCINS turned around for that area within two weeks. And it's almost like such continuous recruitment, the list doesn't really die, so the Civil Service process is much shorter.

On particular days, we -- and particular months there are shortages. We're always looking for efficiencies, we're looking at our processes; it is a quantitative/qualitative process that we go through. So over all, our staffing is at a significantly higher level than it had been, if you look at the trend it's gone up over the last couple of years, it's at one of its highest levels ever. So over all as a department, you know, we have received a lot of approvals for filling of positions.

**CHAIRMAN MYSTAL:**

Before you move on from staffing, and I'm looking at the chart, over a 12 year period --

**COMMISSIONER DEMARZO:**

Isn't it amazing?

**CHAIRMAN MYSTAL:**

-- from 1995 to January '07 which is a 12 year period, and if this chart is correct, given the peaks and valleys that we go through because of incentives for retirement and because of suspension of {auto fuel} and the redeployment of {auto fail}, we are essentially about ten workers higher than we were in January, 1995. Given and allowing for efficiency and allowing for streamlining of the process and given the fact that we have acquired the expertise of former Judge Blass, if you take all that into account and we were to -- as the statistician that I am, if we were to prorate it with the level of work and level of client contact and level of people demanding the services of Social Services, I'm looking at, you know, just ten more employees in 12 years and I know we've grown in

terms of the demand on the department a lot more. Has efficiencies and streamlining and better management enabled us to maintain that level of staffing and still render the kind of -- the service level that we have been able to?

**COMMISSIONER DEMARZO:**

Not always and not in all areas, but yes, on an overall basis we are maintaining quality services. I mean, one of the things I thought was interesting in the presentation Greg put together was really over the last seven years you haven't seen the CPS numbers skyrocket; some of the earlier years were higher than the previous 2004 and 2005.

A secondary issue is that in 1990 -- I think in 1993 we had 19,000 individuals in receipt of welfare in Suffolk County. While the number has gone down to 6,000 on our active caseload for welfare specific services, you're right, a lot of them come and require more ongoing assistance, but it's clearly one-third of the people that we were seeing in the early -- in the mid 90's.

The other advancement, although we don't always like the State systems, we have seen local computer systems and State systems which sometimes cause work loads in the start-up process, but a lot of them have provided efficiencies in how we handle data and how to target our efforts. You know, it's kind of -- it's kind of a difficult question. Is it enough? What's ever enough? Is it working? Are we generally meeting our mandates? You know, the level of CPS workers has been generally consistent, the reports have gone up last year but the two years before that they were lower than the two years, you know, prior the that.

Generally, if you look at our department, our ebbs and flows, how low we've been, how high we are now, I'm generally happy. Would I like a little more in certain areas? Yes, we have some vacancies. I've recently sat with the County Executive's Budget Office about some of the priorities in the centers and I told you we have their support and I'm hoping for your support on the Medicaid positions. So all of those issues taken together lead me to say that the staffing is, you know, manageable.

**CHAIRMAN MYSTAL:**

Privatization.

**COMMISSIONER DEMARZO:**

Privatization. You know, the concept of privatization, I don't exactly see it like that. I see it that we really do need certain services, expansion in the area of Family & Children Services. Last year when we -- you know, we've been doing a lot of work with the Alternative For Youth, we've been diverting from the PINS program and one of the things we noticed is that diversion and preventive and being aggressive up front is important. We noticed that with our staff focusing on their investigatory and their mandated court workload, if we could get an outside agency, and sometimes the outside agencies are considered -- I think there's a more professional phrase than warm and fuzzy, but that their community involvement gives them an opportunity to provide more supportive services in this preventive model.

And, you know, it is -- it is a model that we looked at. We talk about efficiencies and we talk about delivery of services in a cost effective way and the maximization of the benefit for our residents. Nassau County and New York City have this model, prior to going this way we looked at it and we felt that it would ensure the greatest level of services to our clients and we followed the protocols of, you know, the -- it's my understanding that the union contract anticipates an expansion of service and allows for the process to proceed and that we followed those protocols and made a determination that this outside service would allow us to supplement the caseworker's mission and meet our taxpayers and our residents needs in the most cost effective way. Do you want to add anything, Greg?

**CHAIRMAN MYSTAL:**

Commissioner, I listened to you very carefully and I'm disturbed a little bit in terms of privatization, especially when we are looking at New York City for the -- with the infamous Nixmary Brown case.

**COMMISSIONER DEMARZO:**

That was for investigations.

**CHAIRMAN MYSTAL:**

You knew we were going to run into a little bit of a problem with that, but that's something to be dealt with later on.

The last question I want to ask you was about I had some calls from shelter providers and we've been talking about a Tier II Shelter for 40 families that we want to build somewhere; where, you know, we don't know because I'm pretty sure we'll run into a lot of NIMBYism, nobody wants it, you know, around them, and a 40 family Tier II Shelter would be like a dormitory. But the second part of it was that the providers have been coming to me and saying that if the County opens this Tier II Shelter, they would essentially be out of business and that they're going to come and make a presentation at the next meeting which I will allow them to do and I'm giving you -- I'll always give you a head's up so you know what I'm planning ahead. What is the status of the Tier II Shelter, if any?

**COMMISSIONER DEMARZO:**

The Tier II Shelter is a Capital Project, I think it's 6011, and several years ago the Legislature appropriated the site selection and planning money, I think that was \$1.7 million; two years ago they appropriated the land acquisition funding, the State has indicated that they would give us \$1.5 million for site preparation or land acquisition, it's in this year's Capital Budget for 17 and a half million dollars for the construction. We have been working on a site selection. Our homeless numbers are down.

I understand what the providers are telling you. You know, I talked in my previous answer about cost efficiencies, this always balances. You know, and I know that you as elected officials that have to make policy, you balance what's most cost effective sometimes and decide that the cost effectiveness doesn't really meet the overall policy objective. There are some people that feel -- because the shelter is really supposed to be 99 families that's proposed in the Capital Budget, not 40, I don't know where the 40 number came from, but I had heard that the providers were using that. It is the most -- and we have done an analysis which I can share, we feel it is the most cost effective model for providing services to homeless families. We have a Tier II in Suffolk County, it's actually a beautiful facility, I would highly recommend those that haven't seen the Bellport Health Facility, it's like a garden apartment look, it provides each family with basically a small kitchen, a sitting area, their own bathroom and a bedroom and they can configure so that two bedrooms could be connected so you have a two bedroom unit so they get to have a garden-like apartment situation, with green areas to play on, with child care, with a nurse on staff there, two shifts, with transportation. So it really is -- it's a difference in models.

The other providers are talking to you about shelters that are really multiple families with shared kitchen arrangements, families often three or four individuals I mean, they're very nice facilities. Please be assured, I support the shelter providers and the services they provide us are excellent, we work very closely with them. That's the other model, and that's the decision you make, what's cost effective, what's the nice -- you know, what's client friendly.

The problem is we are victims of our own success. Our families are down to about 275. When I first became Commissioner, one of the things that this committee constantly talked to me about were the families in motels and what were we doing to service the families in motels. The problem is we were up over 500 families at that point and when you look at the historical ups and downs of homelessness in Suffolk County, when you have that spike there's no safety valve. I would like to plan to have a safety value, but I don't know if it's possible because as I plan for this Tier II so I never have to put families in motels again, I have shelter providers concerned that they'll go out of business. So it's a major policy issue that this Legislature will need to consider as we go forward, what is the best model. I like the Tier II Shelter.

**CHAIRMAN MYSTAL:**

My question to you -- I like the Tier II, you know, I'm not questioning that. Mine is more of a question of where.

**COMMISSIONER DEMARZO:**

When I present to the Legislature, I believe -- you know, and this is -- I think that, Legislator Mystal, you asked me that question when we first appropriated the dollars and I said that before we could build it we'd have to tell you, so since the money is in this year's Capital Budget, I do believe that I will be discussing that as the Legislature contemplates the decision about whether to appropriate the monies and move forward.

**CHAIRMAN MYSTAL:**

Have they found a site?

**COMMISSIONER DEMARZO:**

We have identified potential sites, we are --

**CHAIRMAN MYSTAL:**

A potential site.

**COMMISSIONER DEMARZO:**

Yes. We --

**CHAIRMAN MYSTAL:**

In somebody's district.

**COMMISSIONER DEMARZO:**

Yes, it would --

**CHAIRMAN MYSTAL:**

For 99 families.

**COMMISSIONER DEMARZO:**

Well, you know, 99 families --

**CHAIRMAN MYSTAL:**

And you think you're going to build that?

**COMMISSIONER DEMARZO:**

-- is what the budget includes funding for, the Bellport facility is 76. There are certain efficiencies, 40 would not necessarily be the most efficient number.

**CHAIRMAN MYSTAL:**

Would you have to go to town zoning?

**COMMISSIONER DEMARZO:**

Well, there are -- there are legal opinions, I will leave that to Counsel. I know it has been looked at.

**CHAIRMAN MYSTAL:**

Janet, I'm going to stop. I'm going to stop because -- I'm going to stop right there.

**COMMISSIONER DEMARZO:**

I will have to come back to you, the Legislature.

**CHAIRMAN MYSTAL:**

Yeah, come back to me about that. That's the last question I had. Legislator Kennedy, I know you have a plethora of questions and it's going to be in brief.

**COMMISSIONER DEMARZO:**

Oh, good, then I'll let Mark answer it, he was the briefest; no.

**LEG. KENNEDY:**

Thank you, Mr. Chair. I apologize for being late, I had some personal matters I had to tend to. Hello, Madam Commissioner, it's nice to see you again.

**COMMISSIONER DEMARZO:**

It's nice to see you.

**CHAIRMAN MYSTAL:**

Watch out, he's being nice.

**LEG. KENNEDY:**

No, she knows me way too well. First of all, I want to thank Chief Deputy Blass for going ahead and sending me the correspondence about CPS. In particular, I am pleased to see that the one unit that had the inordinately high caseloads, I believe that was unit 76, your correspondence has indicated has been disbanded or it is reconfigured.

**CHIEF DEPUTY COMMISSIONER BLASS:**

Yes.

**LEG. KENNEDY:**

Can you give me a little bit more as to how, in fact, that unit came to have those two individual caseworkers who had caseloads in excess of 40 clients?

**CHIEF DEPUTY COMMISSIONER BLASS:**

We have studied that situation, they were located in Riverhead in the east end where the supervision was accepting more cases without really communicating that the load was getting as heavy as it was. That -- when we say disbanded, we mean that they were recalled to the west end, to Ronkonkoma. They're based there now and they have been placed in other teams, actually two of them were caseworkers that were the subject of further training and one is in -- possibly facing other proceedings because of some difficulties that I can't get into now. But the bottom line is that the team has been replaced and the efficiencies are working that I described earlier and working well.

So we will not see caseloads of that nature recur.

**LEG. KENNEDY:**

Which I think is probably the important thing to focus on here because we've talked in general terms about the total number of caseworkers in order to service your CPS caseload, but I guess I'm hoping to hear from you, and it sounds like you're saying that, that of the 15, 16 teams I guess that you have --

**CHIEF DEPUTY COMMISSIONER BLASS:**

Fourteen.

**LEG. KENNEDY:**

Fourteen teams, that you now have some kind of an oversight standard that allows you to focus on the caseload building with each one of these teams?

**CHIEF DEPUTY COMMISSIONER BLASS:**

Yes, I would refer you to -- the specific oversight features we have I would refer you to the handout that we gave today talking about how the management oversight works. And I can say, I think we can say as a department with reasonable confidence, that caseloads of that magnitude will not recur. I have the Bureau Chief of the Child Protective Services with me and I'll let him elaborate on that for you, if you don't mind.

**LEG. KENNEDY:**

Well, before we go to that, I want to stay on the management aspect just one last -- and then certainly I do want to hear from your Bureau Chief as well because I have some questions, and I don't know whether we can discuss it or not. I do wonder how we wound up with the situation that occurred, the sad situation with that family from Lindenhurst, but let me stay on this management piece once more. So then assuming that we now have -- and I don't know if you want to call it a cap or if you've got some administrative component that identifies a maximum number of clients that will be part of a particular team or a cluster, do you then have a trip? Will we expect, should you get an uptick, that we'll move to 15 teams; what's the threshold?

**COMMISSIONER DEMARZO:**

We're fully staffed.

**CHIEF DEPUTY COMMISSIONER BLASS:**

We have -- when we have vacancies we have them filled right away, you know that, you understand that feature of it.

**LEG. KENNEDY:**

Well, the Commissioner spoke about this automatic backfill, I would lie if I said that I understood it automatically, but I think that what that means is unlike what we hear from departments throughout county government, you do not wind up with the abyss from the 12th floor with SCIN form signing. Where you get a vacancy, that process, in essence, I don't want to say it's obviated but it happens automatically.

**CHIEF DEPUTY COMMISSIONER BLASS:**

Exactly. Very simply stated, when a vacancy occurs, within two weeks the accelerated process that the County Executive has allowed and provided for this means that within two weeks the vacancy is filled with a person.

**LEG. KENNEDY:**

But I speak of an assumption that all your teams maintain a full staffing.

**CHIEF DEPUTY COMMISSIONER BLASS:**

Right.

**LEG. KENNEDY:**

So I go then -- so we have that premise, that's a given and accepted. I go then to an uptick in clients where you exceed whatever your upper limit is for 14 teams, is there something that's a trip that compels you to form a 15th team if that's warranted?

**CHIEF DEPUTY COMMISSIONER BLASS:**

We believe that -- let me say there's another way of addressing that, that we are now under way with doing. We have taken trainees off the teams, we're taking them off the teams. Each team had two trainees, we are instead creating and have created two training teams, so that the supervisor and regular teams are no longer saddled with the obligation of also training. And the trainees have their own supervisor who is devoted entirely to training and mentoring them and the trainees work together as -- with their contemporaries and are not with working teams that don't necessarily prioritize training because of other obligations. So that's one aspect.

Another is that we are about to create a response team, very likely two of them, of experienced

caseworkers who will go about the task of handling the initial response, doing the 24-hour assessment, doing the seven day safety assessment and then deciding whether the investigative team should continue with this, whether it should go to one of the service teams or whether it should go to court; in other words, the experienced team called the response time will take this upfront.

These are, in a way, doing what you're talking about which means it will make the caseload numbers manageable and that there will be a qualitative rather than a quantitative way of addressing the issue of caseloads.

**LEG. KENNEDY:**

So it's an initial triage type of an effort, if you will.

**CHIEF DEPUTY COMMISSIONER BLASS:**

Good way of putting it. And if we allowed this process to unfold, many of these initiatives are new, we're convinced that the caseload issues will become far more manageable than they appear on paper.

**LEG. KENNEDY:**

Ultimately as long as, you know, we're able to go ahead and meet the needs of the clients, I guess that's what counts.

**CHIEF DEPUTY COMMISSIONER BLASS:**

That's the bottom line for us.

**LEG. KENNEDY:**

All right. I'd welcome some input from our Bureau Chief.

**MR. CLAVIN:**

I was going to say, just to add to that, we've also recently realigned all of our units geographic areas to make them more equitable. We do rely on statistics to try to have a fair, predictable number of cases or investigations that goes to each unit. It's not a science so when the numbers spike in certain units, we either have rolled areas to another unit that is being under utilized, so we would reassign a geographic area to offset the burden on the team that has too many reports and children to investigate. We will have workers from other bureaus who have been experienced in investigations come over for a part-time backfill or fill-in to assist their coworkers in handling the increasing numbers so, again, we won't see a repeat of what we saw in this team just months ago.

We do have the Response Unit that will handle the spill over, in a sense, from all of the units that have an unpredicted spike in intake as well. So we are actively monitoring that to come up with immediate solutions, within a day or two we could reassign staff temporarily, we could look at reassigning a geographic area as quickly as well. So we are doing our best to anticipate and to see that this does not become a problem again in the future.

**LEG. KENNEDY:**

Which I appreciate. As a matter of fact, I think that, you know, it sounds like the department's on the right track in trying to go ahead and, from an administrative perspective, revisit this, and particularly to put the triage aspect into effect.

It may be a loaded question but I'll throw it out there and I guess, you know, answer it if you choose or defer if you choose. Are you saying then, in essence, that you are trying to cap what a maximum caseload is for a worker at this point? A seasonal worker, not a trainee; I know the trainee, they're State-based.

**MR. CLAVIN:**

Yes, without assigning an arbitrary number, when we see that any individual worker struggling with their assigned workload, we are fast to assist them. We do have some more experienced, more efficient worker who are able to meet the demands of a higher number. There's somewhat of a spectrum of cases and there are some workers who cannot handle more than a certain number comfortably or competently, and then there are more experienced workers and, in fact, each one of our units has a senior caseworker who is more experienced, who's financially compensated for that experience by getting the more difficult cases or the expectation that they will do more quality work on their assigned cases. So we are looking at individual workers, we're addressing their need for training or retraining. But yes, we have capped the individual worker's workload, it does vary, though, depending upon the individual's ability at being able to manage that workload.

**LEG. KENNEDY:**

Let's shift for a second, then. It's a delicate area any time we talk about specifics, but I'll try to phrase the questions in general terms. This family from Lindenhurst, was this family known to the department?

**COMMISSIONER DEMARZO:**

You can't talk about cases. You can't talk about cases.

**LEG. KENNEDY:**

Not at all?

**CHIEF DEPUTY COMMISSIONER BLASS:**

Let me suggest, Legislator Kennedy, that prudence would dictate that public discussion of these kinds of cases might not be a good idea, at least at this stage.

**LEG. KENNEDY:**

Then let me editorialize, and I think -- I have no desire to know any of the specifics associated with it other than that hopefully our department did everything, I guess, that could be done within our side in order to try and avoid it, and it was just a very unfortunate set of circumstances. Let me shift off of CPS if I can, just for a moment and go back to you --

**CHAIRMAN MYSTAL:**

For a moment.

**LEG. KENNEDY:**

-- Madam Commissioner, to talk about something that's near and dear to my heart and that would be, I guess, the accounting unit.

**COMMISSIONER DEMARZO:**

I led with the report on that which I would love to share with you.

**LEG. KENNEDY:**

Well --

**COMMISSIONER DEMARZO:**

But if there are specific questions, I can just answer that.

**LEG. KENNEDY:**

Well, we had some dialogue about that in February, and shortly thereafter I certainly did get an education as far as the balance of process goes. And while I appreciate your response to me about a 50 day timeframe in a unit, boy did I find out that there's a whole lot of stuff that goes on before something gets to a unit. What I'd like to know now is how is that being improved to cut down the 120 to 150 day lag time?

**COMMISSIONER DEMARZO:**

There are two -- and I think in a prior meeting I had discussed the fact that there were -- there was a problem within the day-care unit for the Temporary Assistance clients. So there was a secondary -- I almost feel like it's a secondary problem area which was the services out of Family & Children. So the processing was 50 days for the individuals that had rosters that came through the system, but there were these two other units that were part of the process that weren't as automated. So we removed the day-care unit's responsibility for processing the Temporary Assistance and have moved them over to a roster system which they are now -- in January they received their roster for December, so the Temporary Assistance caseload was addressed in January. And it was my understanding that there is nothing in the Temporary -- in the Day-Care Unit for Temporary Assistance that is a backlogged voucher. So that problem is -- if it's not -- it is cured to the best of my knowledge; if it's not, I would love to hear from agencies about specific problems with the TA population because I believe the roster system is the solution that will take -- take us back to the 50 days instead of having the 120 because it was sitting in that unit.

The other problem area that we had that we found out, and it was through really, you know, looking at when somebody said I have a delayed payment, figuring out where it was. We did find in our services area, Family & Children Services, that there was verbal communication without subsequent input into the Connections System, and without that the cases were verbally authorized but they had no authorization for payment. And there were 140 children who's authorizations for services had not been entered into the system and that they could not bill the providers for those children.

All 140 cases were addressed by Family & Children over the last two to three weeks, they have all been moved into Day-Care Unit, by 3/23 the backlog for those 140 will be resolved. The process for moving forward to ensure that we don't have verbal authorization without written authorizations has been done by developing a shared Excel spreadsheet for all parties to see it. We've changed the process, we have management oversight to ensure that we can look at it on a weekly basis that the authorizations are put into the system. So yes indeed, in addition to the 50 days for the majority of the cases, the services individuals and the TA individuals had secondary problems which the providers pointing out to us individual cases helped us fix.

**LEG. KENNEDY:**

I want to say that I'm pleased that you've taken these steps and moved forward and in any large bureaucracy there are things that occur.

My comment to you will be, I guess, two-fold. One, I don't even want to know why it occurred, all I will say to you is the fact that it got to the boiling point and the fact that we in this committee heard the testimony that we heard at last session, and in one particular case, the circumstances associated with the provider for Rainbow Times and the incurrence of a tax lien, which Congressman Israel is still attempting to go ahead and get resolved, I personally find unconscionable.

I also believe that the experiences that the Tutor Time proprietors have had with fairly substantial open vouchers that age-out to 120 or 150 days is equally unacceptable and unconscionable. I hear what you're saying, that I think some of these particular items have been addressed, but then I'd ask you, have you engaged in a dialogue with these providers and are they saying to you these backlogs have been remedied or caught up?

**COMMISSIONER DEMARZO:**

Actually, there's been a variety of ways in which we communicate with the providers. I have been, as well as Deputy Commissioner Ed Hernandez, been in meetings that the County Executive has called to talk to providers to help identify the problems and to listen to their perspective and their problems. I have, you know -- my finance person, David Moore, on a regular basis works with the providers, we have, you know, a dialogue with them in a variety of ways. We have a lot of correspondence, the Commissioners Response Unit takes them. We try -- you know, we try to be available to discuss it. I mean, there's a number of avenues where we have heard --

**LEG. KENNEDY:**

I understand, Madam Commissioner. I understand that it's incumbent on the providers to communicate with you. But I think what I'm also suggesting to you in this set of circumstances, since it really has worked a hardship at least on some of the providers, I'm hoping that you or the department is equally being proactive to reach out to them to find out. Are the situations improving, are they getting better, are we collapsing or cutting down on some of those backlogs? I'll leave it to you to go ahead, I do not care to micromanage.

Although I will indulge myself in one area as far as a recommendation or a suggestion that I made last session regarding the hierarchy associated with the accounting unit. Having spent nine years in the Clerk's Office, having put many, many years into training of personnel, and you're cognizant of the body of knowledge that builds up for people in our accounting units, it's a very simple process to go from Account Clerk to Senior Account Clerk to Principal Account Clerk. Pat Clark indicated that there really was no hierarchy she was aware of in your accounting unit. Since these positions are, in essence, 80% offset, I'm going to ask you to please advocate for increasing those positions where you have personnel who have scored on an exam, would like to stay in the unit but have to go elsewhere to get their promotion.

**COMMISSIONER DEMARZO:**

We have recently created another Senior Account Clerk just for that reason, to keep some experience. So we agree, that to lose years -- you know, lose all that training is a problem. So we do have two Senior Account Clerks in the unit as well as an accountant that oversees it.

**LEG. KENNEDY:**

And you will continue to look at that same process should they come up on another list, Principal or what have you?

**COMMISSIONER DEMARZO:**

You know, there really is that Civil Service issue. We can look at it, but quite honestly, it's Civil Service that makes a ruling about whether a job is an Account Clerk or a Senior Account Clerk.

**LEG. KENNEDY:**

I'd be happy to have a conversation with Mr. Schneider, I have already. And as a matter of fact, he's cognizant, I guess, of those matters and I've dealt with him directly in doing similar types of work in the Clerk's Office, so I'm confident that they'll be receptive. I'm just going to go to Ms. Vizzini because I know that she's participated in some meetings.

**CHAIRMAN MYSTAL:**

Jack, you are running my meeting to the ground.

**LEG. KENNEDY:**

Well, Mr. Chair, I guess one last comment of BRO because they have been part of the focus on the Accounting Unit, through the chair.

**CHAIRMAN MYSTAL:**

No, go ahead. I'm not trying to stop you, I'm just trying to make -- you know, it's --

**LEG. KENNEDY:**

Okay, speed it up.

**CHAIRMAN MYSTAL:**

It's twenty minutes to four.

**LEG. KENNEDY:**

Okay.

**CHAIRMAN MYSTAL:**

Gail?

**MS. VIZZINI:**

Unless you have something specific, we are participating in this task force that the Commissioner has assembled and will be -- Diane is participating along with the Budget Office and --

**COMMISSIONER DEMARZO:**

Audit & Control.

**MS. VIZZINI:**

-- Audit & Control, so we're looking at the Accounting Division, hopefully they'll be able to see it with fresh eyes and see if there's any more enhancements or improvements that can be made.

**LEG. KENNEDY:**

Okay. Thank you, Mr. Chair, I appreciate it.

**CHAIRMAN MYSTAL:**

Thank you, Legislator Kennedy. Thank you very much, Commissioner.

**D.P.O. VILORIA-FISHER:**

Mr. Chair, very quickly? Very, very quick.

**CHAIRMAN MYSTAL:**

Uh-oh, I thought we were done.

**D.P.O. VILORIA-FISHER:**

Because it's two easy round numbers. One of the Tutor Time people happens to be my constituent and he has two numbers which are very similar, 300,000 and 300 days. How soon is he going to get a check?

**COMMISSIONER DEMARZO:**

It depends upon which unit it's in; if it's in --

**LEG. VILORIA-FISHER:**

He's got to get some money soon, it's horrible the position that he's been put in.

**COMMISSIONER DEMARZO:**

We have -- I think I know your agency, we have met with him, we have been looking at them, I can't give you an answer; I would be lying if I sat here and gave you an answer. But if you -- if I speak to your office and I get the name of the specific Tutor Time, I can give you an answer.

**LEG. VILORIA-FISHER:**

Okay, that's -- I've been on the phone with Steve Levy on it, I've been on the phone with your department, but we will call again.

**LEG. KENNEDY:**

Madam Chair, I'm just going to ask then that you extend that same initiative to the Tutor Time proprietor from my district which is the Tutor Time in Middle Island and Medford.

**COMMISSIONER DEMARZO:**

Please, you know, e-mail me the specific information; I do read my e-mails, I respond to them. So if you e-mail me or your staff e-mails me which vendor it is, I will get you an update on that information.

**LEG. KENNEDY:**

Well, we did forward correspondence and I'll make sure that it comes again.

**COMMISSIONER DEMARZO:**

Thank you.

**CHAIRMAN MYSTAL:**

I can really say they can go. Thank you very much, Commissioner. Thank you very much, Chief Deputy Commissioner. Thank you very much, Bureau Chief; you guys have been very pleasant.

Okay. I have two more presentations and I want to have -- put a caveat to those people who are going to come to speak. Do not believe that the time allotted for the Commissioner is also allotted to you, you have ten minutes each. Mr. Dick Koubek, my old friend; Welfare-to-Work Commission.

**MS. LIGOURI:**

And Kathy Ligouri, too.

**CHAIRMAN MYSTAL:**

Dick, if I can impose upon you. I have two people who have been here since forever and they want to have three minutes each, two minutes really, on autism; they have business in the city and they have to leave. If you could bear with me, I would like to call them right now. Mr. John Gilmore and Christine Heeren, quickly; I know you've got business in the city and I'm trying to get you out of here.

**MR. GILMORE:**

Thank you very much, Chairman, and thank you to the rest of the committee. First off, two comments I want to make very quickly. First, thank you for addressing the issue of Autism Awareness Month. As I'm sure you are aware, this is a disease of epidemic proportions that is really out of control.

As I'm sure you are aware, the CDC came out with the startling results, I think it made national headline, that now one out of 150 American children has some sort of Autistic Spectrum Disorder. That -- those numbers, though, however, are almost seven years old, and in Suffolk County the rate has gone up from about 50% per year since then. So I think you're going to see the numbers actually, the next are going to be substantially higher. We already know that in New Jersey, as of seven years ago the rate was one out of 94 children and that includes one out of less than 60 boys. So basically, we're engaged in a public health catastrophe here and more and more of your time and attention and money is going to be spent dealing with this.

There's a lot I could say, but one thing I think is crucially important right now is that we really do not have very good numbers in the State of New York. The only numbers we have come from the State Department of Education and this depends on the reporting of the school districts. And I think you might be interested to know that about 14 or 15 school districts in Suffolk County are reporting no cases of Autism, this includes the Wyandanch School District which has about twenty-five hundred students; apparently, according to the state, none of those kids have Autism. And from what I can tell, virtually every school district on the south fork is apparently Autism-free, so I think we really need to get some medical teams to those districts and figure out what's going on because something good is happening there, but I think more to the point is they're not being counted correctly.

So I know in Albany there is some discussion about the need for this, but anything you folks could do would also be greatly appreciated. Try and get a real serious count of the people who have Autism in the State, because without that there can be no rationale public policy and there could be no rationale allocation of resources, either for children, early intervention or adult services. That's the first thing I had to say. The second thing, very quickly, is that --

**CHAIRMAN MYSTAL:**

I thought that was one and two.

**MR. GILMORE:**

No, no. This is germane, actually, to a future action of the committee here.

I think the Department of Health has made a proposal, they need a substantially larger sum of money to comply with the Legislature's directive that they use only Mercury-free vaccines going forward, and I'm a little confused about how this works. In the report I saw from the Department of Health, they specified that they could no longer use {Pediatrix} which is a combined vaccine that contains vaccines -- excuse me, three different vaccines, it also contains Mercury. Instead, they would have to use the three separate vaccines, it would be Hepatitis B, Diphtheria Pertussis and Tetanus and Polio.

According to the Vaccines For Children website, the CDC Program that provides vaccines to public authorities, one dose of {Pediatrix} is \$43.75, okay; the three separate vaccines combined, though, are \$33.07, so I'm not quite sure why they needed the additional money.

There's also some mention that there may be additional visits necessary if you use the Mercury-free vaccines. I don't really understand that because the {Pediatrix} is intended for use at two, four and six months which is exactly the same schedule as was proposed in the separate vaccines. So I'm not a doctor, but I can sort of do the numbers and I just don't understand it. Thank you very much.

**CHAIRMAN MYSTAL:**

Thank you. Legislator -- no, no questions. Christine Heeren. I was going to call on you, Legislator Stern.

**MS. HEEREN:**

Really quick, I just wanted to say thank you to the County Legislature for proposing that Autism is -- I'm sorry, that April is Autism Awareness Month. Thank you. I don't want to take up any more of your time.

**CHAIRMAN MYSTAL:**

Thank you very much. Christine, I love you. Mr. Dick Koubek.

**MR. KOUBEK:**

Thank you, Mr. Chairman.

**CHAIRMAN MYSTAL:**

And the Welfare-to-Work Commission.

**MR. KOUBEK:**

Thank you. And we are here to give a ten minute report on the need for affordable housing in Suffolk County. I think the conversation you have just had about a Tier II Shelter was kind of an omen on this Ides of March; we wouldn't need a Tier II Shelter if we really got to the heart of the affordable housing crisis, so we'd like to talk to you about that.

This is our second report, we reported on February 27th to the Workforce Housing Commission, so we'd like to talk to this committee today specifically about the desperate needs of people who are earning 80% of the median, folks earning under \$71,000 a year. In particular, we want to call your attention to the 129,000 households in Suffolk earning under \$40,000 a year, and that's the figure that Adelphi University has said is the true poverty level for Long Island. And on top of that, there's another 50 -- or within that there are 54,000 households earning under \$20,000 a year. Where these people are living, how they are living is a desperate situation and they're the folks who are homeless and wind up in motels. We've now reduced the number of motel population, but if we don't solve the underlying problem we're going to really need that Tier II Shelter and you know the crisis there in finding a place for it.

So in meeting with the Commissioner of Social Services back in May, our commission decided that this housing crisis is really critical. On November 2nd, November 6th we held public hearings, there were 140 people who testified over a nine hour period -- 140 people attended, we had 47 people testifying. You'll see in the report there's an overview of the shortage, there are some examples of innovative programs.

We want to go right to our recommendations. We have 15 specific recommendations for this Legislature and I think a good segway to that would be the comments of one of the folks who represents a Parish Outreach Center in Center Moriches, her name is Sister Ann Kathleen, I've known her for years, it's a very big outreach center. And at one point in her testimony she was talking about talk, and she said, "We just can't take this lack of housing to the talking stage that's been going on for five years, we have to see some action," and she's absolutely right. And we know that the Legislature and the County government is limited by the multiplicity of ten towns and 34 villages, all of which have zoning power. But we believe there are things that are going on that are good, that are coming out of the County and we believe there are things that you can do.

So we've got 15 recommendations and three categories of barriers. What's standing in the way of solving the underlying problem? One is what you call NIMBYism, Mr. Chairman, local opposition. The second barrier is the cumbersome approval process. We spent a lot of time with the Workforce Housing Committee on that and the Department of Workforce Housing is doing a terrific job of speeding up the approval process. And the third is the terrible resistance, hostility and prejudice too, the kinds of people consider unacceptable on Long Island. People who are working two and three jobs earning 40 or \$50,000 a year are considered not proper neighbors and we don't want them in our neighborhood, that's the third barrier.

Let me begin with some of our recommendations regarding local opposition, what can you do about it? Well, there are things you can do and there are things you've been doing as a County Legislature, but we can do more. One of the things we need to do is face the fact that as two of our experts said, we need between 65 and 69,000 units of affordable housing over the next ten years; what a shortage, 65 to 69,000 units. To get them, we have to reeducate the people of Suffolk County about their fears. So we're recommending that the County Legislature provide some local and perhaps State funding for advertisements, public education.

There were two campaigns that really began to move hearts and minds, the Long Island Campaign for Affordable Rental Housing, LICAR, had a terrific advertising campaign called, "Can You Afford to Live Without Them?", meaning our children, our workers, our neighbors. And also the Long Island Association had a terrific campaign called "Next Generation Housing"; both campaigns ran out of money. They began to have an effect. The most recent pole has shown that 70% of the people in Suffolk County, and Nassau County too, now see the need for affordable housing. What's the problem? When those same people are asked, "Do you want it in your neighborhood," two-thirds of them say no. So we've got to come back over and over and over again.

We had a very interesting exchange, Commissioner Morgo joined us at the last hearing and we had an exchange about the impact of these advertising campaigns. And we both agreed that one of the things we could be doing with an advertising campaign is taking cameras out to some of these wonderful affordable housing complexes like Southview or Highview, Southwind, Highview up in Huntington or College Woods; photographing them, putting them on television screens as public service announcements, perhaps paid for by the County, so the folks can see that we're not talking about high rise slums, we're talking about beautiful garden apartments that you can live next door to, live within and be accepted into the community. So that's one recommendation.

The other, we're really falling for a very important summit, both of Nassau and Suffolk County stakeholders. I was very happy to see that Michael White, the new Chairman of the Nassau-Suffolk Planning Board, is also looking for a summit. Whatever you can do to move that agenda to get the stakeholders, the Town Supervisors, the civic groups, the volunteer fire departments, anybody

involved in this into one room for one day to really take on the issue would be excellent.

The third recommendation, the Workforce Housing Incentive Act, used to be called DiNapoli/Balboni, they've both moved on, the act has not moved on. The State Senators have resisted it, it's still there, it's been adopted by the Assembly, we need to push it through the Senate. And the key to that law is it would mandate a set-aside for affordable housing. So those are three recommendations. I'll yield now to our Vice-Chair, Cathy Ligouri, and she has a few more for you.

**MS. LIGOURI:**

We also touched on additional State Education Aid. There's a widespread miscommunication that affordable housing, particularly rental units, generate additional children in the school districts. And it was reported by the urban -- the Rutgers University Center for Urban Policy that a four-bedroom home generates 1.2 children. While the Avalon Units, 1,170 rental units on Long Island generates .18 children and Nassau Suffolk County Affordable units generated .25 children. We ask that the Legislature call upon the New York State Government Officials to adopt a statute that was adopted in Massachusetts that makes school districts whole that accept affordable housing units, and this was introduced by Assemblyman Mark Alesi.

We also ask that Suffolk County put together an affordable housing inventory throughout all of the ten towns and incorporated villages. A needs assessment needs to be done to target the specific numbers in each community and to make affordable housing permanent. We ask for caps on the value of homes, we ask for a requirement that the owner return excess profits to an affordable housing fund and deed, covenants, restrictions and resale stipulations that maintain affordability be implemented. I'd like to ask Peggy to speak.

**MS. BOYD:**

Good afternoon. In particular, some of the things that you also could address in terms of moving towards a solution to this is looking to call upon our State Legislators to provide the necessary funds for neighborhood preservation programs. This is a key time as the budget process is moving along in Albany and that's an important piece of work that this County Legislature could do.

In addition to that, when a family makes four -- I mean, a family of four makes \$24,000 they're cut off Public Assistance. To create a situation -- is that's correct, Peter? Are you going to interject now?

**MR. BARNETT:**

I'm going to interject now. It's been changed slightly. When a family of three, a mother and two, or four, a mother and three, makes \$20,650, they are stopped from all Department of Social Services help with their rent or a cash grant or anything like that. Twenty thousand dollars, the woman is making less than \$10 an hour and she doesn't get any help with her rent; she can't make it in Suffolk County. And in our wisdom, we cut them off from any welfare help, they can't make it.

The mother with two children, when she makes the whopping sum of 17,170, she gets cut off from any help from the Department of Social Services. So yes, we're seeing a drop, as you heard, in the number of people that are officially homeless and on DSS in Suffolk County because these people are making these enormous sums of 20,000, \$17,000 and they're not allowed back into the shelter system. But they still need our desperate help to survive on Long Island, they have no place to live, and that is a crucial thing.

And what we're recommending is that there's a program run by the Federal Government called Section 8, where as you make a certain amount of money the government lowers how much they support you in your rent. We need to see that in Suffolk County, if we can create a Section 8 Program where we wean these people off of welfare instead of chopping their legs off. I had a woman on the phone today before I came in here desperate, she's making \$17,500 a year and nobody wants to help her, it's her and her handicapped child, she's working and she's out in the cold. Yeah, she'll eventually wind up in a shelter because DSS has to put her in there and she'll

probably then lose her job. So what's the sense of that where if we would help her with the rent she could stay in her house. So we're suggesting to you very strongly is this idea of a rent subsidy so that we can slowly wean people off of DSS.

I would also like to go back to one other thing that Dick brought up about the public education, that is a real problem. And it did cost a lot of money for LICAR and Long Island Association to create these ads, both print and film media to get it out there. The Suffolk County Legislature has a lot of power with Newsday, Channel 12, Station 55 --

**LEG. VILORIA-FISHER:**

We do?

**MR. BARNETT:**

-- where we can hopefully get you to have them run the public service announcements for free, I mean, as signs of a good neighbor, that we could invite Channel 12 and Newsday, all the Pennysavers. Instead of asking that we come up with all this money to run the ads, why can't we say as a public service announcement that are desperately needed in Suffolk County, we want you to run these things for nothing.

**MS. BOYD:**

You covered this whole area, so I won't take their time, get to the other areas.

**MR. KOUBEK:**

Okay, a couple of other, final recommendations, in the area of the folks particularly leaving Welfare-to-Work. By the way, they're earning about \$10 an hour, that's \$20,000 a year. God knows where they're living, they're doubling up, tripling up. We commend the Department of Social Services for having reduced the welfare population in motels, but it's a time bomb ticking if we don't get to these underlying issues.

So in addition to the idea of a County Section 8, we're recommending that there be some additional funding for supportive case management for very low income people who are placed in rental housing and we are recommending a rent control law for Suffolk County, as they have in Nassau County. Only 20% of our housing stock is rental and if you don't cap it -- you know, you come in, you revitalize a community, we're all watching now Patchogue come back, we're watching Huntington come back. As these things happen and the rents sore and go up because this is now an attractive community, the poor people get pushed out.

So we have very specific recommendations. In the end, what we're saying to you is Legislators, as you've done a great job using your pulpit, keep using it. We've got to get at the systemic resistance to affordable housing which leads us to then have to create a \$17 million Tier II that nobody wants in their neighborhood.

**MR. BARNETT:**

Could I ask -- offer one more that I really feel is important? This is on page 17. The idea that we do help affordable housing and the people that buy their affordable houses are people making about \$80,000 a year, and they're getting a great deal when they get one of our affordable houses that is produced by the Feds, the County and the State government.

One of the things I would like to see attached to every affordable house is a rental apartment for those who are in need, for these people coming off of welfare and that's the rental apartment that we could control with how much rent is being used. So one of the bonuses would be we help you buy your affordable house, one of the things we ask you to do is help that person on the bottom get a little leg up. So I would like to see rental housing attached to every affordable housing that we put up. Thank you very much.

**CHAIRMAN MYSTAL:**

Thank you. Make sure that this report gets in the hands of every Legislator, not just the committee.

**MR. KOUBEK:**

Thank you very much.

**CHAIRMAN MYSTAL:**

All 18 of us and we will talk some more about some of those laws. Legislator Viloría-Fisher just reminded me how many times we have tried to pass some kind of a rent --

**LEG. VILORIA-FISHER:**

Rent stabilization.

**CHAIRMAN MYSTAL:**

We didn't call it rent control, we called it rent stabilization, you know, and it's usually like if you vote for it you'll be voted out of office kind of thing. So we need support from all over the place.

**MR. KOUBEK:**

But we appreciate it, Mr. Chairman. And we knew when we undertook this, the public hearings and this report, even some of us said, "Not another report on affordable housing." But our goal, frankly,

was two-fold; one, keep the public dialogue going, which we have been able to do; and secondly, shift the conversation not just from people earning between 80 and 120% of median. That's where you're getting all of the conversation now, people earning between -- it's workforce housing, and they need housing too -- 71,000, 80,000, 120,000, but all of those tens of thousands of folks earning under 70,000 who are really desperate. So that's really been our focus and it's very appropriate to this committee and we would like to meet again and talk about how to do this.

**CHAIRMAN MYSTAL:**

Thank you very much.

**MR. KOUBEK:**

Thank you. Thank you very much.

**MS. LIGOURI:**

Thank you.

**CHAIRMAN MYSTAL:**

Kathy, if you hang around, I don't know if you have time, until after the meeting, I would like to talk to you.

**MS. LIGOURI:**

I will.

**LEG. VILORIA-FISHER:**

You have a check for her?

**CHAIRMAN MYSTAL:**

No, that's another issue. No, no, this will have to do with grease trap.

Our last speaker, you have ten minutes, Mr. John Potente.

Mr. Potente, you're on. I would like to advise the committee and also the public that Mr. Potente, although he's a member of CEQ, is not here speaking for CEQ, he is here speaking strictly as a private citizen, not as a -- you know, not for the board, not for CEQ.

**DR. POTENTE:**

While this is loading up, I just want to mention that I was appointed to the CEQ by the Legislature again in 2005 and then was assigned to this subcommittee on the Vector Control Project.

**CHAIRMAN MYSTAL:**

I just wanted to make sure that people understand that you were not speaking for CEQ, but I just said John Potente.

**DR. POTENTE:**

Yes, correct. Right, thank you.

**CHAIRMAN MYSTAL:**

Okay.

**DR. POTENTE:**

Okay. What I am going to do, though, even though I am speaking on behalf of myself, I would like to just elucidate the recommendations that the CEQ has made. The CEQ has spent a lot of time on this and after its review, its own review, now you're going through a review in the subcommittee, but the CEQ went through a prior review of this and did an extensive amount of study and independent research on this as well, and it has made the following recommendations. I just want to elucidate the ones that CEQ majority is most concerned about.

This here, again, you have received this, this is the Council on Environmental Quality Recommendations. In particular, these are the important issues that we found are not included in Resolution 1150, which is now before you, and we feel that these should be included in this resolution. One of them is that the Department of Energy should first be required to prepare an in-depth strategy because we feel that there is no strategy for wetlands stewardship right now. The wetland strategy was designed for Vector Control, but we feel that there should be wetland strategy for the health of the marshes and it should be developed with an appropriate EIS.

Also, probably one of the most crucial points of this is that BMP's are not substantiated as Vector Control and marsh restoration techniques. This is probably the most critical portion that is not included in this resolution's findings, and I'll go over what these BMP's are in one second. Also, that Methoprene should be restricted from use in our tidal wetlands. The CEQ has not made the recommendation that Methoprene should be outlawed or banned, and it is not making the recommendation that the pesticides should be outlawed or banned, but just that they should have more judicious use. And we have focused on -- the one that stands out the most is Methoprene that's being used in our tidal wetlands.

Also, another important issue is that for the first time now we find that the Division of Vector Control has decided to eliminate the distinction when they do their aerial spraying or ground spraying from trucks. They have always made the distinction that, okay, we're going to go out and we're going to spray because of the nuisance or we're going to go spray because there's a disease, and now they've eliminated that. It was an arbitrary move.

This is Howard Ginsberg. Howard Ginsberg has been used as one of the primary consultants, not just for the national -- Fire Island National Seashore, but also for Vector Control. He's an Entomologist who studies insects, he's very familiar with the mosquitoes here and he has come down to Long Island. And the National Park Service -- this is -- we've received many public comments and we've had to sift through them, this is one of the public comments that we've received from the National Park Service. And what I have underlined down here is that the Executive Summary states, and this is what the National Park Service has pulled out of the DGEIS, "It was impossible to differentiate control of mosquitoes with health benefits as opposed to nuisance curtailment;" this is what the Vector Control Plan has in it. And then the National Park Service says in its comments, "It is the opinion of the National Park Service, based on consultation with Dr. Howard Ginsberg, that this statement is clearly incorrect. A mosquito control program that was designed to curtail nuisance problems would not be an appropriate approach to managing mosquito-borne diseases.

I'll just go on to say that we have looked at the aerial pesticides that are used, the adulticides that are sprayed from the ground trucks and also from the air and CEQ does not agree with the mathematical modeling. Because these pesticides aren't tested directly on humans, some people feel that it's legitimate to resort to a mathematical modeling. Well, anybody can realize that you can create an array of mathematical models and fill them with an array of data to produce pretty much any results that you want; the CEQ is not satisfied with this. And from what we've come across in the scientific literature, that there is these pesticides, the {Organophosphates} and the {Perithrins} are implicated as neurotoxins and carcinogens in humans.

Now, one thing I -- before you even go any further is to make sure we know the distinction between literature and scientific literature; this is a key point because this is one of the things that we kept looking back and forth on. When we listened to the dissertations by the Division of Vector Control and they gave their information, and then we listened to the dissertations by the public as they came up, we had to compare and you really need to rely on scientific literature as the benchmark or the legitimate source of information because it's the best that we have. Legitimate scientific research is done and it's evaluated and we view it by peers before it can pass the test of appearing in some of these scientific review literature journals. So somebody can go and print anything and pass it out on a piece of paper, or it can go through the legitimate process, so we continuously refer

to the legitimate process because that's our benchmark.

So let's -- I just want to go briefly over these BMP's because, again, this is the most critical aspect or the bone of contention with this plan. If you go out and you walk out on to the marsh -- actually, when I first got involved -- that's Sue {Antonato}, The Nature Conservancy -- this was when I first went out two years ago to visit the Marsh at Wertheim. This is what these BMP's do to a marsh. You have an in-tact marsh, you go and the idea is to go in and dig up the mosquitoes from the marsh and hopefully create these areas where fish will go in. And as a result, you build these sumps and ponds like this, but then if you find some mosquitos you'll build a little side trench over here, and then to keep them from drying out maybe you'll have to connect them with tidal creeks. And by the time you're done with all of this, chasing mosquitoes around and then doing follow-up maintenance the year afterwards, you wind up with something looking like this.

This is what happened in the State of Delaware to a marsh. You wind up just creating all these waterways, chasing mosquitos around the marsh and each year you continue to add to these ditches until you wind up with a jigsaw puzzle looking marsh. You don't need me to tell you that this is fragmenting or disrupting or actually destroying marsh land, this sort of activity.

The important thing to realize is this. We fully understand that many Legislators are concerned about mosquitos in certain areas. In some areas people complain that they are a nuisance and in some areas people complain -- in some areas there is concern that there is disease. But does this cure our problem for nuisance disease and does this eliminate the -- diminish the amount of disease, most notably currently West Nile Virus, in Suffolk County; is this the answer? Because this is what we're voting for right now, this is what this resolution is all about; doing this to marshes to help the people on the south shore from somewhat mosquitoes.

These are the BMP's. What are they? Digging artificial creeks and marshes where they weren't there before; going into in-tack marshes, digging short ditches; backblading, that means bulldozing a marsh, putting the blade backwards and then scraping the vegetation off and trying to make the marsh flat. Remember, you're dealing with mud, naturally it's going to come back. So now you have a built-in maintenance program where you go in every year to try and keep this mud level, each year you run over you're causing ruts and you're making more of the sloughy.

You also have these artificial ponds. You're going in, you're digging these big holes in the ponds in the hope that fish are going to come in and go out -- and swim out, of course, the marsh to eat the mosquitoes. Bear in mind, when the high tide comes in, these fish come in from the creeks and from the shoreline and go over the high marsh anyway. This is Resolution 1150. Many people think, "Well, you know what, maybe these BMP's are a little dangerous, so maybe we don't know about them and we have no idea what they're going to do to the 17,000 acres of marshes that are on Suffolk County. But you know what, we'll pass this resolution anyway and, just to be on the safe side, we'll set up a Wetlands Stewardship Committee and that will provide recommendations." I'm on the CEQ which provided our recommendations and we don't know what's going to happen with our recommendations.

Another thing is right now BMP's 5 through 15 have been deemed Unlisted or Type I Actions to ensure appropriate SEQRA review; this is another misnomer. Don't think just because we have these groups we're going to pass these BMP's, make it a policy to do this digging in the marshes and then we can feel safe because it's going to undergo future SEQRA review. Remember, SEQRA review doesn't mean that it goes to completion, it only means it's brought up.

Now, an Unlisted Action. Okay, so these 5 through 15, they get an Unlisted Action, let's take a look at an Unlisted Action that just came up very recently. Here's an Unlisted Action. Unlisted Action, down here, State Environmental Quality Review Act, Unlisted Action; this particular project was deemed Unlisted Action and they found out it will not have a significant impact on the environment and a Negative Declaration is on file. In other words, they began SEQRA, no problem, and it was just ditched at that point.

So if we pass these BMP's right now, they're -- they are built in loopholes to allow this to continue. By the way, what was this particular project? Well, let's take a look. The one that just received an Unlisted Action was this; "The applicant proposes to create 23 tidal ponds with associated tidal channels by dredging." And where is this? Look on top, Wertheim National Wildlife Refuge. That underwent SEQRA and they found that, "Well, no problem with that, everything looks fine. Let's give it an Unlisted Action." Well, let's see what happened at Wertheim National Wildlife Refuge.

This is the Wertheim Project and this here is the crux of this long-term plan and the plan is let's go and dig up Wertheim and let's see now if we have less mosquitoes and then we're going to satisfy our constituents. By the way, this is a National Wildlife Refuge that Suffolk County is hosting for the United States of America. They found these little ponds right here -- not ponds, little depressions in the marsh; this is a natural part of the marsh ecosystem. This is an integral part of the very viability of a marsh because there's a lot of insects, not just mosquitoes that live in here, that provide the food for the fish. We need these little depressions. This is the marsh, this is how the marsh functions to provide the nursing grounds for our estuary life and our marine life that comes out of it.

Okay, so what do they do? They go and they dig these up. Okay? You've taken this -- now, okay, granted, you're digging out some mosquitoes, but you're also digging out the areas where the fish hatch. So you're actually -- this is a circular thinking type of thing, you're digging out not just the mosquitoes but the fish that they're trying to promote in these ponds are also breeding in these little areas. What are you doing?

And this here, this is just more, these are the trenches. Now the marshes have -- now the Division of Vector Control, with these BMP's, goes around these marshes digging ponds and trenches and you wind up with a landscape looking like this; healthy marsh, high marsh and the idea is, "Well, look. Now we've bulldozed the mud flat, that should take care of our problem." The vegetation does come back despite the abuse that these marshes took, and along with it these little areas where mosquitoes come back to breed. These were the holes that were dug in Wertheim in Area I.

Now, a very important thing. Okay, they're monitoring this, they monitored this for one year before they did it and they're doing now a triennial report that they're coming up with. You tell me, one year, if that's enough, if that was a dry year and there maybe weren't a lot of mosquitoes or maybe there were a lot -- there were too many mosquitoes.

**CHAIRMAN MYSTAL:**

Could you please wrap up? I gave you 20 minutes already.

**DR. POTENTE:**

You're kidding me.

**CHAIRMAN MYSTAL:**

I'm not kidding you.

**DR. POTENTE:**

Whew, that went quick. All right. Okay, these are reports that I got from the DEC saying that preproject monitoring should be three to five years. This is Department of State, Department of State does not concur with these practices.

And this is one other important thing. This is an FEIS, this is very important. It's listed here, "It would be inappropriate to use analytical tools because dips are not taken randomly." Just let me finish this, I have much more to say but this is just the crux of the type of research that's being done at Wertheim National Wildlife Refuge. "It would be inappropriate to use analytical tools because the dips are not taken randomly, they are targeted." This is how they are convincing us that this here is a great project and there are now less mosquitoes.

Just take a look at this. This is this marsh before the ponds and you've got these little depressions that I was talking about. Now, let's just say there's ten mosquitoes in this depression and five mosquitoes in this depression over here. Okay? Now you've dug your ponds, here's a pond back here. Now, you still got, let's just say, for argument's sake let's say there's still ten mosquitoes here and still five mosquitoes here, but the way they took their sampling -- and this is the way they want to prove to us that this worked is because they do target sampling. So they'll say, "Okay, we sampled from here. Okay, so before we targeted this spot right here, so there's ten mosquitoes before and if you go afterwards, now we targeted this area. Oh, look, there's five mosquitoes afterwards." Target sampling; sample this one first, then this one next. "So look, we've cut the mosquitoes in half by having these ponds." This is the kind of junk science that went in to this project.

The U.S. Fish & Wildlife -- this is my last slide, although I would love to speak more. But the U.S. Fish & Wildlife Service came up and they did their own study because a lot of the National Wildlife Refuges up and down the east coast, all along the coast here, have been subject to this OMWM. Mosquito agencies love to get their hands on these jobs program inside National Wildlife Refuges. Well, they finally did a study, from 2001-2004, and you can see what I have underlined; "To quantitatively evaluate the response of salt marshes through OMWM, that's your BMP's." And their conclusion of their report was, "No difference in mosquito larvitensity were observed from any other study locations." Thank you.

**CHAIRMAN MYSTAL:**

Thank you very much, Mr. Potente. I would like to call Walter, in rebuttal I suppose.

**DR. POTENTE:**

Am I up here or am I back there; where am I?

**CHAIRMAN MYSTAL:**

Oh, you can sit right there.

**LEG. VILORIA-FISHER:**

Are you sure you want to keep --

**CHAIRMAN MYSTAL:**

Or you can sit back there and let them -- Mr. Potente, you can't speak. You can go back to your seat. This is their time.

**DR. POTENTE:**

Oh, I'm out. Okay.

**CHAIRMAN MYSTAL:**

Okay, you're out.

**MR. DAWYDIAK:**

Thank you, Mr. Chair, Members of the Committee. My name is Walter Dawydiak, I'll try not to speak too close to the mike this time. I'm joined by Doctor --

**CHAIRMAN MYSTAL:**

That would be appreciated.

**MR. DAWYDIAK:**

I'm joined by Dr. David Tonjes on my left who is loading up a brief Power Point presentation. We appreciate your time.

I want to just make a couple of opening comments. We have a number of folks here from the Law Department, Department of Environment, Public Works and Health who are here to answer your questions when it comes to discussing IR 1150. We're here specifically to respond to some of the

new issues that were raised before you as part of Mr. Potente's presentation. Even though he's not speaking on behalf of CEQ, he seems to be mixing some CEQ concepts in his presentation and we feel it's important that you have an accurate record so that you can take a hard look and make an informed decision on this resolution.

The two handouts that are going around are Dr. Tonjes' presentation as well as a letter from Ms. Deborah Long. She is actually the U.S. Fish & Wildlife representative who is in charge of managing the Wertheim Wildlife Refuge; I'll get to her letter in just a moment.

Mr. Potente's comments seem to fall in five broad classes, four of them fortunately I discussed at length last time around. I'll summarize briefly the fact that automatic EIS' don't really make sense when you don't even have an action. We are developing a Wetlands Stewardship strategy, when new project proposals come up we'll deal with them with a lot of safeguards, including SEQRA as well as Stewardship Committee review. Eliminating Methoprene would have dire consequences, both in terms of protecting public health and mosquito breeding would increase, it would also result in increased adulticide usage. In terms of reducing Methoprene usage, the findings before you are full of recommendations that will result in reduction of Methoprene usage. The Enhanced Integrated Pest Management is indeed targeted at reducing larvicide usage by 75% over a 12 year period. The notion that our plan is based solely on a risk assessment or a model is misleading as well. We have a lot of literature review, monitoring data, demonstration, projects and other tools that were used, I discussed some of these last session.

I wanted to disabuse one misconception about how we are purportedly trying to bring nuisance control under the umbrella of emergency response. Adrienne Esposito from Citizens Campaign had the question about what happens to the no-spray list, are we throwing out the window now that everything is emergency response? This is just Normanclature, it's jargon. Vector Control is considered public health nuisance control, but there is no attempt to equate that with emergency response, they're still entirely separate activities; I think if you read through the findings, that should be clear.

In terms of the Best Management Practices, there was a lot of new information presented here; most, if not all of this, was fully developed on the record in the Council on Environmental Quality and in the Environmental Impact Statement. But I just wanted to take a moment to draw your attention to Ms. Long's letter. She was aware of some of the recent controversy and comments that are being made and she walks through the indicators, the project goals including larvicide reduction, improved hydrology, vegetation changes and Fish & Wildlife response. And it's clearly, by everybody's acknowledgement, too early to claim a final decision on this, we knew it would take several years. All indicators are excellent. This project has had very good results. Again, it's too early to claim total victory, we know we have to watch this for a few more years and we plan on doing that, but this project has had very good success to date in terms of meeting intended goals.

I wanted to just point out that Best Management Practices 5 through 15 mentioned by Mr. Potente will undergo Stewardship Committee notice and review and State Environment Quality Review Act review.

Dr. Tonjes has got a brief presentation on Wertheim, this should take probably no more than five minutes. This is actually the accurate story of what happened at Wertheim, what was measured, what the results are and where we're headed with this. I wanted to mention that we did indeed do two summers of preimplementation monitoring which was preceded by two years of work by the Fish & Wildlife Services, so we have a total of four growing seasons of work, not one or two as was suggested Mr. Potente. Dr. Tonjes will address some of the other issues raised by Mr. Potente and we appreciate Dr. Tonjes' time and support throughout this entire study. Dave?

**LEG. VILORIA-FISHER:**

Mr. Chair, may I just ask Mr. Dawydiak a couple of questions?

**CHAIRMAN MYSTAL:**

If they're short.

**LEG. VILORIA-FISHER:**

My questions are usually pretty short. I don't know if the answers will be short. Mr. Dawydiak, there had been a resolution introduced by the County Executive's Office and then I introduced a resolution regarding the vector -- the Vector Control and the Wetlands Management architecture and plan. And I would say that one of the differences between my iteration of this and the one that had been presented by the County Executive's Office was that in my resolution I separated the Wetlands Management from the Vector Control Plan; would you agree that that's one of the changes that I made?

**MR. DAWYDIAK:**

Uh --

**LEG. VILORIA-FISHER:**

In the structure of the resolution, I took Wetlands Management and put it separate from the Vector Control Plan.

**MR. DAWYDIAK:**

Yes, you did, you did a very nice job improving that piece.

**LEG. VILORIA-FISHER:**

Well, I'm not looking for a compliment.

**MR. DAWYDIAK:**

Well, I'll give you one anyway.

**LEG. VILORIA-FISHER:**

But I separated it out so that they are separate.

**MR. DAWYDIAK:**

Yes.

**LEG. VILORIA-FISHER:**

Okay. With regard to the health and nuisance of it, Vector Control for public health and Vector Control for public health emergency, I've given my colleagues a copy of the CEQ resolution and my colleagues -- we've all had an opportunity to see the minutes of the meeting of January 17th, that was all sent to us electronically, all 356 pages, and so we have been able to take a hard look at that. But I've also indicated, in the CEQ Resolution No. 27 I referred my colleagues to those parts of the resolution that were indeed part of the resolution -- were included in my resolution. And you just mentioned the public health emergency portion of it which has been said that there was no distinction and I believe, according to my notes, on pages 12 and 13 we did make a distinction between Public Health Law and how that defines Vector Control and usage control, but made a distinction regarding public health emergencies. And so that was also in the findings statement that's included in my resolution.

**MR. DAWYDIAK:**

Correct.

**LEG. VILORIA-FISHER:**

Okay, I just wanted, you know, to have it verified that that is. Also, one of the things that I also added was in the CEQ resolution there was a portion titled "SEQRA and Wetland Management" and I added a full section on that which delineated, "If the DEA adopts any of the BMP's 2-4 as part of their stewardship strategy, then maintenance, as defined in BMP's 2-4, needs further clarification." So even going back to BMP's 2-4, we had further clarification and the kind of hard look that will have

to be taken if any of those are implemented.

**MR. DAWYDIAK:**

Correct, that was newly added by you as well.

**LEG. VILORIA-FISHER:**

That was added. So in other words, what I did was I had taken the resolution that was introduced by the County Executive's Office and implemented or added to it a great many of the recommendations that had been in the CEO Resolution No. 27 in order to reflect most of the CEO recommendations.

**MR. DAWYDIAK:**

Indeed, correct.

**LEG. VILORIA-FISHER:**

Okay, thank you.

**MR. DAWYDIAK:**

Thank you.

**CHAIRMAN MYSTAL:**

I know I made a mistake by letting Legislator Fisher speak before the presentation because I know once I open that door the prosecutor will demand equal time, and I can't refuse him because I opened the door to Viloría-Fisher. And I wanted to have the presentation before -- can I have the presentation and then you can prosecute at will?

**LEG. KENNEDY:**

I have no desire to prosecute, I need some illumination on some of the information.

**CHAIRMAN MYSTAL:**

Okay, persecute then.

**LEG. KENNEDY:**

But then if we can, Mr. Dawydiak will be available to have some dialogue?

**CHAIRMAN MYSTAL:**

Oh, he will be here.

**LEG. KENNEDY:**

Thank you so much, Mr. Chair.

**CHAIRMAN MYSTAL:**

The only question is I have 20 cards, three times 20 is an hour.

**LEG. KENNEDY:**

Outstanding.

**CHAIRMAN MYSTAL:**

Okay? So if you guys are willing, we haven't -- the public hasn't spoken yet. Wow, that's right. I'm trying, it's 4:30 and the public hasn't spoken. I have, you know, 20 cards right now, so if you could hurry, rush through.

**DR. TONJES:**

I'll be as brief as possible. I just wanted to make one point that --

**CHAIRMAN MYSTAL:**

Aye, aye, aye, if you say one point it's going to be 30 minutes.

**DR. TONJES:**

No.

**CHAIRMAN MYSTAL:**

Go ahead.

**DR. TONJES:**

We agree with what Mr. Potente said about the importance of depending upon science, and so what we'd like to do is interject some science into what was his very unscientific presentation.

So Wertheim is an important part of this project. We spent four years on it, we spent quite a lot of money on it, but it's not essential to the project, it's only a portion of it, but we think you should understand exactly how things have gone there.

There were some certain defined goals here and what we wanted to demonstrate to you is exactly how, through monitoring and measurement, we seem to be achieving these goals. For one, mosquito breeding has been decreased. The amount of breeding, both measured at individual point spots and also in broader areas, has been decreased and because of that larvicide treatments at the site have been decreased. Nothing -- this slide doesn't help us any.

Fragmites extent was decreased, this was an important goal. Seven acres of fragmites were removed, at least for the time being, from area one which represents about 30% of the fragmites that was growing on the marsh. The vegetation composition was changed and intentionally so over the course of the project. You can see on the left this was pre-project, on the right is post-project, and there have been some changes in the way the vegetation is. For one, high marsh vegetation slightly expanded some, so we actually have more of the high quality vegetation that we were hoping to foster. Secondly, the areas of mud flap that were a concern because there was some damage from construction are slowly vegetating over time. We're still showing that as mud on all of our analysis, but you can see that there's -- they're not unvegetated, they're not things that are going to need continual maintenance.

We intentionally increased the amount of surface water across the marsh. This was an important goal for Fish & Wildlife and for the project. We increased it all the way up to about 2% and 4% in the two areas, which compared to -- I'm sorry, about 4% in both areas which is much less than the average across northeast U.S. marshes that are not ditched.

Bird use was increased; again, this was a very important goal for the U.S. Fish & Wildlife Service. And you can see by this graph that we do account for the fact that there are variations over the years, and in fact the greatest increase was in the targeted population which were water fowl. Most importantly, however, {passerines} -- which are the marsh birds that many of the people, including the Audobon Society were most concerned, might be impacted by this project -- don't appear to have been affected at all.

Mr. Potente was concerned that we were going to lose habitat for fish in the -- across the marsh bioactivities; this is not so. We've, in fact, increased the diversity of fish and we've increased the numbers of fish in the areas that we've treated and we can compare those to the untreated areas and show that there are distinct differences and that the treatment has improved habitat for fish.

This is what -- on the left was what the marsh was like beforehand, it was a grid-ditch marsh. Now we have a marsh that's very different, we've reduced the amount of fragmites, we've increased the diversity of habitats. Sue {Antonato} was posed in a picture that John showed, this was her work, she pushed the project to adopt this point of view;

"That salt marsh management should provide overall habitat diversity generated by a mosaic, a tidal creeks ponds, low in high marsh, pans, mud flaps and salt trucks to generate a variety of

microhabitats and ecotones which would support appropriate plant and animal diversity." That was the intent of this project, that's what we're seeing happening now. We have data to back it up, we're not just supposing this stuff, we're not just waving hands, these are facts. Thank you.

**CHAIRMAN MYSTAL:**

Okay. Thank you very much. Now we're going to get to -- Mr. Kennedy, you have some brief, brief questions?

**LEG. KENNEDY:**

Brief questions, sure, certainly. Thank you, Mr. Chair.

It has been an abundance of material, I guess, that's been put together on this, we all know that. This material that I have before me -- two things; one, just an observation, and then I want to question you specifically on this letter.

I think it's important for the department to recognize that as you present to us, individual members of the CEQ I think have embraced their responsibilities and their duties. As to whether or not Mr. Potente's presentation is science or not, I think I would say to you he presents some aspect of the science. You gentlemen are professionals, I am not. Nevertheless, I think it is important as we go through this, as my colleagues have said, that it's our responsibility to take the hard look, that we hear from as many different folks involved in this. So I don't want to give an impression that anybody that comes forward has less value with what they share.

That being said, I'll go to the letter specifically, and I want to ask a couple of questions in particular about the Wertheim operation. On the second page, I'll go down one, two, three, four graphs. I think the bottom line -- and the author of this I guess is the manager of the refuge, is that it?

**MR. DAWYDIAK:**

That's correct.

**LEG. KENNEDY:**

Okay. In her own words, she's saying that it's too soon to make any accurate determination on the long-term effects associated with the grid-ditch filling; is that correct?

**MR. DAWYDIAK:**

With respect to some elements of long-term monitoring, it's too soon to claim any success. With things like larvicide reduction, the objective was to immediately reduce by 75%, that's been surpassed so that can be claimed as one early victory which we hope to maintain.

In terms of vegetation and hydrology, we knew it would take a number of years to stabilize and we're going to continue to watch this for a number of years until it does stabilize. The preliminary indications are good, but we can't claim this as a total success until at least three years when we take another hard look at it when we have our triannual update and our wetlands management strategy.

**LEG. KENNEDY:**

Yet we're being asked to go ahead and embrace a significant shift in policy that now encourages us as an entity to be out into the marshes, to start to take some very aggressive actions on occasion, different from what's been done beforehand.

**MR. DAWYDIAK:**

That's an excellent question and I'm really glad you raised it. I want to make one observation first, if I could. I want to apologize if there was any notion of disparaging Mr. Potente's science, he just simply hasn't been around from the beginning and it's an education process. This has been an extraordinary effort between the Federal and State government and we hope that more of this information gets out there. It is daunting, it's in pieces, we're making our best efforts to

communicate it, but we hope that this is a continuing education process that will bring Mr. Potente and others into continuing monitoring assessment and design.

The other element I wanted to mention is the source of major restoration techniques that you're seeing here are not going to be part of the Vector Control Long-Term Plan you approved for the first three year period, this is because we've adopted a very conservative approach. Part of the point of doing this demonstration project was to watch it for several years until it does equilibrate, learn lessons and hopefully do the next one, if there is a next one, even better. In three years we will be back before this body with a triannual plan update and a wetlands management strategy that are going to make recommendations about how well Wertheim went and where to go next in terms of these sorts of restoration techniques. But major management techniques such as major ponds are not going to be proposed for three years, if for no other reason we need so much preimplementation monitoring data, it's temporarily impossible to get that done in that window of time. So I hope that --

**LEG. KENNEDY:**

Then why do we see those Best Management Practices included in the plan before us to adopt now?

**MR. DAWYDIAK:**

Because they exist out there in nature, people are using them and because they are part of a potential long-term toolbox. This is a generic environmental impact statement. We have not gone and designed another Wertheim and said, "This is going to happen." What we're doing, in fact, is adding a layer of caution and safeguards that these aren't used inappropriately. I mean, everybody should be confident and claim victory that we've identified these, we've looked at impacts, we've seen that they do have potential impacts. Not only have we acknowledged these, studied these and described these, we've added additional safeguards, like the Wetlands Stewardship Committee, to ensure that we have consensus building, stakeholder buy-in, monitoring and oversight. So I think it's a good new story.

**LEG. KENNEDY:**

Well, I think the jury is still out on that, but let's keep going.

Tell me a little bit about Wertheim itself. I see that this was a collaboration and a partnership with this study between the Federal Fish & Wildlife Service, our Health Department and Ducks Unlimited. And one of the objectives to achieve, including the preservation or restoration of the marsh and Vector Control, is also -- and I'm reading specifically from the letter now; "Enhancement of migratory bird habitat"; is that correct?

**DR. TONJES:**

Yes.

**LEG. KENNEDY:**

Okay. Is that something that the department is seeking as well?

**MR. DAWYDIAK:**

When you say department, could you clarify?

**LEG. KENNEDY:**

Health Department, by advancing this plan.

**MR. DAWYDIAK:**

By advancing this plan, the Vector Control Long-Term Plan? I'm sorry, if you could be a bit more specific?

**LEG. KENNEDY:**

Well, I --

**DR. TONJES:**

In a sense, Legislator --

**MR. DAWYDIAK:**

I'll get it.

**LEG. KENNEDY:**

What I'm asking is this correspondence is being given to us to bolster, I guess, this concept that we're being asked to go out and to support. I'm wondering how far afield we are getting in an effort to go ahead and to have a prudent, viable and workable plan to control mosquitoes, to also look at marsh management, and nevertheless, now we are vicariously, I guess, embracing some of what Wertheim was seeking to achieve as well. And I'm somewhat concerned that enhancement of migratory bird habitat is creeping into what this plan is that on its face is to control mosquitoes.

**MR. DAWYDIAK:**

I think it's fair to say that neither of the findings, nor the: Long-Term Plan specifically espouse that as a primary objective.

I want to say first, and I want to take a step back, 90% of this plan plus is not about this sort of activity; the vast majority of this is integrated pest management operational improvements as well as very minor water management enhancements like fixing a culvert which is degraded and having a marsh simply die on you where you need to restore some circulation. Now, we've gone from a vector centric ditch maintenance view of the planet to one which embraces marsh ecology which is functions and values. In this particular case, the Federal Wildlife Service drove some of the goals of the projects due to their Federal mandate and one of those was one of those that you cited. There's a number of others as well including bio diversity and {micro mosaics} of habitats, and each project is going to be judged on its own basis with resource managers like the Department of Environmental Conservation, Department of Environment and other non-profits and people who are involved in the Stewardship Committee. So if your concern is is there a shift toward any one specific goal, I would say no.

**LEG. KENNEDY:**

Let me cut to the chase, and in deference to the Chair who has been very gracious or indulging. Is there hunting allowed in the Wertheim Refuge?

**MR. DAWYDIAK:**

I'm not a hunter and I don't know the answer to that question. Dave?

**DR. TONJES:**

I don't know.

**LEG. KENNEDY:**

Does anybody know?

**MR. CLAVIN:**

Only for management purposes of deer, but there is a proposal in this -- in the CCP they call it, that proposes a group this year and there will -- they are trying to get ducks hunting, Ducks Unlimited is pushing for it.

**CHAIRMAN MYSTAL:**

Sir --

**MS. MAHONEY:**

Have him state his name.

**CHAIRMAN MYSTAL:**

State your name.

**LEG. KENNEDY:**

Okay. Well, I'm hoping, Mr. Chair, that we'll hear some of that perhaps during the public. But then that --

**CHAIRMAN MYSTAL:**

John, let me get his name since he spoke.

**LEG. KENNEDY:**

Okay.

**MR. {VANLITZ}:**

Martin {Vanlitz}.

**CHAIRMAN MYSTAL:**

From?

**MR. VANLITZ:**

From -- I was the founding member and 1st President of Friends of Wertheim.

**CHAIRMAN MYSTAL:**

Thank you.

**LEG. KENNEDY:**

Thank you, Mr. Chair. I'll end with this comment. I am very concerned that a group that appears to go ahead and be advocating to encourage hunting opportunities has been brought into something that has the cloak or the guise of marsh management which is hinged to Vector Control. I am in agreement with everything that you have put forward, including your use of larvicide and adulticide. And I've done my own research associated with Methoprene and I'm convinced at this point that it is the least toxic of pesticides that we could use and I applaud that.

I am equally concerned, troubled and very unwilling to embrace what appears to be as some of the Best Management Practices, particularly with large scale planning. I'll yield.

**CHAIRMAN MYSTAL:**

Thank you. Hopefully no more questions. Thank you very much. We are going to move into the public portion.

**MR. DAWYDIAK:**

Thank you.

**CHAIRMAN MYSTAL:**

I have three groups of people in the public portion, groups that want to speak. They were the first to sign, the group of people that wants to speak on Meals-on-Wheels, I have another group of people that want to speak about flooding, and then the Vector Control group. And I'm going by order of the people who signed, one, two, three, four, five. The first person I have is Bob McAlevy, it's the first card I have.

**MR. McALEVY:**

Bob McAlevy, I'm citizens Advisory Committee of Vector Control. And let me just say, Mr. Kennedy, you're right on there. You want to look into where the money went; you will find out that taxpayers' money -- this doesn't count, Mr. Chair -- taxpayers money went -- Vector Control hired a lobbyist, a lobbyist with hundreds of thousands of dollars. Yes, Craig Kessler is his name, Ducks Unlimited, browbeat the Legislators who then browbeat Peter Scully to approve this. The scientists of DEC said,

"Don't do that." If you call up Peter Scully, he will tell you, as he told a group of us, what they did is not restoration, that is destruction; his words, not mine. So I think you want to follow the money on this one.

**ACTING CHAIR EDDINGTON:**

Excuse me. You're talking to me, right?

**MR. McALEVY:**

Yeah.

**ACTING CHAIR EDDINGTON:**

Because that's Kennedy; I know we look alike because we're Irish, but --

**MR. McALEVY:**

Oh, geez, I couldn't see the name. I'm sorry.

**ACTING CHAIR EDDINGTON:**

I'm Eddington. Yeah, this is Kennedy.

**MR. McALEVY:**

But anyhow --

**LEG. KENNEDY:**

You've got the Acting Chair, but that's okay.

**MR. MCALEVY:**

Acting chair, I know; excuse me. Anyhow, you might want to look into that. I mean, it's only the taxpayer's money and I think it was inappropriate. And Scully will tell you as he told me, what they did is destruction, not restoration; that's simple enough, everybody can understand that.

Let me go on to just say that I have some handouts and I hope the Commissioner will get a copy of it. The last time I was here I pointed out that we're all simply immune from Lyme disease. I have the reference to the CDC, because -- I'm sorry, the West Nile Virus, because we've all more or less been bitten by the mosquito and we've been inoculated for nothing. However, for each case of West Nile Virus, there's about 250 cases of Lyme Disease and other tick-borne diseases. So I'm saying to myself as a taxpayer, why spend all this money on mosquito control? If public health is the issue, why not spend it on Lyme Disease?

And I have a pole here where the citizens of Suffolk County agree with me on that one. It was taken by the Citizens Advisory Committee. When we asked them -- we asked the County bureaucrats to look into that, I have here a memo from Mr. Ninivaggi saying the only way to control the tick-borne diseases is by using bad pesticides.

And I also have included a report of a County in New Jersey, similar very much to Suffolk, that by public education, reduced the incidence of tick-borne diseases in half, in half. Thinks of the cost of that. I see that the County is getting involved in the cost issue. I'm putting these all in, I hope they'll be -- you might have a chance to look at these handouts. The issue is is it effective, does spraying really work with the mosquitoes? The answer is they don't know. I have evidence here. The Center for Disease Control said it's not very useful; I have some evidence. Cornell Extension -- Cornell University said either with pesticides on plants --

**ACTING CHAIR EDDINGTON:**

I'm going to ask you to wrap up, please.

**MR. McALEVY:**

-- only one part of pesticide per thousand hits the target, the rest does collateral damage. We are

the collateral damage, we are the collateral damage. I will ask you to consider the effect that pesticide has on --

**ACTING CHAIR EDDINGTON:**

I'm going to ask you to wrap up, please.

**MR. McALEVY:**

Yes. Adult on side -- adult onset Parkinson's Disease. Specifically they did not address, and I ask you to address, in this study pregnant women and fetuses were not addressed specifically in the analysis, the most vulnerable of our society, the yet-to-be-born. There is some controversy perhaps about right-to-life and all of this kind of stuff, but nobody wants to have these poor babies be defective. You see that --

**ACTING CHAIR EDDINGTON:**

Can you leave a copy of that with the Clerk?

**MR. McALEVY:**

I will, I will. I have included here, Mr. Vice-Chairman, a report of the Federally-funded study on Autism, they're focusing on pesticides. That's a -- so I'm just afraid that unless as a taxpayer we are going to hear some lawyer get up before a bar, have some victim's group, Autism or whatever, and they're going to say there was disregard of the public health when you approved of this, there'll be lawsuits.

I would say --

**ACTING CHAIR EDDINGTON:**

You know, I'm going to have to ask you to stop.

**MR. McALEVY:**

Okay.

**ACTING CHAIR EDDINGTON:**

I appreciate it. And give a copy to the clerk, we'll all read it ourselves.

**MR. McALEVY:**

I will hand them in, Mr. Chairman.

**ACTING CHAIR EDDINGTON:**

Thank you very much.

**MR. McALEVY:**

And I'll just say, don't approve this thing until we get more information in on it, because it's too dangerous to do what with they're doing, we've got evidence.

**ACTING CHAIR EDDINGTON:**

Thank you. The next speaker is Linda Bernheart -- Bernstein;  
Linda Bernstein.

**MS. BERNSTEIN:**

Good afternoon. I'm Linda Bernstein, President of the Three Village Meals-on-Wheels. Early last month we came before this committee to speak out against the DOH mandate that we monitor and record the temperatures of the food that we deliver to our clients. We also argued against the requirement that the Program Director obtain a Suffolk County Food Manager's Certificate.

With the overwhelming support that you showed us at that time, it was our hope the matter would no longer be an issue. Unfortunately, we received another letter just this week restating the requirements and notifying us that we will be inspected regarding compliance on or about the 21st

of this month. The author of that letter referred to Article 13, Section 760-1336 of the Suffolk County Sanitary Code as the reference for maintaining temperature logs. In fact, that article refers to transportation and does not speak to the maintenance of logs, making the letter at least erroneously and at best exacerbating.

On the Suffolk County Health Department website, the section titled: Frequently Asked Questions, the question "Who has to have a Food Manager's Certificate" appears and the answer is, "All owners, operators and shift managers must have a valid Food Manager's Certificate. There must be a person with a valid Food Manager's Certificate in the establishment at all hours of operation and food preparation." Who would we require to take this course? Meals-on-Wheels does not prepare or cook the food, the hospitals that provide the meals do meet all of the regulations. And in fact, I don't believe we should even be required to have a Health Department permit to operate since we do not operate a food service establishment. We are more like UPS, our job is to bring the package from Point A to Point B.

We are a group of dedicated volunteers trying to help the community. We receive no remuneration whatsoever, we use our own vehicles, pay our own gas, some cover almost 30 miles door-to-door from their homes. A few of our volunteers even drive more than once a week to fill in vacancies. How are we to attract these much-needed volunteers if we continue to add to the duties and liability? We serve over 750 meals a week and have done this for over 23 years without incident. Let me ask, who will fill this void if we cease to exist?

And I want to make one more comment which was kind of interesting. As I was waiting outside to enter the auditorium, a gentlemen arrived wearing an apron and carrying a brown bag with an invoice stapled to it. I asked if he was here to deliver the food and he answered yes, and I was tempted to ask if he had taken the temperature of the food while he stood there, he had been waiting there for quite a few minutes before someone came to retrieve it. Why are we being held to a higher standard than the person from the local deli who, by virtue of his attire, most likely prepared the food, tossed it into his van without a proper insulation and delivered it without taking its temperature?

We appeal to you again to take up our cause and help us to surmount this issue.

**LEG. KENNEDY:**

Mr. Vice-Chair?

**ACTING CHAIR EDDINGTON:**

Yes, Legislator Kennedy.

**LEG. KENNEDY:**

Thank you. First of all, I want to thank you for coming to speak to us today. I also want to thank you for the correspondence that you forwarded to me, and as I see, you do serve some of the constituents in my Legislative District. You brought out many good points in your correspondence, that your group not only services senior citizens, but also homebound disabled individuals regardless of any age. So as thankful as I am and we were when you came to us the last time, I think I'd say to you even more so now thank you again.

As you stand there at the podium, though, I see that we have a couple of representatives from our Health Department. Certainly our incoming Commissioner should not be called to speak to us yet, but I see we have Deputy Commissioner Miner here and earlier I saw Dr. Dillon. And with the consent of the Vice-Chair --

**ACTING CHAIR EDDINGTON:**

Absolutely.

**LEG. KENNEDY:**

-- I'm going to ask that a representative from the Health Department step to the table now and speak to us as to what was ambiguous about a communication at last session when we unanimously indicated that we were perplexed at best with this department taking such an aggressive and absolutely --

**LEG. VILORIA-FISHER:**

Draconian.

**LEG. KENNEDY:**

Undescribable stance for groups of volunteers; what didn't the department understand then? Please explain.

**DEPUTY COMMISSIONER MINER:**

Matthew Miner, I'm Deputy Commissioner. I apologize, I'm trying to locate Dr. Dillon who's more versed in this subject and has actually coordinated with the -- or touched base with the New York State Department of Health on the specifics. We -- I was at the last meeting with the Legislature, we did hear what you conveyed to us. I do need to talk to Dr. Dillon as to where we're at right now with things.

**LEG. KENNEDY:**

Mr. Miner, I try to be a patient man. I try to go ahead and believe that there's some benefit to what I do when we communicate. If you heard what we said, why didn't a letter go out? And each of us sitting here is, once again, hearing this only now. Our numbers are in the book; doesn't anybody believe they have to communicate with us at all? Perhaps the department needs to see a resolution having you cease and desist from antagonizing volunteers, maybe that's what needs to be done.

**DEPUTY COMMISSIONER MINER:**

It is my understanding --

**LEG. KENNEDY:**

I'll yield to the Chair.

**ACTING CHAIRMAN EDDINGTON:**

I just wanted to add that -- and I understand you're getting -- you're the messenger and we're giving it to you. But the frustration that you're hearing is that we try to address a cry out from volunteers who are helping us, and when we hear it again -- I mean, I think I've said that a couple of times, I don't want to see the same problem again and again. And we have very competent people, I think, in our Health Department, but we're not getting the answers. We're trying to give direction but it's like we're not doing our jobs.

**DEPUTY COMMISSIONER MINER:**

It is my understanding -- and I don't want to speak out of turn, Dr. Dillon is far more versed in this matter than I am -- but that it's a requirement under State Department of Health Ordinance, but I will get that confirmation for you. And certainly the last time I was here I did offer to sit down with Meals-on-Wheels --

**LEG. KENNEDY:**

Mr. Miner, I'm going to yield to the chair, of course, but I am going to say to you today, and I'm going to say it as simply as I can, I want as soon as possible whatever that rule and reg is under New York State Department of Health Code, I want to see it in black and white. And I promise you that I will pick up the phone and write and fax it and FedEx it to the State Commissioner to ask why this cannot be relieved, changed or direction given to your department to not make volunteers have to go through this lunacy.

**DEPUTY COMMISSIONER MINER:**

I will forward that information to all of you.

**CHAIRMAN MYSTAL:**

I have a meeting tomorrow morning with the Health Department at 10:30 in your offices.

**DEPUTY COMMISSIONER MINER:**

Okay.

**CHAIRMAN MYSTAL:**

And that issue, among two other issues that I have, will be one of the -- will be an issue that I'm going to be addressing with your department tomorrow at 10:30. Whatever information you have and whatever direction you have, please have it available for me so I can distribute it to all the members of the committee and to the whole Legislature.

**DEPUTY COMMISSIONER MINER:**

Certainly, sir.

**CHAIRMAN MYSTAL:**

It sounds coming from me, compared to Legislator Kennedy, not to bust a vein, is really, you know -- for me to say that to him, because I don't see him get angry and we are very, very, very angry over that fact.

**DEPUTY COMMISSIONER MINER:**

I will supply you, as Chair and the Legislature --

**CHAIRMAN MYSTAL:**

Please.

**DEPUTY COMMISSIONER MINER:**

-- the information.

**CHAIRMAN MYSTAL:**

We would appreciate it, and we would like to see that problem resolved. I think -- you know, I really think it's a solution looking for a problem; I don't think we have a problem.

**DEPUTY COMMISSIONER MINER:**

Okay.

**CHAIRMAN MYSTAL:**

But somehow we have a problem now and I do want some kind of resolution to it.

**DEPUTY COMMISSIONER MINER:**

Understood.

**CHAIRMAN MYSTAL:**

Thank you.

The next speaker is Nancy -- that's you?

**MS. BERNSTEIN:**

No, that's Nancy. But I'll give this to you which is the letter.

**CHAIRMAN MYSTAL:**

Okay. Let's see, Nancy -- I'm afraid to pronounce your last name.

**MS. BAZZICALUPO:**

Bazzicalupo.

**CHAIRMAN MYSTAL:**

Thank you.

**MS. BAZZICALUPO:**

It's easy, it's just long. My name is Nancy Bazzicalupo and I'm the President of Meals-on-Wheels of Huntington. I also spoke at your February 1st meeting. I'll cut out some of this since it repeats what my friend Linda has said.

I think that the main problem existing here is that they're calling us a food establishment and giving us a permit for a food establishment, which we really don't fall under. We are a meal delivery service, we pick up meals from places that are already under control of the Health Department and deliver them in sealed containers to our clients.

**CHAIRMAN MYSTAL:**

Therein lies the rug, that's the problem.

**MS. BAZZICALUPO:**

The letter says that the Program Director must now hold a valid Suffolk County Food Manager's Certificate; the absurdity of that provision will be shown by my job description as excerpted from my bylaws of our organization; "The President shall be Chairman of the Board and Director of the organization. He or she will also be responsible for the operation of the organization. Duties include, but are not limited to, signing of contracts in the name of the organization, acting as spokesperson and otherwise performing all duties which are normally the function of the office, or which are later assigned by the Board of Directors. The President shall also be responsible for hiring and firing of office staff, with broad or Executive Committee approval.

He or she is also responsible for the supervision of the office staff." No food.

Meals-on-Wheels does not prepare or cook any food. We purchase meals from entities, as I said, that are regulated and I would think are rigorously inspected by the Health Department.

Meals-on-Wheels members are not even allowed into any area where the food is prepared. We are finding it increasingly difficult to maintain our volunteer base; added duties and liabilities, as Linda already said, would really cut us down. Meals-on-Wheels of Huntington delivers nearly a thousand meals every week and we have been doing so for 30 years without any incident. Who is going to provide help for our clients if we go under? I thank you for your attention and your consideration.

**LEG. VILORIA-FISHER:**

Thank you.

**CHAIRMAN MYSTAL:**

Thank you very much. Pamela Schneiderman (sic).

**MS. SCHOENEMAN:**

I'm here representing Three Village Meals-on-Wheels and I will just repeat what the first speaker, Ms. Bernstein, said. I have nothing else to add other than the fact that we are very concerned about the food County manager certificate. If we have -- if anybody takes that and gets that, we're opening ourselves up to liability.

In this day and age, you have to be very, very careful. We don't see the point of taking it, we do not -- we don't cook the food, we don't prepare the food, we just deliver the food. Our hands do not touch the food. Thank you very much.

**CHAIRMAN MYSTAL:**

Thank you. We are now moving into Bishop Lane, Bishop Lane flooding. Frank Christiano and

Christine Christiano, I suppose they are together.

**MR. CHRISTIANO:**

Good afternoon. How are you? My name is Frank Christiano from Bishop Lane, 128 Bishop Lane in Holbrook. I was here a few months ago in reference to the flooding problem on Bishop Lane. We've had some -- I sent this committee a letter last week -- I e-mailed all of you and I sent a hard copy to the Chairman -- in reference to the problems and the handling of the Department of Health in reference to the Hillcrest leaching pool all the way back to the inception of our houses with the Town of Islip's handling of this case. I would have thought -- I also sent it to the County Executive, to the DA, to the Commissioner of Health, Dr. Graham. I would have thought Vito Minei and Walter Hilbert from the Department of Health, who were overseeing these projects and continue to make gross misconducts and mistakes that have cost our houses so much loss and put our children and our families at risk, would be here. But as you saw with the Meals-on-Wheels, they couldn't even present the person from the Department of Health to answer questions. This is showing the MO of the Department of Health, they just don't care what's going on in the community, from what I can see.

We as a task force, with the Town of Islip and the Department of Health, came to the conclusion, after they realized and proved that there was nitrogen -- nitrate and ammonia in our water coming from the affluent from the apartment complex, they were going to move the leaching pools 800 feet southwest of us, which they did. But then at that point that the leaching pools existed, they would be drained, pumped out and then filled back in. Mr. Minei, after all the other mistakes, took it upon himself to just have these pools filled back in again with the affluent still there, and he told us that it would take another 40 to 60 days before they could retest our water to see if these effluents and the amonias were out of the water. So he, in essence, decided on his own to put my family and my neighbors at risk for another 60 days. I want to know why and I would like this committee to investigate the entire handling of the Bishop Lane Subdivision.

From inception, I have so many documents showing gross misconduct from the town, from the Department of Health. They knew about our water problem, the Department of Health, Walter Hilbert, Vito Minei, from the inception. They knew when we sent to the variance meeting for the apartment expansion that we had a major groundwater problem and they did not do one single test at the leaching pool site to see if there would be a problem to add 33% more affluent. They never looked at the historical groundwater table data, that if they did they would have saw that the levels have risen five to six feet since those things were put in. There's so many things that they didn't do that they could have done that would have cost me less money.

I've lost hundreds of thousands of dollars in depreciation of my house value, it's worth nothing. I pump 200,000 gallons day out of my house since October of 2005. I live 15 miles from a water source; this isn't Lake Ronkonkoma, this is Holbrook. This is all being brought on to us from the Town of Islip building our houses illegally. My property line is 28 feet from the leaching pools on Hillcrest; the Department of Health Code is 300 feet. They put in the sewers there; how did they not tell the Town of Islip, "You cannot build here."

How did the Town of Islip put eight and a half foot basements when every one of the plan's surveys hit water at five feet? Also the County survey did.

There are so many questions that we want answered to find out what's going on and what they're going to do to get our houses back to where they belong. We have -- our street, you drive down it, it's a river filled with urine and whatever else is coming out of those apartments. That's just Hillcrest. We also have Fairfield Apartments, there's another 180,000 gallons that come down. Then we have Parklands which is a housing development to the west of us, 600 houses, all their street runoff is put on Bishop Lane. Five million gallons is just sitting there and we have such a mound in effect. Nothing got done until my wife and I and some of our neighbors paid for our own testing, went and got FOIL information, did everything ourselves and made them have to do it because we proved that there was a problem. You know, we're not looking for guilt, we want answers and we want it solved and we want it fixed.

I just think it's disgusting that they're not here to answer and to justify this because I've reviewed your committee minutes over the last few months and I know you've asked him what happened, what were the test results, what were this and he refuses to answer because he's afraid of what he might say; I'm living there, I want to know what he might say. I want to know what it's cost for me and my family. I have two girls that have to ride through this every day. We can't go near our basements, we have to put stuff over our basement so the air doesn't come up. You walk in my house, it's a beautiful Victorian, 12 years old and it smells like someone died in it all the time. I have headaches, my wife has headaches, there's mold down there. It's just -- you know, it's sad how we had to get this to be done. No one would -- I went to Walter Hilbert at Presiding Officer Lindsay's office in May and asked him, "Please, just do a simple test well at the leaching pools to verify it's not the affluent."

**CHAIRMAN MYSTAL:**

Please wrap up.

**MR. CHRISTIANO:**

Excuse me?

**CHAIRMAN MYSTAL:**

Please wrap up, your two minutes are up.

**MR. CHRISTIANO:**

I've been waiting for three hours.

**CHAIRMAN MYSTAL:**

You still have your two minutes.

**MR. CHRISTIANO:**

I have one more minute, please. I just want to get this out.

**CHAIRMAN MYSTAL:**

Go ahead.

**MR. CHRISTIANO:**

We sat in Presiding Officer Lindsay's Office and Walter Hilbert refused to do that test and he told me I was absolutely insane if I thought that adding 15,000 gallons of water, affluent to that leaching pool was causing the groundwater to rise, when he knew that we had such a major problem and historical problem on Bishop Lane. And I have the variance showing that they increased density 500% with the additions; 500%. You're talking about density here, how can that happen? How can these things happen?

I have the Town of Islip's own Planning Board, they refused to issue a CO, it says on it, until the sewage treatment plant and leaching pools were brought in to code. The apartments have been open for a year and a half and a sewage treatment plant still isn't built. How do these things happen in our government? We would like you, as a Legislative body, to maybe step in with the town and with the County Department of Health and investigate this for us. Thank you.

**CHAIRMAN MYSTAL:**

Thank you very much.

**MR. CHRISTIANO:**

And I'd like to submit the letter that I wrote for the record, please.

**CHAIRMAN MYSTAL:**

Christine Christiano.

**MS. CHRISTIANO:**

Hi. I'm Christine Christiano, I just want to add on to what my husband was just commenting on. We need to continue to remedy this situation, the problem is not solved. Mr. Kennedy had stated earlier that he doesn't want to see the same people meeting after meeting. It took three sessions of this meeting to get the County and the Department of Health to give us the findings of our homes that were done in November. Why do we have to come meeting after meeting and Legislator Lindsay requests these findings since November? It shouldn't take all of our time to do that.

The County needs to impress upon the town to continue pumping water from the northeast recharge basin, pumping water into the southeast basin. They need to look into other options on our block to reconfigure the water that is coming from the Parkland development. Your, our government, should be taking care of us. We should not be in this fight alone; the cover-ups need to be uncovered.

Dr. Chaudhry, as the incoming Commissioner of Health, we implore you to investigate the handling of this, from the building of our homes to the expansion of the apartments. We need a partnership. The Department of Health and the County have been complicit to the misconduct. We look forward to new leadership for accountability and a remedy to our problem. It is my responsibility as a parent to provide a healthy and safe environment for my children. The Department of Health and the County have caused unsafe conditions in my home and now they need to partner with us for a solution. Isn't that your job as the government to do that? Thank you for your time.

**CHAIRMAN MYSTAL:**

Thank you very much. Janice Barilla.

**MS. BARILLA:**

I, too, am a resident of Bishop Lane. I have a number of health concerns. My basement has waste from sewage plants, the chemicals that they're putting in now to the leaching pools to remove these -- the bacteria is now coming in to my basement. There's so much mold in my basement that there's no amount of cleaning that we could do to remove it. I'm concerned about my children's health, my health and my husband's health.

There's standing water in our neighborhood in the recharge basins, so come this summer we're going to have a big problem with mosquitos again. And last year they came and sprayed for mosquitos, but we were never told that they were coming, I smelled whatever chemicals they put down and closed all my windows, my children and I were home at that time. I live right across the street from one of the recharge basins.

I think the thing that concerns me most is the loss of investment. Even if I wanted to move out of this situation, I couldn't sell my house; I don't think I could even give it away. And there is also talk about moving -- someone selling more property and building more apartments adjacent to our neighborhood; that's just going to flood us out more. We really need somebody to assist us impress upon the Town to help us eliminate this problem in our neighborhood. Thank you.

**CHAIRMAN MYSTAL:**

Thank you very much. Matthew Atkinson on Vector Control.

**MR. ATKINSON:**

Mr. Chair, members of the committee, Matthew Atkinson with Peconic Baykeeper. I'm going to try and limit my comments pretty much to the marsh manipulations are part of the Long-Term Plan. And I want to admit and make quite clear that there are levels of review that Legislator Vilorio-Fisher has added to this, however, if you read this, it's a kind of morass. Because all and all, what it does do is it does say is that this SEQRA review has found that marsh manipulations are successful in reducing mosquitoes and they're benign to the environment. Subsequent review is going to be bound by that.

I would like one very clear sentence in this and then Peconic Baykeeper, after all these years, will be happy to simply participate in the triennial review to get additional improvements in the plan as more information becomes clear. But I would like one clear statement, that these Best Management Practices have not been proven yet, the jury is still out on whether they actually work on reducing mosquitoes and their impacts on marshes are also very unclear. And that what should happen is that the Wetland Stewardship Committee should, as charged, develop a Wetlands Management Plan and we should move forward from there and not go ahead and adopt these management practices prematurely.

Just as a general comment, I'd like to say that this was a very ambitious mission and cost \$4 million to prove, first under Gaffney and now under Executive Levy, to go ahead and show us a plan which is going to be environmentally benign and is going to get rid of all our mosquitos. And this department set forth to do that and has painted a very rosy picture that these pesticides are not harmful, but we're going to reduce them anyway by doing marsh manipulations.

It's very important, I believe, to stick to what CEQ has done; they've done it based upon very good science, they've done it upon the comments of leading scientist, Wetland Scientist, Dr. James-Pirri of the University of Rhode Island, for example, the Chair of Ecology at Brown University all looked at these programs, all looked at Wertheim and said, "Don't do it. Be really cautious, this is all very experimental and it will cause lasting harm if you don't."

Furthermore, these peer reviewers, Entomologist Ginsberg was mentioned previously, the Entomologist Pimentel up at Cornell said, "You have overstated the risks of disease and you've understated the risks from the pesticides; be cautious."

And in this one regard, I will ask that you don't completely forget about Methoprene. At the EPA hearing, I believe Legislator Kennedy asked the question about whether Methoprene could bioaccumulate and Dr. Tonjes said, "Absolutely not." And of course there is a peer-review literature out there by Michael Horst which shows Methoprene bioaccumulating in lobsters, in such amounts that it will be fatal to them and this may be applicable to other crustations.

The CEQ has shed some light on this mosquito control plan and we hope the Legislature shall view IR 1150 in this light and require some of these changes. Thank you very much. And I'll submit my comments in the record.

**CHAIRMAN MYSTAL:**

Thank you very much. Michael Malone.

**UNKNOWN AUDIENCE MEMBER:**

He left.

**CHAIRMAN MYSTAL:**

Is gone? Okay. Ray Merola.

**MR. MEROLA:**

Good afternoon. My name is Ray Merola, 126 Bishop Lane in Holbrook. Like my neighbors, I'm here for the same reason.

I would first like to express my appreciation to Legislator Lindsay. Prior to his involvement, we had gotten nowhere with the Town or with the County of the flooding problems on Bishop Lane. I'm totally exacerbated when it comes to the fact that we have tried to get information from the Suffolk County Department of Health Services for some time now and we've gotten absolutely nowhere with them. We were told that the expansion of the Hillcrest Apartments would not effect us; well, obviously we've proven that to be wrong. We were told that the additional water coming from the

apartments would not affect us; that, again, was wrong. We were told that the water coming out of the Hillcrest Apartment sewage treatment plant was pure water, we had nothing to worry about; that was wrong.

When they finally did the test, after months and months and months of Frank going through getting his own test done and bringing it to them, they found out there's nitrates and amonia. The only way amonia is getting in your water is from human waste; the human waste we're referring to is the individuals at the Hillcrest Apartments. The recharge beds are supposed to be, I think it's 200 feet away from the nearest property line; you could literally take a hop, skip and a jump and jump in it from the back of my property or Frank's property or several of our other neighbors.

We just want to know what's going on and if this Legislative body can do something for us. My electric bill, I don't know what yours is but when I'm hitting \$500 a month to keep two pumps running, if I pull the pumps my basement floods. We were at Legislator Lindsay's office several months ago, we were told and it was agreed upon that the Hillcrest Apartments would drain the recharge basins and then fill them in; that was supposed to happen, it didn't. One day I see this huge plow behind my back, behind my house putting dirt on top of the recharge beds which were still full. Because of the additional pressure, 24-hours later I had another inch of water that my two sump pumps could not handle.

I called Walter Hilbert up, he told me it was his decision, he didn't think it would affect us to just fill it in just to expedite matters. Well, that's not what the plan was, that's not what was agreed upon with Legislator Lindsay, this was not told to our civic association. Yet the Department of Health seems to take it upon their own to do whatever they seem is the best course, and unfortunately we're the ones that continuously suffer for it.

I'd like, if you could, to give us some feedback so we know approximately where we stand. I'm sure you guys are tired of hearing us because we come to every meeting, we've been coming to every meeting, we're going to continue to come to every meeting. Thank you.

**LEG. KENNEDY:**

Mr. Chair?

**CHAIRMAN MYSTAL:**

Thank you very much.

**LEG. LOSQUADRO:**

Just one quick suggestion to him. Mr. Merola, I will say to you that our Chair of this committee has a list that's growing ever longer for his meeting with the Health Department and I'm sure that he will be adding your queries to that.

**CHAIRMAN MYSTAL:**

Yes, it has been added.

**LEG. KENNEDY:**

The other thing that I'll offer to you is an apology that a department is unresponsive and I will also point you to Public Offices Law and the FOIL process.

**MR. MEROLA:**

Thank you very much.

**LEG. KENNEDY:**

Being a FOIL Officer in the Clerk's Office, it was the department's responsibility to respond within five days.

**MR. CHRISTIANO:**

Mr. Kennedy, I have --

**LEG. KENNEDY:**

No, sir, I need to speak to this gentleman. I'm just encouraging you to go ahead and do that; there will be further dialogue if you follow that process. Thank you.

**LEG. EDDINGTON:**

I would just like to add an apology also; I'm sorry for your trouble.

**MR. MEROLA:**

Frank has one statement, could you give him one minute just to --

**CHAIRMAN MYSTAL:**

No.

**MR. MAHONEY:**

You have to come to the microphone.

**MR. CHRISTIANO:**

He just told us to get FOI's and I have FOI'd --

**CHAIRMAN MYSTAL:**

Mr. Christiano, I cannot have the public just stand up and speak. I have people who have also been waiting for three hours, not just you, and I have cards. I am not trying to be rude, I'm just trying to follow the rules. The next person is Lauren Stiles.

**MS. STILES:**

Good evening. My name is Lauren Stiles, I am a member of the Suffolk County CEQ and I have read through voluminous records having to do with this plan. And unfortunately, I feel that the County has spent four years and \$4 million of taxpayer money. And even though the plan is a lot more complex than what we were originally doing with Vector Control, it is essentially the same techniques and the same tools.

And there's a lot of language that makes it seem like we're doing things better or we're going to do them better, but unfortunately a lot of this language is not binding, not mandatory language, and I just wanted to give you some examples of that.

For example, on page six and seven of the findings that are in IR 1150 that you're considering today, it says, "For the first three years, the Long-Term Plan will focus on BMP's 1-4." Mr. Dawydiak stated earlier that 5 through 15 will not be used for the first three years; so why isn't that written into the findings, why does it say focus on? I'm just putting this out because this is throughout the findings and throughout the plan, there's this very loopy-goosey kind of language that leaves it up to the discretion of Vector Control and essentially you're giving them carte blanche to do whatever they want.

Another example of this is page six of the findings, it's another loophole. It says, "Machine ditch maintenance," which is taking the large machines and going out on to the marshes, some of the pictures you saw earlier. It says, "Machine ditch maintenance is expected to be annually limited to 50,000 linear feet"; why are we saying it's expected to be? Why don't we just say it's limited to 50,000 linear feet, because otherwise you're just giving them carte blanche to do as many thousand linear feet as they want, and I just think that that is something that needs to be clarified.

Let's see, I just want to reiterate what someone said earlier. Even though it says that BMP's 5-15 will undergo further SEQRA review and that they will be Type I or Unlisted Action classified, that doesn't mean that they're going to be able to receive a Pos-Dec, which is what triggers the really in-depth environmental review, because the way the findings are worded saying that all these tools

have been evaluated and that they've been mitigated to the maximum extent practicable, that would mean that any further environmental review would have to just be a rubber stamp, there would be no substantive look at this. And that's why I really think you need to make clear in this language, these findings, that BMP's 5-15 are not justified at this time. They may be justified in the future, but they have to be, they can't be used until they are. The other thing --

**CHAIRMAN MYSTAL:**

Please wrap up, Ms. Stiles.

**MS. STILES:**

I'm sorry?

**CHAIRMAN MYSTAL:**

Wrap up, you've exhausted your three minutes.

**MS. STILES:**

I will wrap up. Regarding nuisance versus disease, there's a lot of controversy that's been going on for years about this linguistic fight, you could call it. I have what I consider to be a fairly simple solution to this and I think it should meet the needs of Vector Control and the concerns of the public and the environmental community. When you have a disease, a spraying event that is not in response to a specific known -- like, "There's no West Nile Virus found in this wetland, but we're going to spray because there's a large volume of mosquitos," let's say -- which is what we used to call nuisance spraying, we're now calling it Vector Control spraying -- that's fine with me. I just think that the public notices that go out on that spraying, we need to make clear to the public that no virus is known to exist at that time. And the reason this is so important to know is because as a member of the public that goes to the wetlands, I go hiking and kayaking and take my niece and nephew and young children out with me, I want to know. If there's no West Nile Virus, then I'm not really afraid to go in the wetlands and maybe I'll just put on some Deet or something. But if there is West Nile Virus in the wetland, we need to know that as the public so that we can maybe not go there.

And I think that by not really making it clear, by using sort of some tricky language, it's really deceiving the public unnecessarily. So that's all, I just wanted to say that. Thank you for your time.

**CHAIRMAN MYSTAL:**

Thank you very much, Ms. Stiles. Diana VanBuren; gone?  
Oh, she's still here.

**MS. VAN BUREN:**

My name is Diana Van Buren and I am the Vice-President and Program Chair of the North Fork Audobon Society. We have almost 500 members and we vote.

I am here today to strongly urge you to accept all the recommendations of the CEQ and incorporated them into the Fisher bill. I'm going to take just one small example. You are aware of all of the recommendations, but I want to speak about the use of Methoprene. There are lots of other things that I could speak about, but I'm going to speak about that and also the ditching of salt marshes.

As we know, salt marshes are the nursery habitat for the larva of dragon flies -- this is something that we happen to have a particular interest in which I will speak about in a moment -- as well as crabs and lobsters which happen to be an important part of our cultural heritage as well as our economy. Yes, the salt marshes also are held to mosquito larva, but these are not the type of mosquito that carry West Nile Virus and the voracious larva of dragon flies in particular have the ability to eat large quantities of mosquito larvae if they're allowed to mature; Methoprene prevents this from happening.

It's also -- it's a well-known fact that dragon flies are known to be an excellent indicator of

marshland health and wetland health. How many of you have children who love watching dragon flies? How many of you have children or even yourselves who remember growing up amidst damsel flies and dragon flies, chasing them, watching them in the summer? It's a fond memory and it's fading fast, as dragon flies themselves diminish in quantity and number.

The North Fork Audobon Society recently submitted and received a grant to participate in the New York Dragon Fly and Damsel Fly Survey. This survey is a project of the New York State Department of Environmental Conservation, the Division of Fish, Wildlife & Marine Resources and the New York Natural Heritage Program. This might surprise you, but they are spending money on observing and cataloging and surveying dragon flies, in part to document New York State's natural heritage. The program is being supported with funds from the U.S. Fish & Wildlife Service, State Wildlife Grants Program and administered by the DEC.

My question to you is who needs to do an actual dragon fly and damsel fly survey if we already know that the reason why dragon fly populations are declining dramatically is because their young are being decimated by pesticides in order to control mosquitos. The same in terms of ditching. The CEQ recommends methods that are far more responsible and environmentally sound; please incorporate them.

It's not just an organization like the North Fork Audobon Society that spends time, money and energy on habitat preservation, but all of us, the taxpayers who vote to spend millions of tax dollars every year to preserve what is left of the spectacular natural environment of Long Island. What is the point of preserving wetlands in name only if you're going to dig them up? The purpose of preserving them is to provide --

**CHAIRMAN MYSTAL:**

Please wrap up.

**MS. VAN BUREN:**

-- a place for wildlife to live, breed, raise young and thrive. If Methoprene ditching and other physical manipulation of the wetlands eliminates salt marsh, larval habitat, a crucial part of the environmental food chain is broken and the creatures which depend on this food source, as well as control them as pests, they eat mosquitos, will die, not survive. If you pass this bill as it is now written without including the recommendations of the CEQ completely, you will be responsible for the destruction of critical habitat and food sources for birds, insects, mammals and fish that are a crucial part of our natural heritage. Thank you.

**CHAIRMAN MYSTAL:**

Thank you very much. Mary Laura Lamont.

**MS. LAMONT:**

Good evening and thank you. My name is Mary Laura Lamont and I live in Riverhead. And I am the Town of Riverhead representative of the CAC, I'm the representative to the Suffolk County CEQ. I have -- also, before I start and get into my letter here, which I have for all of you, I'd also like to say that the CAC representative from the Town of Southold, Joyce Grigonis, could not be here today, she is battling breast cancer, but I have her letters, so I will submit her letters in addition to mine.

I'd like to speak specifically about marsh, which you've heard a lot of tonight, and I'm a relatively new member on this. I was asked to do this in October on the CAC and asked to be a representative to your CEQ, which I said okay, not really realizing how long and involved this process would be. However, something's dear to my heart and I want to make some very strong points on the BMP, the Best Management Practices of this Long-Term Plan. It really shouldn't be called Best Management Practice, it should DMP, Devastating Marsh Practices, Devastating Management Practices. You have two components of a salt marsh, you have a high marsh and a salt marsh. By flooding the high marsh with salt water to control mosquitoes, you eliminate that entire section of the marsh. The high marsh is where all of our rare and declining salt marsh birds nest. They know

enough not to nest in the lower salt marsh because it's flooded by tidewater every day, they nest in the high marsh; they may feed down in the low marsh, but they nest in the high marsh.

Also, all of the State's rare, declining plants that grow in marshes are in the high marsh. If you flood this marsh by digging it up and ripping it apart to let increased levels of salt water come in to the high marsh, you're destroying all those plants in addition to all the nesting spots of the rare and declining marsh birds. So this is not a best management practice at all, you're destroying a whole ecological community if you allow this to go through. Best marsh practices are not that, they will devastate the marsh. And in the day now of Global Warming, we know sea level is increasing, we have results of that, it's coming up higher and higher. You're going to dig up the --

**CHAIRMAN MYSTAL:**

Please wrap up.

**MS. LAMONT:**

-- high marsh which will let more water in, and that's exactly what it'll do. It's devastating; it will devastate the whole marsh. And the County should be held responsible, then, for increased flood waters that will be allowed into the marshes; the marshes hold back the flood waters. Who do I submit this to?

**CHAIRMAN MYSTAL:**

Thank you very much. Alison will take it. Mr. Enrico Nardone.

**UNKNOWN AUDIENCE MEMBER:**

He had to leave.

**CHAIRMAN MYSTAL:**

He had to leave, oh. Mr. Lawrence Merryman; and Adrienne, you are last.

**MR. MERRYMAN:**

Good evening, because that's what it is. Thank you for --

**CHAIRMAN MYSTAL:**

Please do not remind me, I've been here since 9:30.

**MR. MERRYMAN:**

Thank you for allowing me this opportunity to speak. My name is Larry Merryman and I'm the past President and Conservation Chair of the Great South Bay Audobon society.

In this matter, I also represent the Long Island Audobon Council consisting of the seven separate Audobon Chapters on Long Island. The Long Island Audobon Council's Chapters have a combined population of approximately 7,000 members.

Of the many proposals in the County's proposed Long-Term Plan for Vector Control and Wetlands Management, the one that alarms the Long Island Audobon constituency the most is the plan to dig ponds and artificial creeks in the salt water high marshes under the guise of mosquito control; this is called OMWM, Open Marsh Water Management. This OMWM plan is absolutely unproven, as there is no conclusive evidence that the digging of ponds will control mosquito populations, and it may even increase mosquito populations. In fact, there is considerable evidence that OMWM may cause irreputable damage to the marshes which have been supported through written document from numerous noted authorities on biology and estuarine studies. This written evidence was supplied to CEQ during that body's extensive deliberations. I believe that the term OMWM may have been changed in the plan to BMP, Better Management Practices. I don't know if that's an attempt to disguise it or what, but the name has been changed and the concept is to destroy the pristine marsh areas and install duck ponds in their place and that is a shame.

After several open hearings where the Vector Control Plan was vigorously opposed by many of the prominent conservation groups in Suffolk County, the CEQ voted against a number of the Vector Control proposals and votes against these proposals have not been mere split votes, but in some case by very wide margins. It seems inconceivable to me that the Suffolk County Legislature would even consider this plan and its damaging aspects after such a resounding defeat for the proposals in the CEQ which is charged with advising the Legislature concerning the validity and consequences of environmental plans.

I sincerely hope that the members of this subcommittee and their scholarly review of the Long-Term Vector Control Plan, especially the OMWM or BMP practices portion, will refuse to endorse the plan that is now constructed. I hope you will abide by the CEQ recommendations not to send the Vector Control Plan to the full Legislative body in its present, unacceptable form.

I also have attached to my presentation a letter from seven, eight prominent doctor, PHD's of Science who basically say in their last paragraph, "With these thoughts in mind," they're writing to Mr. Levy, the Supervisor -- the County Executive, "We are urge Suffolk County to reconsider the embrace of OMWM as a method to restore its coastal marshes. It is an unproven, experimental technique that is simply not a substitute for careful comprehensive marsh restoration."

**CHAIRMAN MYSTAL:**

Please wrap up,

**MR. MERRYMAN:**

"In the long run, OMWM may even do more harm than good to your irreplaceable salt marshes," and it's signed by eight PhD's.

**CHAIRMAN MYSTAL:**

Thank you very much. Ms. Adrienne Esposito.

**MS. ESPOSITO:**

Good evening, Legislators. I'll spend one minute on Bishop Lane and two minutes on Vector Control.

The bottom line for Bishop Lane for clarity purposes, just so you know, is that that area was built in an ancestral stream channel, so it's slightly lower in elevation than the surrounding area. The problem is caused by two things, or the problem, I should call it a debacle is caused by two things; one is the inexplicable siting of leaching pools from a sewage treatment plant that are hundreds of feet too close to this community, placed there by the Town of Islip, and the second is the inexplicable siting of their homes at or below water table.

So what the community really needs from this Legislative body is for you to work with them to really impress upon the Town of Islip to fix what they did wrong. The town has been resistant, the town has been somewhat negligent in our view, and what the community needs is political help and political power to impress upon the town now to do the right thing. We're making progress because leaching pools were filled, they're moved, but progress hasn't helped them yet, so we need to move further. So I think if this Legislative body could do one thing, I would recommend you help them get the -- if it wasn't for the community, if it wasn't for the diligence, the intelligence and the resistant -- resilience of this community, nothing would have happened to date. So they really need your help and that's one roll that this committee could fill that would benefit the community.

Switching gears to Vector Control. Just one issue that has not been mentioned tonight which I think should be mentioned, and that's the issue of landing rates. I know, sounds like a boring detail, however it's very important. The CEQ recommendation was that there should be ten mosquitos per minute before an adulticide spray is triggered; the Long-Term Plan recommended one to five mosquitoes land per minute before an adulticide is triggered and then the final legislation before you recommends one per minute for five minutes before an adulticide is triggered. We would hope you would up that number; one per minute for five minutes to us seems very minuscule and not

substantive enough to trigger an adulticide spray. So we would just ask you to reconsider that formulation.

And the second thing is, again, and I said this last month and I'll say it again, we appreciate the work that went into making a distinction between nuisance control and health spraying -- or spraying for disease control, excuse me -- and we've come a long way in that and we thank the committee and the Health Department for doing that, or the Legislature and the Health Department for doing that. However, from a public perspective, I'm not sure the public is going to understand the distinction you made, it's a little bit technical for the public to understand it. So we would just ask that -- I know right now you're -- I believe, and I know Legislator Vivian Fisher will correct me if I'm wrong, the distinction is "health emergency for disease control and Vector Control for nuisance control"; we would just ask you if you could help clarify the Vector Control by inserting the word nuisance so it either says "Nuisance Vector Control or Vector Nuisance Control", just so the public understands this because they're not going to know what you know and they're clearly not going to know, you know, what the Health Department knows. So if there's a spray event, we need for them to have a clear understanding of what the event is -- why that spray event is occurring. That's it. Thank you.

**CHAIRMAN MYSTAL:**

Thank you very much.

**LEG. VILORIA-FISHER:**

Adrienne, I'm just perplexed by something.

**MS. ESPOSITO:**

Okay.

**LEG. VILORIA-FISHER:**

At the end of this committee --

**MS. ESPOSITO:**

I'm perplexed by a lot of things, but go ahead.

**LEG. VILORIA-FISHER:**

Okay; well, let's add this one. At the end of the last Health Committee meeting, you and I spoke in the lobby and you said, "You left out the last part of the sentence which is one per minute, but we want it to say for five minutes."

**MS. ESPOSITO:**

Yes.

**LEG. VILORIA-FISHER:**

And I called Counsel and I said, "You know what, let's put the rest of that sentence in."

**MS. ESPOSITO:**

Yes.

**LEG. VILORIA-FISHER:**

I spoke with you again when I was doing my food shopping on my cell phone --

**MS. ESPOSITO:**

Yes, I recall.

**LEG. VILORIA-FISHER:**

-- and went over that again and made sure that that language was there, but now you're changing it.

**MS. ESPOSITO:**

No.

**LEG. VILORIA-FISHER:**

You said to me one per minute for five minutes.

**MS. ESPOSITO:**

No, never said that.

**LEG. VILORIA-FISHER:**

That is precisely what you said.

**MS. ESPOSITO:**

No, it's not.

**LEG. VILORIA-FISHER:**

I think you said the same thing to Walter.

**MS. ESPOSITO:**

Excuse me, I'll tell you what I said because I have a --

**LEG. VILORIA-FISHER:**

Well, I wrote it down as you said it and I have it in writing.

**MS. ESPOSITO:**

I have an excellent memory; I'm actually known for my memory. What I have said, both verbally and what I have said on record, is that we wanted -- and actually, we have said this and it will be in the minutes for the last meeting, is that the Long-Term Plan says one to five per minute for a set number of times. So what I had asked you to do was both of those things, and we do appreciate you putting in the five minute thing because I think that's very, very valuable and needed.

**LEG. VILORIA-FISHER:**

Well, you know what? I'm not going to do he said/she said, but I wrote it down when you said it.

**MS. ESPOSITO:**

Okay. Well, if you're not doing it, I think you just did, but I do recall what I said.

**LEG. VILORIA-FISHER:**

I do, too.

**MS. ESPOSITO:**

Okay, great. So what I'd like to do is reiterate the fact that we do think -- nevertheless, we are where we are, no matter who said what, we are where we are today which is one landing rate per minute for five minutes which we think is -- doesn't really get there. And traditionally, the spirit of what has occurred over the last five years is that an adulticide would only occur if there was some type of large infestation, and we don't believe that one per minute for five minutes reflects a large infestation. Thank you.

**CHAIRMAN MYSTAL:**

Thank you very much. We are going to finally move into the agenda. There is an agenda.

### **Tabled Resolutions**

***2243-07 - Requiring notifications of rabies vaccine drops (Stern).***

At the request of the sponsor, he has asked, too, for this to be tabled; I'll make a motion to table it.

**LEG. EDDINGTON:**

Second.

**CHAIRMAN MYSTAL:**

Second by Legislator Eddington. All in favor? Opposed? Abstentions? *The motion is tabled (VOTE: 4-0-0-1 Not Present: Legislator Horsley).*

*2595-07 - Directing the Department of Health Services to conduct an audit of retail establishments that sell pesticides (Schneiderman).* Motion to table.

**LEG. NOWICK:**

Second.

**CHAIRMAN MYSTAL:**

Seconded by Legislator Nowick. All in favor? Opposed? Abstentions? *Motion is tabled (VOTE: 4-0-0-1 Not Present: Legislator Horsley).*

*1149-07 - Adopting Local Law No. 2007, a Local Law to regulate the use of outdoor furnaces in Suffolk County (Eddington).* Mr. Eddington?

**LEG. EDDINGTON:**

Motion to approve.

**CHAIRMAN MYSTAL:**

Seconded by myself. All in favor? Opposed? Abstentions? Motion carries. *Approved (VOTE: 4-0-0-1 Not Present: Legislator Horsley).*

*1150-07 - Adopting the Suffolk County Vector Control and Wetlands Management Long-Term Plan and a State Environment Quality Review Act Findings Statement for the Final Generic Environmental Impact Statement (Viloria-Fisher).* I don't understand what that means, but I guess it's called Vector Control. Motion to approve. Do I get a second?

**LEG. NOWICK:**

Legislator Fisher?

**CHAIRMAN MYSTAL:**

No, she can't make a motion.

**LEG. EDDINGTON:**

I'll second it.

**CHAIRMAN MYSTAL:**

Seconded by Legislator Eddington; I thought it was going to die for lack of a second. On the motion, Mr. Kennedy, you got exactly thirty seconds.

**LEG. KENNEDY:**

Okay, sir. Mr. Chair, despite the fact that we've spent a tremendous amount of time on this to this point with the hearings, I think we've also been presented with a significant amount of new information at this point today. And I have no desire to necessarily prolong this, however, my own opinion is that in order to be able to go ahead and do proper due diligence and give this material the hard look that we're obligated to do, I'm going to make a motion to table for one cycle. I think that it's incumbent on us to go ahead and be able to have a final and fair vetting, for what it's worth.

**CHAIRMAN MYSTAL:**

Motion to table; I have a motion, but I don't think I have a second.

**LEG. KENNEDY:**

There we go.

**CHAIRMAN MYSTAL:**

Bite the dust. I have a motion to approve. All in favor? Opposed? Abstentions?

**LEG. KENNEDY:**

I'll abstain.

**CHAIRMAN MYSTAL:**

Motion is approved. We'll get it on the floor; abstentions, Mr. Kennedy. It will be on the floor on Tuesday, it can always come back up in terms of -- I would like the full Legislature to at least hear it.

**LEG. KENNEDY:**

Okay.

**CHAIRMAN MYSTAL:**

Okay, *motion is approved (VOTE: 3-0-1-1 Abstention: Legislator Kennedy - Not present: Legislator Horsley).*

### **Introductory Resolutions**

**1167-07 - Designating the week of April 22nd as "Crohn's Disease and Ulcerative Colitis Awareness Week". (Cooper).** Motion to approve, seconded by Legislator Eddington. All in favor? Opposed? Abstentions? *Motion is approved (VOTE: 4-0-0-1 Not Present Legislator Horsley).*

**1170-07 - Adopting Local Law No. 2007, A Local Law to prohibit the sale of Dexromethorphan (DXM) to minors within the County of Suffolk (Nowick).** This legislation has to be tabled for a public hearing. Motion to table by Legislator Nowick, seconded by Legislator Eddington. All in favor? Opposed? Abstentions? *Motion is tabled for a public hearing (VOTE: 4-0-0-1 Not Present: Legislator Horsley).*

**1206-07 - Accepting and appropriating 100% State funds from the New York State Office of Children and Family Services to provide a 2.5% cost of living adjustment for Preventive Service Programs in the Department of Social Services (County executive).** Motion to approve and to put on the Consent Calendar.

**LEG. KENNEDY:**

Second.

**CHAIRMAN MYSTAL:**

Seconded by Legislator Kennedy. All in favor? Opposed? Abstentions? *Motion is approved and put on the Consent Calendar (VOTE: 4-0-0-1 Not Present: Legislator Horsley).*

**1227-07 - Accepting and appropriating 100% 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 Paul Coverdell National Forensic Sciences Improvement Act, FY06-001-HSV-4731 (County Executive).** Same motion, same second, Consent Calendar, motion is -- same vote. *Approved and put on the Consent Calendar (VOTE: 4-0-0-1 Not Present: Legislator Horsley).*

**1228-07 - Accepting and appropriating 100% 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 Paul Coverdell National Forensic Sciences Improvement Act, FY06-001-HSV-4729 (County Executive).** Same motion, same second, same vote, same Consent Calendar. **Approved and placed on the Consent Calendar (VOTE: 4-0-0-1 Not Present: Legislator Horsley).**

**1229-07 - Accepting and appropriating 100% State aid from the New York State Office of Mental Health to Nassau-Suffolk Law Services for provisions of Civil Legal Services Program (County Executive).** Same motion, same second, same vote; Consent Calendar. **Approved and placed on the Consent Calendar (VOTE: 4-0-0-1 Not Present: Legislator Horsley).**

**1240-07 - Declaring April as "Minority Health Month" in Suffolk County (Mystal).** I make the motion to approve, seconded by Legislator Nowick. All in favor? Opposed? Abstentions? **Approved (VOTE: 4-0-0-1 Not Present: Legislator Horsley).**

**1248-07 - Designating the month of April as "Autism Awareness Month" in Suffolk County (Stern).** Motion to approve, seconded by Legislator Eddington. All in favor? Opposed? Abstentions? **Approved (VOTE: 4-0-0-1 Not Present: Legislator Horsley)**

**We already took care of 1255.**

#### **Memorializing Resolutions**

**Memorializing Resolution 03-2007 - Memorializing Resolution urging the United States Congress to enact the "Medicaid County Protection Act of 2007" (Presiding Officer Lindsay).** Motion to approve, seconded by Legislator Eddington. All in favor? Abstentions? Opposed? Motion carries. **Approved (VOTE: 4-0-0-1 Not Present: Legislator Horsley).**

On that note, Ladies and Gentlemen, we are adjourned, it is ten minutes to six.

**(\*The meeting was adjourned at 4:47 PM\*)**