

HEALTH & HUMAN SERVICES COMMITTEE

of the

Suffolk County Legislature

Minutes

A regular meeting of the Health & Human Services Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Hauppauge, New York, on March 1, 2007.

Members Present:

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

Also in Attendance:

P.O. William Lindsay
D.P.O. Vivian Vilorio-Fisher
George Nolan - Counsel to the Legislature
Tim Laube - Clerk/Suffolk County Legislature
Lance Reinheimer - Budget Review Office
John Ortiz - Budget Review Office
Paul Perillie - Aide to Majority Caucus
Linda Bay - Aide to Minority Caucus
Greg Moran - Aide to Legislator Nowick
Ben Zwirn - Assistant Deputy County Executive
Linda O'Donohoe - Assistant to the Commissioner/Dept of Social Services
Margaret Bermel - Director of Health Administration/Health Department
Dominick Ninivaggi - Superintendent of Vector Control
Greg Blass - Chief Deputy Commissioner of Dept. Of Social Services
Patricia Clark - Department of Social Services
Katie Roche - Executive Director/Rainbow Chimes, Inc.
Ray Vuono - Director/Med Link.
Cheryl Felice - AME
Lydia Sabosto - AME
Randi Delirod - AME
Kathy Liguori - Tutor Time/Medford
Anita Fleishman - Pederson-Krag Center
Steven Burgdoerfer -- Tutor Time/Islandia and Ronkonkoma
Rick Bartlett - Medford Fire District
Joe DeStefano - Medford Fire District
Bob McAlevy
Adrienne Esposito - Citizens Campaign for the Environment
Kasy Jacobs - Citizens Campaign for the Environment
Matthew Atkinson - Peconic Baykeeper
Enrico Nardone - Seatuck Environmental Association
John Potente
Michael Kaufman

Minutes Taken By:

Lucia Braaten - Court Stenographer

[THE MEETING WAS CALLED TO ORDER AT 2:08 P.M.]

CHAIRMAN MYSTAL:

Please rise for the Pledge of Allegiance, led by Legislator Nowick.

(*Salutation*)

Thank you very much, Ms. Nowick. That's one way of, you know, cutting the conversation.

Good afternoon. We are going to have a very lengthy meeting, so I will advise everybody to please, if your allotted time is three minutes, to adhere to that. And it may be debatable as to whether or not anybody is going to speak about the same thing. At the onset of this meeting, let me make it perfectly clear, for those of you who are here on that subject, that resolution 1150 that deals with Vector Control is going to be tabled at this meeting at the request of the sponsor. So I just want to put that up front, so we can maybe limit the debate.

Number two, the Commissioner of the Department of Social Services, who was supposed to come and make a presentation to the committee, is out sick, so she won't be able to do that, but she will be here at the next meeting, which is March -- March, for the committee meeting, which will be on Thursday, which will be March 18th? March 18th. So again, she apologizes, but she's sick. And she did give me two weeks notice that she was going to be sick today, so we agreed to that.

We are going to have a presentation by Kathy Roche, Executive Director of Rainbow Chimes. And, Miss Roche, if you are here, could you please come to the table? Front and center, hot seat.

MS. ROCHE:

I've never done this before.

P.O. LINDSAY:

Well, there's a first time for everything.

MS. ROCHE:

Thank you very much.

P.O. LINDSAY:

You're welcome. Please state your name for the stenographer. It's not on. The little button on top. No, all the way on top. All the way, top, top, top.

MS. ROCHE:

My name is Reverend Kathleen Roche. You can call me Katie. I wanted to say thank you for inviting me here today to speak to you about the effect late County payments for subsidized child care had been having upon my not-for-profit child care organization, Rainbow Chimes.

We were founded in 1980 and operate three sites. Our main community-based program in Huntington, where we have seventy-one DSS subsidized children, making up about half of our enrollment, a satellite site at Western Suffolk BOCES, where every child is subsidized, and most are babies of teenage mothers, getting their high school diplomas and training for jobs, so that they can support their babies themselves, and a satellite site that we operate for Gurwin Jewish Geriatric Center, where we give care to the children of staff who are employed there. And we're very, very devoted to our mission of serving the working poor in our community, and we have been enrolling DSS subsidized children for at least 20 years. That's CPS, low income, Title 20, Preventive SWEP, and from public assistance. We are among the very, very few license child care providers that accept County subsidized infants and toddlers, as well as preschoolers and school-ages. The reason this is such a big deal for you to know about is that it cost much more to care for a baby than we can ever bill for. We are caring for 25 subsidized babies at our Huntington site, and, as I mentioned, virtually every child at our BOCES site is an infant or toddler.

During the years when the County was making timely payments to child care providers, we were able to establish that on an analyzed basis, a County contracted provider would only actually receive about 92% of the rate we were allowed to bill. There were always disallowances and problems and authorizations and overworked case workers that couldn't get the approvals into the system, and all of these problems were providers -- these problems were related to providers having to write off thousands of dollars throughout all these many of years, but it was accepted as a means of the cost of doing business with the County. But these problems have been made much, much worse during the past -- during two terrible periods in the Suffolk County contracted child providers history.

In the mid-90's, payments were delayed for many months, and numerous child care providers went out of business. Much too much of the money that the County had invested in developing very badly needed child care slots were lost. They were wasted all because payments couldn't be made in a timely manner. And when welfare reform came along, there was a great rush, a new government money that had to be reinvested in creating and supporting licensed child care slots for the growing numbers of working poor. We have in the headlines now in Newsday, "Suburbia - Poverty, They Go Hand In Hand".

New York State set the so-called market rate and incentivized more providers to take DSS subsidized kids. Since there were very few not-for-profit centers left by that point, for-profit programs also started to enroll these children. And for nearly a dozen years, centers did receive timely payments. And because we're so dependent on the DSS monies in order to pay our bills each month, we hand-delivered our filled-in roster back to the County as fast as we could, usually one-day turnaround. Twenty-one to 28 days later, never longer, we would receive our payment. Then, about two years ago, we began to see late payments, which got progressively later. At first we couldn't pay our bills on time, but when there was no let up, we were only able to make net payroll insurance and food payment from private tuition and the fees we collected from our corporate sponsored sites. It became impossible to make timely payroll tax payments, and we could only pay these as fast as we received the County check, so we were getting in trouble for paying late each month. The penalty charge for this is 10%, plus a hefty interest fee. I personally loaned the center money, but it was not enough. Today we are still behind three payroll tax payments, totaling \$42,000. If the County ever catches up with its late payments, I can catch up with the IRS and have money left over to pay our other very, very late bills.

Now, you should understand that DSS Accounting has been frantically trying to process claims for the child care providers. For many months, in order to help the providers as best they could, they've been taking the very big monthly roster, it comes on a big fan-fold {BIX} form, and they've been taking those and processing those from the providers. The many smaller catch-up rosters and the individual SWEP vouchers have been left behind, waiting for the day when they can get around to processing these for payments. The SWEP vouchers are notoriously late anyway. They can typically take five to nine months for payment. So every month there's a substantial amount of money that remains outstanding. And because no explanation ever comes with a check when you finally do get it, you're left to guess what you weren't paid for and what you're still owed.

And we recently had a meeting with David Mohr from DSS Finance Accounting in which he patiently and painstakingly went over why we wouldn't be receiving thousands of dollars we had billed for over the past year, rules that were related to day-to-week billing adjustments, disallowances and unauthorized care, and so forth. But even so, calculate that we still have about \$60,000 due at our main Huntington site, and about half of this is for monies that are over 120 days due. The County also owes \$53,000 for care that was provided at our Western Suffolk BOCES site. And many, many faithful child care providers are in even worse straits, and I have heard that several have gone out of business. What a terrible shame it will be if the County does not learn from its history and once again waste so much of its money invested into creating these very child care slots.

Let me pause to tell you that things have gotten better and that DSS Accounting has been rushing to expedite our checks in the past few months, so that we could literally keep our doors open. We

were personally treated with great respect, and we have been given thorough and thoughtful explanations of what has caused the problems. We were given the good news that five new staff members have been hired at DSS Accounting, that the electronic version of the tracking and billing software soon to be deployed, and this will eventually speed things up. We have been told that we will start to see an easing of this big problem by the end of April, and that our payments should be caught up by the end of the summer. And though I do have faith that this awful non-payment problem is being addressed, we cannot wait until August to get all our payments, all our own payments caught up.

We have been promised that we will get a letter on County letterhead explaining the late payment problem, so that we can appease our vendors and the IRS. Congressman Steve Israel has already tried to intervene on our behalf to get the IRS to abate its terrible penalties and interest, but we have a response here I can show to you from the IRS that flatly refuses to assist us. And part of their rationale is that we now have a history of making late payments, and of course we do, since the County's been paying us late now for two years. This is a terrible unfair and crippling burden imposed on our not-for-profit school, and it is solely due to the County's late payments to us, which, frankly, never should have happened, let alone go on for two years.

I'm begging the Legislature to authorize funds to pay our IRS penalties and interest in order to make us whole again. It would be a cruel punishment for being faithful to the County's best interests if we were forced to fund these penalties out of the children's supplies and their meals. Please, please, do the right thing and authorize this emergency funding.

In addition, I urge you to pass legislation that will require the County to pay its child care providers on time within the 30 days it used to be. Also, please amend County Law Chapter 596-1, payment to child care centers, which would allow a 75% payment of a child care bill in advance of audit.

I deeply appreciate the consideration shown to us during our darkest hours last month when LIPA was at the door literally to turn off the power and the heat and we had no money to feed the children or to pay the staff. I pray that you will do everything that you can to assure that such things never happen again in Suffolk County, please, and thank you.

CHAIRMAN MYSTAL:

Thank you. Please remain. I'm sure there may be some questions from the committee. One request. Could you give us a copy of your presentation, please?

MS. ROCHE:

Certainly.

CHAIRMAN MYSTAL:

Give it to the Clerk.

D.P.O. VILORIA-FISHER:

Can you put met on the list, please?

CHAIRMAN MYSTAL:

This is a problem we have been dealing with for a long time. I'm going to refrain. I'm going for let other people speak right now. Legislator Kennedy?

LEG. KENNEDY:

Okay. You want to start, Bill?

P.O. LINDSAY:

No.

LEG. KENNEDY:

Thank you, Mr. Chair. Thank you for coming out to go ahead and tell us this, as some of us heard and had an opportunity to go ahead and share with you by way of your correspondence and your phone calls. And I guess the first thing that I can say to you from myself and I think on behalf of us is I apologize. I apologize, and I say to you that absolutely, positively the experiences that you have been compelled to have to experience by and through this County's failure to go ahead and to follow through on basic contractual obligations is just -- it's unacceptable.

I, for my part, tried to get information last month, and I was told by the Commissioner of DSS that the delinquency in payments were limited only to home based providers. As a matter of fact, I obtained a copy of that transcript, and the Commissioner is not here today, but my intent was to ask her directly why she misrepresented last month, when I inquired of her. After that, I had the opportunity to go ahead and see your letter, and I've had the opportunity to go ahead and have dialogue with Miss Liguori and Mr. Burgdoerfer from Tutor Time, and this is endemic.

It is amazing that the Executive, I guess, is moving again to go ahead and staff through emergency purposes a system that has been impacted, from what I'm told, for the better part of two years through delinquencies and vacancies in the Department of Social Services. So this is not something that occurred by some staff in-house who moved elsewhere in November, you've been struggling with this for quite sometime.

Let me just ask you a couple of just general questions so I can make sure that I understand it. Mr. Mohr met with you to talk about disallowances.

MS. ROCHE:

Yes.

LEG. KENNEDY:

Has he ever offered to assist you as far as just general billing practice?

MS. ROCHE:

Yes.

LEG. KENNEDY:

He has.

MS. ROCHE:

Yes.

LEG. KENNEDY:

And so, when you go back and forth and you try to reconcile, you're doing it from a knowledge base? Do you feel that you get the type of help that you may need so that you can properly submit your billing?

MS. ROCHE:

We would have needed to make a pest of ourselves every month for these many years to fully understand this, but since he has taken quite a bit of time now to explain this whole process to us, which every provider really needs to hear --

LEG. KENNEDY:

But "now" being when, "now" being in the last 30 days?

MS. ROCHE:

Oh, yes, in the last -- in the last 60 days, he --

LEG. KENNEDY:

But he's got your number.

MS. ROCHE:

He has really explained this to where at least I feel some really understanding about how things can get messed up.

LEG. KENNEDY:

How long have you been in contract with us?

MS. ROCHE:

Over 20 years.

LEG. KENNEDY:

Is that right? No kidding. So for 19 years nobody had your number. Now we're talking to you, that's great. Do you have correspondence there from the IRS?

MS. ROCHE:

Yes.

LEG. KENNEDY:

I would like it see a copy of that in particular.

MS. ROCHE:

Thank you.

LEG. KENNEDY:

I had occasion to deal with that when I was in the Clerk's Office. I know that for any individual, having an IRS lien or an IRS collection is no picnic. It is difficult to go ahead and work with at best for tax attorneys, let alone for a proprietor of a child care center. And the fact that we have caused you to be in this situation is what is further in my opinion unconscionable. I'm going to defer to my colleagues.

LEG. MYSTAL:

Legislator Eddington, please.

LEG. EDDINGTON:

Yes. I would like to join with my colleague in apologizing, and I'm very embarrassed. And I have toured some of the facilities and it's a magnificent job that you're doing with eight week old children and it's tremendous.

I talked to our Chair, and I would be more than happy to cosponsor legislation, and I think there probably would be a lot of cosponsors, to make sure that this doesn't happen again.

MS. ROCHE:

Oh, thank you.

LEG. EDDINGTON:

And that's why we want a -- what we would like to have a copy of your report, so we can use that in crafting the legislation, because this is unconscionable.

MS. ROCHE:

Thank you so much.

LEG. EDDINGTON:

Thank you.

CHAIRMAN MYSTAL:

Legislator Horsley?

LEG. HORSLEY:

Yeah, I'd like to hear from the County Executive's people, if that's -- somebody here from them? I saw Ben was here a minute ago. Or the Health Department?

MR. BLASS:

Mr. Chairman.

LEG. MYSTAL:

And Mr. -- oh, there is a Blass from the past.

MR. BLASS:

Mr. Chairman, our Finance Director would be very much interested in speaking on behalf of the Department.

CHAIRMAN MYSTAL:

I cannot let the opportunity pass up. Ladies and Gentlemen, may I introduce former Legislator, former Judge, otherwise known as the "Sundance Kid".

MR. BLASS:

It's like I never left.

CHAIRMAN MYSTAL:

You never left.

LEG. KENNEDY:

It's deja vu all over again.

CHAIRMAN MYSTAL:

Welcome back.

MR. BLASS:

You saved me the introduction. Thank you. Mr. Chairman, I think that it would be very helpful.

MR. NOLAN:

Use the microphone. Use the mike.

MR. BLASS:

Thank you very much. I remember these, sure. I want to, first of all, share the Committee's very deep concern with the way the situation has unfolded for the Rainbow Chimes Organization, which does marvelous work. And I think that the solution that we are dealing with is something that can be outlined by Miss Pat Carr from the -- Pat Clark, excuse me, from the Finance section of our Department. I think it would be helpful if she were given the opportunity to share a few words with you.

CHAIRMAN MYSTAL:

Yes. I just want to make the announcement that the problem that Rainbow Chimes just delineated is not only a Rainbow Chimes problem. I have a couple of providers in my district that are going under. I have Tutor Time, which is going under because of late payment. And Ms. Liguori, who's sitting in the back here, her business is about to go under if we don't do something about it. We are hurting our own constituents in the County in terms our small businesses, which, by the way, employ a lot of people and render a service that cannot be rendered by anybody else.

LEG. HORSLEY:

After we made them pay more to their employees.

CHAIRMAN MYSTAL:

Yeah. Ms. Clark.

MS. CLARK:

Hi. Is this on? I would also like to join you in apologizing to Miss Roche and all the other providers for our delay in payments, but I can assure you that our staff has been working as hard as possible to meet our responsibilities.

LEG. HORSLEY:

Yeah, I'm not sure I'm hearing that.

LEG. EDDINGTON:

Get closer.

MS. CLARK:

Okay. Is that better? Okay. I'd just like to recap some of the things that we've been doing to ameliorate the delayed payments. And I'd like it start by saying, throughout 2006, in the Accounting Unit, the average processing time for payments ranged from 50 down to a low in May of 43 days. Last year, there were many steps taken internally in the department to handle this situation on an emergency basis, such as an internal reassignment of staff, use of overtime, and some creative measures to meet the demand of services.

At this time, we have five vacancies in the unit. Two were recently reassigned by the County Executive, three were existing in my division. Those -- interviews for those positions have taken place, ending today. We will be bringing five staff on board on March 19th. The County Executive has expedited the reassignment of two of the Civil Service temp staff to our unit for the next 12 weeks. They will be coming on board on Monday to assist in whatever part of the process they can assist in. So I do see the light at the end of the tunnel.

As far as Katie's description of the processing time in the Child Care Bureau, there's another part of the payment process outside of accounting and that is the preliminary work done in the Child Care Bureau. Commissioner DeMarzo has targeted that as an area that was in need of improvement, and she's made many changes to that unit to bring that system in line and to minimize the delays in that unit. We're also -- I believe she's spoken to you about the purchase of our {Kinder Track Program}, which we're -- the implementation should take place in the second quarter of 2007. We plan to go live around July or August. That should bring certain billing efficiencies, followed by the second phase called {Kinder Attend}, where there should be some efficiencies for the providers in submitting their billing to us. So we've tried to address this problem in many ways.

CHAIRMAN MYSTAL:

Just one question. I'm sure it has not escaped anybody who's been listening to Miss Roche and to you that this problem arose about two years ago?

MS. ROCHE:

It feels -- two years, yeah.

CHAIRMAN MYSTAL:

Yeah, which is about the same time that this new administration took over?

MS. ROCHE:

I don't know.

CHAIRMAN MYSTAL:

Yeah, I know. You can't say it, I will.

MS. CLARK:

I think in my experience, it's been about a year-and-a-half in our shop, so --

CHAIRMAN MYSTAL:

Year and a half. And, Miss Clark, you seem to be saying to us that because you are going to have additional staff, you'll be able to do better. So is it fair for me to assume that the problem arose because we didn't have staff? Now I'm just making a wild speculation.

MS. CLARK:

We were carrying approximately one to two vacancies throughout the year. But I'd also like to present to you that since 2002, with the statistics that we've collected, we've seen an overall 20% workload in the accounting area. They pay based on authorizations for payment. From 2002 to 2006, that workload has increased approximately 20%.

CHAIRMAN MYSTAL:

And has the personnel increased by 20%?

MS. CLARK:

Full-time staff has not increased until this last round, where we got two additional positions. But we did request new staff and -- two new staff in the 2007 requested budget.

CHAIRMAN MYSTAL:

I want you to know that I have the utmost respect for the people who do the work, and the utmost respect for Commissioner DeMarzo, Mr. Hernandez and now Mr. Blass, who's coming on board. I think you guys do a wonderful job. But I also believe, just me, I also believe that we have a problem that is basically the making of our own, because we made the problem by not hiring the people. If we had increased workload of 20% and our staff has not increased proportionately, you are going to have that problem. And it's hard for me to say, because not only am I the Chairman of this committee, I'm also a good Democrat, as you know, and the County Executive is a good Democrat, as you know, but --

LEG. HORSLEY:

Where are you going with this, Elie?

CHAIRMAN MYSTAL:

Where I'm going with it is the fact that, you know, I wanted, because, you know, I think Legislator Kennedy and I have been on this for years, saying, basically, that we need more people in that department, and that's the basic thing. I think, if we get more people, we can eliminate the problem. And you're telling me now, Miss Clark, that you are going to get more people, that's why you're going to get to the bottom of this.

MS. CLARK:

Yes.

CHAIRMAN MYSTAL:

And, therefore, when we talk about more people in the Health Department, Social Services, and everywhere else, we are not far afield. I'm going to stop. Don't answer it. Mr. Horsley.

MS. CLARK:

I just would like to add one more thing. In the area of all the payments processed by the Accounting Unit, child care payments represent 4% of the work that they do. Four percent of the payments that we issue are child care payments out of a full gamut of other types of services and benefits to clients.

CHAIRMAN MYSTAL:

I understand that. Legislator Horsley?

LEG. HORSLEY:

Yeah, I didn't understand that. That's an interesting fact. Four percent -- in other words, 4% of the workload of those people, whether they're vacancies or not, that is what they do as far as child care services. The rest of it would be for what other services?

MS. CLARK:

No. Four percent of the payments that we issue from our Department are for child care payments.

LEG. HORSLEY:

Okay, I understood that. What are the 96%, welfare, things like that?

MS. CLARK:

All the welfare benefits, all the utility payments, the heat payments, all of our family and children services programs, which would include institutional care, adoptions, foster care, all the client related benefits, such as rent, taxi, security deposit, storage fees.

LEG. HORSLEY:

The gamut.

MS. CLARK:

I have a full list.

LEG. HORSLEY:

Okay. Now, when you have had complaint that certain businesses are struggling, failing, often the case, Tutor Time that Elie brings up, do you reprioritize those payments? Do you have flexibility within the system itself to say, "Hey, listen, we've got a real problem here, we're putting people out of business, we should maybe put that 4% ahead of the 96 for the moment"? Is there that type of flexibility in the system? I'm trying to understand what does your -- what does your system look like? I mean, I'm not familiar, so you're going to have to educate me.

MS. CLARK:

There's some flexibility. Certainly, when a provider in trouble calls us up, their bill is -- their request is accommodated. But I will say that every time somebody's bill is moved to the top of the pile, somebody else's bill, who's also waiting for payment, goes down a little bit further, so we do try to accommodate the emergencies as much as possible.

LEG. HORSLEY:

Okay. And then they'd have to call you and harass you, and that would take up time, and the good --

MS. CLARK:

Well, we don't wait to be harassed, but they would have to bring it to our attention.

LEG. HORSLEY:

The Reverend will call you and, you know -- let me ask you. Has any -- and I'm sure the Commissioner has participated in this. Have you desk audited the procedures? I mean, have we looked at how to streamline these procedures recently? I mean, are your computer systems adequate? Where -- are there breakdowns other than staff personnel?

MS. CLARK:

I believe -- well, Mr. Mohr and I have both been in our respective positions since September of '02, which is over four-and-a-half years, and he has worked very hard to analyze the processes in his

unit to make sure that his operation is as efficient as possible. So I would have to say yes to that question, that we're doing the best job we know how.

LEG. HORSLEY:

And I don't doubt that. This is not to be critical. I'm just questioning, because there are new business technologies out there, possibly shortcuts, that maybe certain issues do not have to be scrutinized as much as maybe the Department has previously, or more, or whatever.

MS. CLARK:

Well, we have upgraded our --

LEG. HORSLEY:

You guys are on top of this is what you're saying.

MS. CLARK:

We've upgraded our computers about a -- over a year ago to make sure that they are working at top speed. We've implemented a lot of communication electronically with our client benefits workers, so that when there's a question on a payment, the communication is, as quickly as possible, with --

LEG. HORSLEY:

We're not using {cardexes} or anything like that?

MS. CLARK:

Exactly. We're not using the mail, we're using E-mail communications to move things as quickly as possible.

LEG. HORSLEY:

Would it be helpful if anyone came in as an oversight to take a look at the system to see if they had any ideas to better your processes?

MS. CLARK:

I certainly can't --

CHAIRMAN MYSTAL:

I think that's why Mr. Blass is there.

MS. CLARK:

I certainly can't object to that.

LEG. HORSLEY:

Mr. Blass, maybe you have some ideas that you'd like to throw out, since you're the new guy on the block, so to speak?

MR. BLASS:

We have seen a marked improvement in the whole process, since the -- just by the fact that now these persons are coming on board. The management efficiency updatings that go on in the Department are truly remarkable. I'm very proud to be with this Department because of that, among other things. And if there's any oversight or overview suggestions that might be offered, I'm sure the Commissioner would welcome them, and we're looking at new ideas every day. That's one of the exciting things about this Social Services Administration work is that new ideas are always considered, and we're always using a combination of everything from intellectual savvy to street smarts to legal acumen, and everything else you can think of.

LEG. HORSLEY:

We're exercising in the morning and, you know, go team --

MR. BLASS:

Right.

LEG. HORSLEY:

-- things like that?

MR. BLASS:

Right.

LEG. HORSLEY:

Let me ask you, is there any way that you can advise us over -- because this problem has been ongoing. I recognize, when I was out knocking on doors a couple of years ago, that's what people were complaining about, "I'm a home provider and I haven't gotten paid in months." So I know this is not a new situation, it may be two years, but how long beyond that, I don't know. But can you give us a flowchart, or something like that, to -- so we can make judgments on your improvements, so that we don't have this issue? I'm looking for some feedback back to the Legislature --

MR. BLASS:

Sure.

LEG. HORSLEY:

-- so that we can over -- we can have true oversight to your Department and since there apparently is an issue?

MR. BLASS:

Well, I would suggest the advisability of, from my experience on your side of the horseshoe as well as over here, that the ideal approach through the committee oversight process is for each Legislator to be very conscious of those contract agencies that are in his or her district, to keep in touch with them. Sometimes the -- I notice this frequently, the contract agencies are so consumed by the very important work they do, such as Katie's organization, that they lose touch with the Legislative offices, district offices, and that's understandable. But if that can be maintained, I know that the committee work then becomes that much more effective. And your oversight with each department is I think the ideal setup. It has not worked perfectly at times, but I think a flowchart of any kind of information that you may want to offer would be most welcome.

And I also think that the input from the organizations might be enhanced if there were an institutionalized way of soliciting it, rather than the crisis management way that seems to have so much to do with the way government operates.

LEG. HORSLEY:

I absolutely agree. So why don't we start with the -- say next committee meeting is two weeks, why don't you just give us just a drop-a-line to the Chair of the Committee saying the time for payments is now down since it was four months, that you're down to three-and-a-half weeks or three-and-a-half -- three-and-a-half months, or whatever the time may be, so that we can take a look. And I appreciate the fact that you're -- you want us to do our jobs. That's always appreciated by keeping in contact with our contract agencies. But why don't you give us a report on a regular basis on exactly where the payments are, the time line, where we're at, so we can -- so we can keep on top of this as well. It will be helpful.

MR. BLASS:

I certainly will do that. At the next meeting, we'll have the next update for you.

LEG. HORSLEY:

Great.

MR. BLASS:

And suffice it to say that I would never suggest how Legislators might do their jobs better. I just know that when I was in the first district, the contract agencies were so busy that once they were awarded their contract, it was very rarely that you heard from them again, or that we had reason to contact them. And if some way of setting up closer contact could be had, I think that the level of crisis management might be reduced. That's all I was trying to say.

LEG. HORSLEY:

Okay. Thank you. And you'll give those reports to us on a regular basis?

MR. BLASS:

Certainly.

LEG. HORSLEY:

Thank you.

CHAIRMAN MYSTAL:

Thank you.

MS. CLARK:

We do track that data, so that would be no problem. I'd just like to remind you that the new staff we're getting will not be on board until March 19th.

LEG. HORSLEY:

So we'll see a bump at that point?

MS. CLARK:

Well, you'll see a bump after they have a chance to get some training.

LEG. HORSLEY:

Okay.

CHAIRMAN MYSTAL:

Legislator Eddington.

LEG. HORSLEY:

Keeping our eye on you.

LEG. EDDINGTON:

To go on with what Mr. Blass said, when I think of Social Services in the short time I've been here, I hear "understaffed" continually. Doesn't matter who comes before us, I always hear those words. So what I'd like to see is some proactive employment strategies and techniques. Now I know we're getting a couple of more people, but I think Legislator Horsley talked about, you know, is there computer systems? Because what we're doing is what Mr. Blass said, we're in like a crisis intervention mode continually with Social Services. And, again, you have 100%, and 4% is the population we're discussing and you have 98%, and I personally wouldn't want to have to do the social triage and say, "Well, this is more important than that," because your department seems to have all critical issues you're dealing with.

But how are we going to not be sitting here next year hearing the same exact thing? Because in the short time I'm hearing it, I hear the same thing, it's just different people saying, "We need more staff, we can't keep up." You get a little staff, you catch up, then they seem to disappear, you're back in a hole again. I don't want to spend the next five, ten, twelve years here hearing the same thing over and over again. What are you going to do proactively to make sure we don't hear this again?

MS. CLARK:

Well, we met with the County Executive last week, who gave me some assurance that he would stay on top of keeping our vacancies filled, and we have --

LEG. EDDINGTON:

Okay. But that doesn't make me warm and fuzzy.

MS. CLARK:

We are implementing -- we are, as I explained before, installing the {Kinder Track} system, which is a high tech computerized billing system, and looking for some efficiencies from that program.

LEG. EDDINGTON:

I guess, then, what I'm saying is, if you don't mind sharing that, I'd like to know when you feel -- this committee, I think, would like to know when you feel it's going down. You may be talking to the County Executive, but when we hear about it, it's here, and then it's already in the crisis mode. I don't want to see a crisis, I want to do proactive approaches. And whether it's staff or reassignment, you know, I don't always believe just putting more people in a department makes it better, but I want to be involved in helping and not just have you come before us when it's into a crisis mode, and then we have to all run around and try to do something. So anything that we can come up with that's proactive to prevent this stuff, I'll be behind it.

MS. CLARK:

Okay, thank you.

CHAIRMAN MYSTAL:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Judge Blass, Deputy Commissioner Blass, thank you. I want to -- I appreciate what you've done, essentially, within the first month of stepping into this department to go ahead and address these matters. In particular, Miss Roche got, I guess, what heretofore had been unheard of in that she got payment that actually kept the lights on and kept her able to go ahead and pay the payroll.

Like my colleagues, I am somewhat unmoved by the fact that we have had these positions freed up. I was going to ask you how long the SCINS have been sitting up there. But, you know what, that's somewhat irrelevant. It really doesn't make any difference, because this lady has got the IRS liens. That the lady back in the audience there, as a matter of fact, has been talking about the fact she can't make payroll either, as has my other constituent from Tutor Time in Islandia, Steve Burgdoerfer, who, apparently, when he met with some representatives of the Administration got told, "Well, that's the way government is." That's not the part of government that I'm part of.

I'll go to the unconscionability part again. You know, I heard that in the committee that I'm part of that met just before this, Consumer Affairs. We hold licensees, home inspectors, to a high standard when they perform services, and they cannot routinely go ahead and ignore or treat customers in a poor fashion. Otherwise, we have a cause of action and can cite them for unconscionability. It appears to me in this case, if we go strictly to a contract analysis, we have been, in my opinion, unconscionable. What kind of a contract does this lady have with us? What does it say? She does something for us and we do something for her, we pay her? We pay her what, when, when we feel like it, whenever we get around to it, when she submits something to us that's almost impossible to go ahead and cipher? What does it say? What is our responsibility?

MR. BLASS:

Well, certainly, our responsibility is to help the contract agencies to provide the services that they're contracted for. And the system broke down because the contract agency is almost entirely

dependent upon the County for its expenses to be met. And the County has an institutional, unfortunately, process that consumes time to the point where now it takes 50 days for a contract to go from the beginning to the end. Our considered opinion is that this time frame can be reduced and is now in the process of being reduced. And as I sit here, I'm confident that we will see this problem alleviate substantially where, compared to other jurisdictions, we'll be doing very, very well. It is unfortunately that it came to this, but it is fortunate that this represents what appears to be the end of it.

LEG. KENNEDY:

Okay. I have every reason in the world to believe what you say to me.

LEG. HORSLEY:

And he's going to verify it.

LEG. KENNEDY:

And I -- but what I'm going to ask you to do, please, and, Miss Clark, I'm going to ask you to go ahead and address this as well. I keep hearing this 50-day number, yet Miss Roche spoke to us before about 120 days in arrears. Miss Liguori, who I've gone ahead and written on behalf of, has spoken about 120 to 150 days. I've also been advised that when there are CPS referrals to these providers, that there is only one caseworker who ultimately makes the determination to issue, I guess it may be a number that facilitates payment, and that, in fact, 180 days or more may run before this number issues. So these folks are asked to provide a service without even an ability to seek payment. How does that happen? And how do we reconcile with this number we're talking about here, 50 days? What's real?

MS. CLARK:

Okay. The 50 days is the part of the process that I am responsible for in the Finance Division. Prior to a bill reaching the Finance Division, there's an authorization process that takes place in one of our Program Divisions. We've already addressed this issue at previous meetings where the Commissioner has reviewed that processing time and has implemented efficiencies in that area to cut down that time. This is a problem that was identified in the middle, second or third quarter of last year, and we've, you'll agree, considerably reduced the time frame in the Program Division to process child care payments. So the six to nine-month period is an entire department process time, not just in the Finance Division.

LEG. KENNEDY:

I'm struggling to follow it here, but I'm going to go back to -- you know, I try to follow the KISS philosophy sometimes, because that's what this lady responds to. When Richie Kessel wants payment, he doesn't want to hear about a fix with you, but a delay on the other side. He wants money every 30 days. What does it mean?

MS. CLARK:

Well, we've made -- taken corrective action on that first piece of the process and shortened that time frame considerably, so that now we're down to the accounting processing time of 50 days, rather than a three-month delay in one of our Program Divisions and then 50 days in Finance. That preliminary piece has been shortened.

LEG. KENNEDY:

Mr. Chair, the dialogue is important here. I'm trying to get to the essence, and we have other providers in the audience who can add to this.

CHAIRMAN MYSTAL:

I can offer you some explanation, because I've been dealing with this for a long time, because I have providers. I usually go to the Commissioners and sit down with them. The process is sometimes a two or three part process. You submit vouchers and there's a department that reviews it, right?

MS. CLARK:

Yes.

CHAIRMAN MYSTAL:

And if there are mistakes, for example, it may take them a month to discover the mistake. Then those vouchers are then turned back to you, saying for you to correct those mistakes. Then you resubmit the vouchers with the correction. Now that may take another 30 days. Okay? And various departments issue the different -- they have to pass various departments. Now that may take anywhere from two to three months to six months. I've had providers who are owed money from May of 19 -- of 2006.

Now the part that Miss Clark is addressing is only the part when finally everything, every T's have been crossed and every I have been dotted, okay, then it get to her department. She's only -- the 50 days that we've been talking about, only has to do with cutting a check. All the other processes that precede that period have to happen first. For example, one of the biggest ones we have is in SWEP, right?

MS. CLARK:

Yes.

CHAIRMAN MYSTAL:

Because the SWEP requirements are very different and that takes -- it's a very lengthy process. So, if you have kids who are part of SWEP, which a lot of, you know, providers have, they take longer.

MS. CLARK:

But we've already made those changes to our internal processes, so that those payments will be processed more expeditiously.

CHAIRMAN MYSTAL:

Okay. So that's where somebody can say to you I have 120 days in the system. And when Miss Clark said we're reducing our payment to under 50 days, that's only her side. So you got it now? Okay.

LEG. KENNEDY:

I'm going to get to it, and we're going to have some other folks that will come up and will speak to that matter as well. So I'm not going to continue to beat this dead horse.

The only other thing that I'm to ask to the Chief Deputy is, to the level that this is appropriate, with this lady that's sitting next to you, I would ask you to take a look at her IRS lien and do something to assist her, so that she doesn't have a federal agency continuing to breathe down the back of her neck, and help with whatever way the Department can to remedy that as well.

MR. BLASS:

Certainly, the Commissioner and I will look into that and see what we can do for her in that regard.

LEG. KENNEDY:

I would appreciate that. Thank you.

MR. BLASS:

Certainly.

CHAIRMAN MYSTAL:

I have Miss Nowick and then Miss Viloría-Fisher.

LEG. NOWICK:

I just want to make a comment. I am new to this committee. I haven't been here in two or three years, but I sat on this committee for three years. And three years ago, when we were here and Legislator Viloría-Fisher was chairing this, I remember a similar situation when the nursing home industry came to us and they were not able to get their Medicaid reimbursement money, and they were in danger, many of them, of going under. And we went through very similar --

D.P.O. VILORIA-FISHER:

I made the same suggestion this time that I did then.

LEG. NOWICK:

I was just going to say that if you would just give me a second, that at that time, the nursing home industry is an association. They had the ability to come to us and say, "We're going to sue you." But these small agencies, we're damn lucky that these small agencies don't come after us. And Legislator Viloría-Fisher, in her wisdom and with her experience as Chairperson, did suggest that we would hire back some of the retirees, and that's a suggestion you were talking about, right?

D.P.O. VILORIA-FISHER:

Yes.

LEG. NOWICK:

And that worked, because these people have already been trained. And now, when you say we're getting new people on the 19th, Pat, and you're right, that's wonderful, you have to train them and that's quite a procedure, right?

MS. CLARK:

It takes some time.

LEG. NOWICK:

We need to figure out a fast way of doing this. God forbid this County ran with CEO's of big corporations, they'd all go under. There's just no excuse for this, and it's not your fault, it's the fault of manpower. And I know we need manpower to feed into computers, but -- and I didn't realize you made that suggestion last year, but I would --

D.P.O. VILORIA-FISHER:

No, I made it a few weeks ago to the County Executive.

LEG. NOWICK:

Oh, okay. Well, we'll bring that up again. Maybe that would be the way of at least bringing us up to snuff and saving some of these people. Bring back people with experience while you're training the other four to five people.

MS. CLARK:

I think one of the differences in my shop is that the standard position is title of Account Clerk. It's a very entry level position, so most of our staff is younger and we don't -- we have very few retirees. They usually go on to promotions in the department.

LEG. NOWICK:

So there is -- there's nobody that can do --

MS. CLARK:

I have a young staff.

LEG. NOWICK:

-- the lower level?

MS. CLARK:

I have a young staff. CPS retirees were fully trained people who were CPS workers who retired and could immediately come back --

LEG. NOWICK:

But didn't they come up from the ranks? Didn't they know how to do that job years and years ago? Not necessarily.

MS. CLARK:

It's a constantly changing job. I don't think we have -- we could certainly look at that. I'm not saying that, but it's a different dynamic.

LEG. NOWICK:

I don't know. Maybe we better be training them day and night, then. I can't believe it. It's just -- it's just unbelievable. Go ahead, John, I'm sorry.

CHAIRMAN MYSTAL:

Legislator Viloría-Fisher?

D.P.O. VILORIA-FISHER:

Actually, the two of us are holding each other down here, because we're ready to jump out of our skin, because, when we spoke with the County Executive, what he said to me, what he said to Legislator Kennedy is that three people left and that's why they're so far behind. So who's leaving?

MS. CLARK:

They went to promotions in other areas. Some of our Account Clerks become Examiners.

D.P.O. VILORIA-FISHER:

Okay. So even if we hire back people to do the jobs that they had been doing. I mean, we're talking about --

MS. CLARK:

But they --

D.P.O. VILORIA-FISHER:

-- human beings who have businesses, who rely on an income, who need that income. It's their job, it's their livelihood, and we're talking about little children who are going to be impacted when these businesses shut down. The child care industry is a tremendously important economic engine in Suffolk County. It's an important economic engine for three reasons. Number one, it's a big employer. There are many people who work in the child care industry. Number two, it gives people the ability to go ahead and work. And number three, the factor that comes back into the economy for people who work in the child care industry is a factor of two. So it's a tremendously important economic engine. But the human side of this is that we have children who are the most vulnerable children who are the people who comprise the populations of these contract agencies who are being funded through the County. If these agencies close, where do those kids go? Do they go into basements? Where -- are they taken to work with parents in their cars and left in their cars for eight hours because the parent has to earn a living? This is very critical.

And you're saying it's 50 days once it gets to your shop. Fifty days is too long, and you're talking about 50 days added to so much more.

I cannot believe that the County of Suffolk cannot do more for these people.

My constituent, who happens to have his child care centers in Legislator Kennedy's district, my constituent has receipts that are 300 days outstanding. That's absurd. That's breach of contract, as far as I'm concerned. We have to be good-faith parties to a contract. That's not good faith. That's just not good faith. And what happens if these people decide that it's not worth it to do business with the County? Where do these children go?

And as far as what the conversation that was going on before with Legislator Horsley was concerned about our keeping track, you know what, this is an administrative area. And you have to keep track and you have to follow it. But I'm saying to Katie, I'm saying to Steve, I'm saying to Kathy, don't wait until it's 150 days, don't wait until the IRS is breathing down your neck. Call your Legislator sooner. Let us know sooner. I don't know how we can push it, but we have to do something, because we're doing something very, very wrong here. It's just so frustrating to hear this, as if you weren't talking about human beings. These are human beings. These are their jobs, these are their businesses, and we're -- and the impact when these businesses are hurt is not only going to be on the people who are running the businesses and their families, but the families of hundreds of Suffolk County residents who rely on these services. This is our job as County officials, as County employees, to take care of our citizens. We have to do a better job.

CHAIRMAN MYSTAL:

Thank you.

D.P.O. VILORIA-FISHER:

I'm sorry, Mr. Chair. I told you it was going to be short. But, you know what --

CHAIRMAN MYSTAL:

It's okay, it's okay.

D.P.O. VILORIA-FISHER:

But, you know, I suggested this to Steve a few weeks ago. Let's see if we can get some retirees to help us push those papers through. It worked in CPS when I was Chair of Social -- it worked with the nursing homes. Something's got to be done.

CHAIRMAN MYSTAL:

Mr. Kennedy, briefly.

LEG. KENNEDY:

Okay. At the risk of going into something that I truly believe is not necessarily my role, but then, again, that's never stopped me before.

CHAIRMAN MYSTAL:

There you go.

LEG. KENNEDY:

I had the opportunity, the good fortune to be a Deputy County Clerk and an Official Examiner of Title. I worked nine years in the Clerk's Office. We had 130 to 135 employees, primarily typists, clerk typists, senior clerk typists, account clerks, senior account clerks, principal account clerks, and we processed millions and hundreds of millions of deposits and dollars each year. We also had a hierarchy. And what happened was several of those employees were offset employees. So the first direct question I'm going to ask you is how many people are in your unit now?

MS. CLARK:

There's 14 staff directly responsible for paying bills.

LEG. KENNEDY:

Okay.

MS. CLARK:

Permanent staff.

LEG. KENNEDY:

All right. Of those people, how many are somewhat offset, or subsidized, or partially funded by

State payment, any?

MS. CLARK:

Oh, all of the salaries are reimbursed.

LEG. KENNEDY:

All of the salaries are reimbursed. At what rate?

MS. CLARK:

About 80%, I think.

LEG. KENNEDY:

About 80%, okay. So you have account clerks there and they're 80% offsets. Now we promote and encourage employees to take tests, to go ahead and promote and move forward throughout County government, that's a normal thing. We want people to be happy, we want them to enjoy their jobs, we want them to make a decent living. Why aren't we requesting upgrade for some of these 14 people, so we can keep them in there where they're trained, instead of having to have them go outside, when we only have to pay 20% of the increase? That's the kind of proactive stuff we need, to keep a working unit instead of having a unit that's a jumping-off point, because folks need to go elsewhere to make more money. That's what I'd ask you, Mr. Chief Deputy, to look at. Only 20%, that's all it costs us, the rest is with the State. I'll leave it at that.

CHAIRMAN MYSTAL:

Thank you. It is now three o'clock. We started this at 2:10. I want to thank you, Miss Roch and Miss Clark, Deputy Commissioner Blass, Mr. Hernandez. Please, stick around. There may be some more questions coming up. If you break the microphone, I'm going to have to charge you and it's going to take me 50 days to get a check from you. Ms. Liguori, do you still want to speak?

MS. LIGUORI:

(Nodded Yes).

CHAIRMAN MYSTAL:

Okay. All right. Thank you very much, and don't leave the room yet. Miss Liguori? Good afternoon.

MS. LIGUORI:

Good afternoon. I think that many of the things that I've had to say have been said, but nevertheless, my name is Kathy Liguori and I am a small business owner operating two Tutor Time Child Care Learning Centers in Medford and Middle Island.

I want to thank each and every one of you Legislators that have worked on my behalf to assist in expediting payments for the child care services my centers have provided for the many needy families in Suffolk County.

My saga continues with no drastic changes. We've heard everything. I continue to carry an accounts receivable of well over \$250,000, with, I hear, a break in my dark cloud supposedly coming in April. We'll see. In the meantime, what do I do? We've met with our bankers, we've met with the Community Development Center -- Corporation, I'm sorry, and I can get an approval for a loan of \$75,000 at 9.5% interest. I was diligent and those efforts brought me some luck. And other centers are not so lucky.

These delayed payments began two-and-a-half years ago. They were delays that were imposed little by little. We have been surviving, and now this arbitrary change to wait without notice, without a business plan, has cost -- has forced our cry for help.

In May of 2003, I presented to Legislators Bishop and Vilorio-Fisher and Janet Walerstein of the Child Care Council of Suffolk a brief Financial Impact Statement outlining the affects of the Living Wage Law on the child care industry.

In the spring of 2004, a report was published by the Rauch Foundation. "The Child Care Industry - An Integral Part of the Long Island Economy" was published, and I'm having copies of that distributed for you. That report stated that child care was a 612 million dollar industry run by twenty-six hundred small businesses caring for over 74,000 children, with 17,000 employees. Seventeen thousand employees, more than other important and respected industries, such as aircraft and new residential construction. The indirect and induced effects of the local economy was also noted in that report.

According to that report, the calculated revenues paid by the government subsidy would equate to a Suffolk County expense of approximately 30.6 million dollars annually, serving an estimated population of forty-five hundred children. Now, keep in mind that that report was published three years ago, but it would be interesting to know how that report compares to the actual numbers to date.

It's stated that the child care industry contributes directly to growth in jobs and income. It draws additional Federal and State dollars to the local economy, and has regional economic linkages that are greater than most other Long Island industries. Sorry.

So why are we in this dilemma of delayed payments? The money is there. Why the delays? I believe that we are serving a population that the voting public cares the least about, the children of the working poor, the children of the people receiving public assistance, those children. In the mind set of a true early childhood professional, it is the children, our future workforce. It is all for one and one for all. We are giving them the stability, the strong foundation of early education, and the boundaries that they need to succeed. We are the early care and education industry of Suffolk County, an economic engine that is the forceful part of the economy, yet we're classified as just another social service line item to pay.

That mind set of our leadership in the County must change. Many other counties in our state follow your lead when it comes to laws that benefit the public. Let's think about that when we think of child care.

Besides the dilemma of delayed payments is the inability to bill for some children, period. Some CPS cases take six months or more to get on the billing roster. Again, this is due to short staffing in the day-care unit. It has been the history of the daycare unit to operate with one daycare worker, approving day-care for all the CPS cases in the County. So not only do we have to wait 83 days, not 53, 83, because we cannot bill until after the services are rendered, but we've already incurred and have paid the expenses for those services and we can't bill for those CPS cases, which arrange anywhere from 7 to \$10,000 for one, two, three, four or five months.

For every dollar billed to DSS, in 90 days, you receive 70 to 80% of that billed amount. The remaining portion you must call to dispute, wait for an investigation, and then get authorization to back-bill on a 2059 form, which is paid in a nonspecified time frame.

I know the Department of Social Services is doing the best they can, and I want it on public record that I thank them for all of they're efforts. From the Commissioners down to the CPS caseworkers, and most especially the employees in the Services Accounting. I don't take it personal when their response is short and abrupt on the telephone. They have been humanly taxed beyond what the Department of Labor would find acceptable with all those hours of overtime. They are frustrated beyond belief. And you could not find a finer individual than David Mohr to run that department. He has truly calmed me down, and his leadership needs to be commended.

In April of 2005, I wrote to Legislator Losquadro to bring to the attention the cash flow challenges

that the child care providers endure when dealing with payments from DSS. It's now March of 2007 and many providers have had to come to the brink of financial disaster. The inherited dysfunction of time payment system of the Department of Social Services is not going to go away any time soon, and it will be the child care survival of the fittest.

With that being said, I provide to you an anonymous child care center's income and expense by month graph, so you can have a realistic idea of where our money goes. We are on the frontline of working with these families. We know when they have achieved self sufficiency and advanced in their position. We know when the children are kindergarten ready, and we also know when they're moving off Long Island. As you can see, we need reform and we need it now.

I've provided you with a Suffolk County Local Law, Chapter 596-1, payments to day-care centers for payment in advance of audit authorized. If we could amend that law immediately, that could help us.

Most importantly, I also urge you, as the Suffolk County Legislature, to acknowledge the child care industry crisis, as they have acknowledged the affordable housing crisis, and create a Child Care Committee, or a Child Care Business Task Force, or even a Child Care Subcommittee of the Health and Human Services Committee from a social service and an economic industry.

In you 2003, the Presiding Officer at that time told me that for the right reasons a law can be amended. She understood the child care industry, she was a provider herself. We can't afford to not -- not to take immediate action, because the child care -- I'm sorry. We cannot afford not to take immediate action about child care being an industry, because Suffolk County has a date with destiny. We're losing families to other states. Let us pray that the destiny that we have is all the same vision. We're all stakeholders and we need to work together to make child care work, and make it the industry that should be respected as any other. Thank you.

CHAIRMAN MYSTAL:

Thank you. We have a few short questions. All right, Jack. I have Legislator Eddington, and then our illustrious, loquacious Jack Kennedy.

LEG. KENNEDY:

You've got a pair of Jacks again, go figure.

CHAIRMAN MYSTAL:

A pair of Jacks, and I've always lost at poker with that pair. Jack.

LEG. EDDINGTON:

Oh, I'm sorry. Kathy, I appreciate you being here, and I just want to make sure that it's on the record. I have toured your agency. You blew me away with what you provide there. And, as you talked, I was first sad and, with the other speaker also, frustrated, and I'm to the point now of anger. And to use my other Jack, I want you to leave here, both of you, knowing that you have two Jacks, a couple of Queens, and a couple of Aces here going to fight for everything that you need and that you get it done in a timely fashion. So if I could give you another picture, think of us. We're not going to let you down. We will be following up on this. So thanks for coming.

MS. LIGUORI:

Does that mean you're going to make a committee?

LEG. EDDINGTON:

We will discuss this and we'll do whatever we can. Whatever it takes to facilitate this, if we have to go to the office and get our -- roll up our sleeves and help file things, I'll commit right now to do it, if that's what it takes. But it's unconscionable that the children of our country, of our Country is suffering because of this. If you were a big time, you know, big corporation, we wouldn't even be here, but it's the kids that always get left behind and we're not going to let that happen.

MS. LIGUORI:

Thank you.

CHAIRMAN MYSTAL:

Hopefully, they won't let us in there, because we're not that smart. Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, you know, as a group, we're always up for an adventure, so. I also want to thank you, Kathy, for coming down. And I also want to say that, you know, in the many conversations, in the E-mails and things that we've had, I admire your willingness to come forward. And despite what we all see as something that each one of us wants to spit out like a bad taste in our mouth, you are trying to keep a positive attitude to go ahead and remedy and move forward and give you, as a business person, the ability to do what it is we ask you to do. So, as I apologized to Miss Roche, I thank you for keeping what in the face of some tough circumstances is a good attitude, and thank you for coming here to go ahead and share with us and keep it in front of us. And what I would say to you is, is do we need to form a committee? Absolutely, we can form a committee and we can do many other things. We've already started by asking the Chief Deputy to do a few steps, and spoke to Miss Clark about looking at ramping up that unit to retain personnel there. That we can do very easily. We'll have the dialog with Mr. Schneider, certainly through the Chair.

But I'm going to also encourage you, like my esteemed colleague to my right here worked with and promoted, you as a group need to be communicative with each other and come to us in a body and come to us regularly. It is just reality in this environment that you have to continually put before us the issues and what day-to-day life is with child care providers, both not-for-profit and proprietary. Thank you.

D.P.O. VILORIA-FISHER:

Can I say one quick thing?

CHAIRMAN MYSTAL:

Yes, go ahead.

D.P.O. VILORIA-FISHER:

I didn't mean to cut you off, I just wanted you to know I was waving. Legislator Fisher, please.

D.P.O. VILORIA-FISHER:

I just wanted to quickly let people who haven't worked with Kathy Liguori know, some of you read the other day in Newsday about the wonderful job that was done by the Welfare to Work Council on Affordable Housing. Ms. Liguori was part of that committee who's been working as a volunteer on the Welfare to Work Commission that I set up four years ago. That's one thing she's done. Another thing, her particular child care center has received many, many accolades, and one of them was how they reached out to children of military families for a place for children to have child care services, and they were the first child care center to do that. This is somebody who works with really -- at a really high standard of workmanship, and it's an industry to be proud of. We shouldn't minimize their value.

CHAIRMAN MYSTAL:

Thank you. Miss Liguori, you gave us a proposed amendment that you would like to see to the law. I do not see that -- that's the way the law is right now. That's the amendment, that's what we have in the law right now. What is it that you would like to change? Or you just want us to follow this?

MS. LIGUORI:

The last part of that amendment, first of all, to follow it, if a child care center would need that, is a new contracted agency. But the last sentence of that, if we were able to receive 75% of our invoices and then have them audited later, that would help us immediately out of this situation. Why must

we wait for all of those checks and balances for services that we've already provided?

CHAIRMAN MYSTAL:

Well, we don't need to amend the law, because that's to -- that's what the law says now, but, you know, they're not doing it, it's not happening.

MS. LIGUORI:

No, it's -- I can't say that it's not happening, but what I interpret the law to say is that the last part of the law, that it says, "An amount equal to, but not to exceed 75% of the total amount to be claimed for the first," and this part, "the first and second month of any day-care center in operation as a County contracted agency." Katie's been operating for 20 years, I've been operating for 11 years. So it's not my first and second month.

D.P.O. VILORIA-FISHER:

So, Mr. Chair, what she's saying, she wants to amend that part, so any child care agency can have that; is that what you're saying?

MS. LIGUORI:

Yes, that they --

D.P.O. VILORIA-FISHER:

So it's not only the new ones.

MS. LIGUORI:

Let us submit our invoices 30 days later, pay us 75% of it, audit it, and deduct what we might have -- may have -- we may have been overpaid for the following month, or pay us what is still owed to us. The law is here.

CHAIRMAN MYSTAL:

Sounds reasonable.

MS. LIGUORI:

And that part would need to be amended.

CHAIRMAN MYSTAL:

Okay.

MS. LIGUORI:

Katie and I found this at 11:00 at night talking over the phone, trying to figure out what is it that we're going to do.

CHAIRMAN MYSTAL:

We will definitely take that under great consideration. Thank you very much for coming, Ms. Liguori.

MS. LIGUORI:

Thank you.

LEG. HORSLEY:

And explaining that.

LEGISLATOR MYSTAL:

And explaining that, yes. As you can see, I'm trying to finish with Social Services before I get into the Health Department. So, in doing that, I will call Ms. Cheryl Felice, who's hot under the collar. It's a hot meeting. Sit, sit, Ms. Felice, please sit at the table.

MS. FELICE:

I really can't. I'll jump out of my chair --

CHAIRMAN MYSTAL:

Oh, good.

MS. FELICE:

If I sit at that -- if I sit at the table. You're absolutely right. But, if you would, a lot of issues were raised today. And I have to also share in my respect and admiration for both the Reverend and Ms. Liguori, who shared their situations with Suffolk County. And with all due respect to every member of this Legislature, this is nothing new, and everything that AME predicted. You have -- and if I may ask the Budget Review Office how big their report was, the Budget Review document, five, four, five hundred pages?

MR. REINHEIMER:

Our review of the 2007 Operating Budget was in excess of 400 pages.

MS. FELICE:

Four hundred pages. AME provided the Legislature with a 42-page summary of that review. And no matter what amendments are made to any law that are on -- that are on the books, no matter what enforcement is given to any laws on the books to advocate for payment of your contract agencies, nothing will be accomplished unless you fill positions.

What you have here is an overriding need for positions. And many of you shared many good initiatives, and those are all good first steps, but the follow through simply must be done. But I think we are on the road to recovery and let me state why. In our report, we highlighted a number of issues that the Budget Review Office -- we didn't claim authorship of these findings, it was the Budget Review Office. And in the first item, we identified in Social Services under deficiencies, and I'm reading directly from the report, which was provided to all of the Legislators back in October. If you need another copy of it, we'd be glad to provide it for you.

Number one, in administration -- of our notations of the BRO report was, in administration, there is a chronic need for overtime with cost increasing. Accounting, payments, backlogs are looming. HEAP workload backlogs are at its highest peak. Vendor and payment backlogs are at its highest level ever. That was the first thing AME cited in our review. It doesn't surprise me what the vendor agencies are going through.

And it's ironic that I'm here today to speak to you and feel a sense to advocate for the private agencies, because we came here out of a need to advocate against privatization, since we have indicated to this body that there is a move underfoot to privatize certain services within Child Protection Services, which AME believes is their job, and admittedly by the County, some of those jobs are, indeed, AME jobs. But we're also cognizant enough and realistic enough to know there's a balance, and there's a balance of the right amount of private agencies to provide those services for the most vulnerable that the County employees simply cannot provide. But where the County employee is needed, in the preventive cares, in the assessment, in the reviews, and then most importantly, what you heard here, the 14 members from the Finance Division who need to get the job done. One division impacts on another, and if you allow those staffing levels to remain at the critical levels that they are at right now, you will fail. This whole County will fail, and we will fail our most vulnerable, and that's the children of this County.

Comments were made by Legislator Fisher and Legislator Nowick about using retirees as mentors. And please understand, it's not a good practice, and we advocated against hiring retirees back. The reason they retired is the burnout level in Suffolk County. But we do agree that hiring those individuals as mentors to train the new people from the bottom up is a good idea. They don't stay, because they no longer become a helping hand, they become the only hands.

Those are the critical levels that you have taking place right now in your Social Services Division. And I don't -- we don't even have time today to go into what's happening in Health. We'll take up much too much of your time today, but the issues are the same, just change the names and change the players and change the divisions. All the same situations are happening because of the staffing level.

And with regards to your retirees, soon you will have enough retirees to tap into for a mentoring program, because 33% of the DSS staff are 55 years or older. Over a third of your population can retire tomorrow, and then look at what would happen. Fourteen, fourteen or fifteen hundred members are in all of Social Services, if my numbers are correct. I'm not looking at those numbers directly. But let me just also say, too, respectfully to Deputy Commissioner Blass, that I hope you now have a better understanding and a greater appreciation for the workers in Suffolk County, now that you have a chance to look at them from the inside looking in, instead of the outside looking out. You see the trials and tribulations I run through every day. And I hope that you -- the commitment you gave them will be your word.

Page 1 of AME's report said the 2007 Budget starts with a surplus of over 122 million dollars. The County Executive reported in only that very same year, May of 2006, that Suffolk County was going to face an 86 million dollar deficit. We erase the deficit, we have 122 million dollar surplus.

In AME's report, and we do claim authorship of this, the 122 million dollar and so surplus, over one-third of that comes from turnover savings. Turnover savings is where vacant positions are left unfilled, and surplus -- surplus monies are realized.

AME also said that we believe the County is so focused on bond ratings that it will come at the expense of providing adequate services,
Page 1, AME report provided to all the Legislators.

Our report also goes on to say that we are not alone in this judgment. In a Newsday editorial, Newsday also cited that the budget posed an unacceptable risk for people who need government help most. I.

AME also stressed that we are creating an unacceptable level of caseloads in all human service agencies, all of them. One of my coworkers, Lydia Sabosto, will provide more numbers into the casework levels of the Child Protective Services that are simply unbearable.

Finally, what AME also proposed in our report was to suggest that the Administration -- we're all a team effort here. We all have to work together, the unions, the workers, the Legislature, the County Executive Branch, the contract agencies, everybody works as a team. And AME suggested that the Administration needs to reach out to all the interested parties to create what is truly smart government and create a Smart Government Task Force. The ideas on effective and efficient ways to improve government are shared by County employees, Legislators, their staff, nonprofit groups, contractors working for the County, and the residents of Suffolk County themselves. There, we will have a pool of unlimited ideas and knowledge that can be tapped into to realize and implement proactive change. That was Page 3 of our report, word for word.

I really don't have anything -- anything more to add, but to say, if this body does not take a walk across the street to a little building that's called the Dennison Building, and go into the elevator and hit the button one-two, and go up to the 12th Floor and implore the County Executive to hire those much needed positions that have to be hired. There is only one person that I know of who can effectuate that change and that person is on the 12th Floor. And all of us have an obligation to make sure this information is shared with him, and that it be shared sooner rather than later. And I can assure you that before I get out this room, calls will be made to that 12th Floor on how critical Cheryl was of the practices of Suffolk County. Well, I haven't been critical enough and this is just the beginning. Thank you.

CHAIRMAN MYSTAL:

Thank you, Ms. Felice. Don't leave. Don't leave. And don't worry about the phone call, they have a speaker system that goes right there.

MS. FELICE:

Is that how it happens?

CHAIRMAN MYSTAL:

Don't worry about that. You know, when we say something, it's typed in right away. So I want you to stay here for awhile, because I'm sure we may have some questions for you. And Ms. Lydia Sabosto, who also have numbers, you can come and give us the numbers now, because I want to finish with Social Services so I can move into Health.

We all have your report, and we are not as impotent as you think we are, that everything is controlled by the 12th Floor. We also are not as important as you may have gathered in terms of what we can do. So we will work -- we are working, and we are constantly working with the County Executive to ameliorate and amortize and eliminate some of the problems that we have in all departments, not just Social Services and Health Department, and wherever we have the problem. So, you know me, I'm a union person, so I wanted to know -- I wanted to ask you one question.

In terms of the recent article and press conference about privatization of the CPS Division, on the one hand, you're saying we don't have enough people to do the work, so if we outsource it, outsource some of it, what is the problem as far as AME is concerned?

MS. FELICE:

The position that AME has taken is not that we can't do the work, so outsource it. The position of AME is for the County not to get caught up in a position that leaves the department so deficient and inefficient to run, and once it's become to that point, that critical point and breaking point, then to say it can't run efficiently, so, therefore, privatize it. And case in point is the issue that you raised with the Finance Division in Social Services. I don't know if you realize the overtone, but the -- one could presume that that's the position that's trying to be created. They're so overworked and so understaffed that we create a scenario to prove their inefficiency and then go on to say, "Well, we should privatize them, too."

We are cognizant of the need to balance services provided to County residents. AME members don't provide all of those services. For example, in day-care, that is not our role. In the areas, however, that are our jobs, simply fill the vacancies. And if I can just have a moment to turn to the report to show what other avenues are being looked at to privatize, we're talking about the transportation needs, we're talking about 24-hour access to emergency services and 24-hour access to emergency housing needs. Our members already provide those services. They provide them, however, with a staffing rate that is exceedingly low, and I believe our report also indicated that it was about -- running at about 10 or 13% for Social Services of a vacancy rate. That is simply unacceptable.

Secondly, I do want to commend the Legislature and do want to respectfully disagree with you, that you are important and can effectuate change, and you have already done so in creating a Contract Agency Committee, subcommittee of this very body. The Presiding Officer also, at one of AME's request in the very same report that I referred to, suggested creating a contract -- Contracting Review Board to review the increasing numbers of contract agencies that AME felt perhaps could better be used -- services could better be utilized through the AME members. However, we're also aware enough to say maybe that isn't the case and the balance better be -- better be made with contract agencies who truly can provide those services to those members, and the committee reviews both. And I'm proud to say and also appreciative enough to say that Presiding Officer Lindsay did create that committee, and its first meeting did take place this past month, and has a meeting the -- I believe it's the Thursday after your full Legislative meeting every month throughout the rest of the year, and that's where dialogue perhaps can finally take place to effectuate the change that we truly need.

CHAIRMAN MYSTAL:

Thank you. Mr. Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Cheryl, thank you for coming out. I agree with you, that I believe that this is not something that we are seeing a series of coincidences, or this is something that's occurring just because of some general randomness. I believe that this is a planned methodology designed to go ahead and continue to put various discreet entities into jeopardy and then go ahead and make that representation.

Again, as you know, private contracting for public health services on the East End, clearly, that's a violation of the Taylor Law. Clearly, that's a violation where there are members who right now deliver that service throughout the balance of the County, and it is not something where the Administration is embracing a basic fundamental public health mission, which is to staff and employ and put out nurses to treat those who are most fragile in our County, but are attempting to go ahead and effectuate a bargain, and that is what's most unconscionable about this.

The other thing that I'd ask you is, we just had some dialogue about what's going on with the Finance Section, and I'd ask you to go ahead and consider and possibly, hopefully, support or embrace some systemic upgrade of positions in the Finance Unit, to the senior account clerks, to the principal account clerks, so that employees have that career hierarchy within the unit. As they gain more training, they can stay, they don't have to be forced to migrate to other departments that have the hierarchy, particularly where we have 80% offset. So, if you can help with that, I think maybe that will do some stability there.

MS. FELICE:

A couple of points to the comments that you made. Yes, indeed, AME is also planning on filing a grievance and an I.P. on the four nursing positions to the east end public health nurses. We have already filed a grievance and will be filing an I.P. on the contracting out of the CPS workers. So, yes, those actions are, indeed, taking place as we speak.

We spoke earlier this week at two other committees, Budget and Finance and Ways and Means over the possibility of a threat against privatization on the Workers Compensation, the Insurance and Risk Division. So there's another threat there, and then today at Public Safety, another rumor reared its ugly head, and we also put it on the record that we have learned there is a move under foot to privatize the Maintenance Division of the Police Department helicopters, all the Police Officers, those who are trained pilots fly those planes. Our workers, AME workers, there's four aviation mechanics in that division. There is a move under foot to privatize the maintenance of those planes and let that contract out to a private agency. Why the County would want to lose its accountability for its employees and put perhaps police officers at risk is unconscionable.

CHAIRMAN MYSTAL:

Thank you very much, Ms. Felice.

MS. FELICE:

Okay?

CHAIRMAN MYSTAL:

The next present, who's been sitting here very, very patiently, Mr. -- put glasses on. Ray Vuono from Med Link. Before Mr. Vuono speaks, I want to apologize for the member of the -- members of the audience. This is a very lengthy process. We have to go through it. Everybody wants to speak, so we have to let them speak.

MR. VUONO:

All right. Good afternoon. This is on, right? Good afternoon. Thank you very much for your time.

It's actually very interesting sitting here. I've never been to the Legislature Building over here, so it's quite interesting, and I applaud you guys for the comments and the candidness that you have regarding these topics.

I live in Suffolk County, I also live in Huntington, and I've been living here for about 20 years. And we have an office here in Islandia, so Suffolk County is very important to me and my family. And we've got also young children as well, so it's -- so this was a -- there we go. So this was very informative.

I'm here to talk today about the need for a system that puts together a process where electronic health records can be compiled for individuals that seek health care within County facilities and also private facilities within Suffolk County in particular. My company is -- has been doing this here in this County for quite sometime. We also have the contracts where we're doing this type of work in other counties, in particular in Las Angeles County out in California, and we've also put together a very substantial network of physicians and health care organizations in New York, New Jersey and Florida. We have done this really for the purpose of these physicians to go out and be able to provide better health care and more efficient health care to their patients. But what's happened, though, is that we've also had an opportunity where we've been approached, even here in Suffolk County and the Huntington area, we've been approached for -- to put together systems for disaster recovery in the case of loss of electronic health records, it presents a tremendous amount of strain on the facility and also on the health system.

There was a study done a few years ago where there was approximately 98,000 deaths attributable around the United States for ineffective data health sharing. There's approximately anywhere from 75 to 250 billion dollars per year wasted on duplicate testing and unnecessary hospitalization.

There is also a -- electronic health records provides for better health care. It also allows for patient records to be retrieved quickly, efficiently, and for those physicians to provide, in essence, better care. Ultimately, though, those records are stored somewhere. And what I would like to see is a plan in place here in Suffolk County where we can actually have a pilot program where the County facilities would be participating in electronic health care system where those facilities would be consolidating records on patients that go to those facilities, and make that repository available to private organization within the County.

There's a lot of money that's out there from the State level. Even in New York City, for instance, Mayor Bloomberg proposed a 20 million dollar fund to help and assist physicians to move to an electronic health record application. There's been a tremendous amount of emphasis on the importability of health records. There's a ten-year Federal plan, it's a ten-year plan that by 2014, that health care facilities should be an electronic health care system. And there's also been proposals for paper performance to provide better health care, better outcomes within the facilities.

My company does a network. This is an example of what I think that the County here should have where you have a centralized system, you have medical facilities labs, imaging centers, research centers that have access to those records, and there's certain security protocols that we employ that allow for specific access by the users. So a physician may have access to the full record, but a research facility may only have access to the conditions that would be treated at this -- at a particular facility and without any demographic information. There's technology out there that allows for that to happen. So the network would actually be a County-wide network with the central repository, and then have a backup of those records somewhere else, not necessarily in Suffolk County, but at another data center location. Whether it's in New York or outside New York, it's really irrelevant.

The reason that I believe it's important for the County to do this is, number one, it provides for better health care, provides for better -- for more efficient health care, just on document management, or if somebody goes in for a lab test through a County-based facility, they may go for the one lab test, they may have to another one and another one, only because that previous lab

result wasn't available for that facility. And that happens where you're going to, you know, a center in Huntington or you're going to a center in Brookhaven, or you're going to a center really wherever. I mean, the duplication of these records is a costly, costly process.

There's applications out there that create a data structure that where there's a standard for the transfer of data currently in place. It's called HL7. It's employed in a lot of facilities across the United States. And these applications are out there in an effort to help medical information to be transferred from one facility to another. Well, what's going on is that it's not being employed. And I think that these initiatives have to take place on a local -- on a local basis. I've talked to physicians all over the County. For instance, we've got our people that are out there talking to physicians. They don't understand how to get into -- how to create a process to create an electronic health record, number one, and how they can participate in a centralized database for these records. In the case of whether there's a flood, I mean, we had one of our physicians had a flood in his facility, this is a very simple example, and basically all he had to do was re-synch up with our central data base and he had all the -- all of his patients' medical records available to him. I mean, he did -- he was upset because his building information was -- thought that it would be lost, but he had all of his accounted information on his systems and he was able to propagate the -- his data base again, so he didn't have any loss of data. And this can be done very inexpensively. And by instituting a pilot program, I believe, within this County to the number of facilities that the County has, it wouldn't -- it wouldn't be a very expensive proposition. I think that we would invite -- we would like to participate in something like this.

So, initially, we'd like to see a program where you have some sort of an initiative for data sharing; number two, have the process in place for that data to get in. So, you're basically -- you know, you may be getting rid of some paper records and instituting document scanning, not going into a situation where you have -- you know, you might want centralized lab facilities, for instance, so you don't have the duplication of records for previous results. I mean, there was an imaging center that went out of business in Brooklyn and people were lined up in front of the imaging center waiting -- you know, waiting to get in, so that they could pick up their images. It was unbelievable for somebody to think that, you know, a mammogram might have been lost or, you know, any of these previous medical records would have been lost, but with a centralized system, that wouldn't be the case. And data is becoming extremely expensive to store at this point, and so I think that the previous considerations that would have been made in the past wouldn't be there right now for data -- centralizing data is extremely inexpensive.

So that's really what I wanted to talk about. I'd invite any questions, any comments that you may have had. We past out some brief information about the -- about what we do and what I think that the County should do as well. So, if you have any questions, I'd be more than happy to answer them.

CHAIRMAN MYSTAL:

Thank you very much. Anybody have any questions? Miss Nowick.

LEG. NOWICK:

Did your company have any access to records when Hurricane Katrina swept through New Orleans or --

MR. VUONO:

You know, I was actually -- I was in New Orleans yesterday, where there was a Health Information Show. It's the largest show in the country, it's called {HIMS}. And I was down there yesterday and you still see some -- there's still talk that there are problems. Hospitals still aren't up to speed. You still don't have any immediate access to some of these previous medical records. And interestingly enough, Suffolk County or Long Island in general is the third most likely place in the U.S. to have another incident like Katrina. Obviously, they still rank New Orleans as one, Florida as two, as Long Island as three.

And I think with the -- if there's an initiative that looks at how we can put into place, because you have to consolidate the records first, you have to create an electronic data center for these records, and you have to create a way for these records to get in electronically, and just simply scanning data and putting it somewhere or categorizing it or organizing it, it has to be done with the -- you know, HIPAA, the Self Information Act in place, you have to have certain standards of accessibility, who can access it. But once that's done, if that were done, New Orleans wouldn't have the same situation that they're dealing with right now, where you have medical records that were stored in the basement of a hospital that was completely flooded.

And that's -- and I don't know where the County keeps the records. I know, you know, for pediatricians, they've got to keep records up until the child is 21 years old. That's a lot of records, you know, immunizations that you want to be able to keep. So I think that just for disaster recovery purposes, that there could be a plan put into place where these records would be stored electronically.

CHAIRMAN MYSTAL:

Thank you. Legislator Eddington.

LEG. EDDINGTON:

Yes. I'm just trying to picture what you're saying. I saw a commercial on T.V., probably three, four months ago, about a doctor or someone going down to get some records. It's a dark, dingy, big room with files, and they go, "Oh, gee, I don't know, let me see," and then the second scene is, "Oh, yes," and they press a button, it prints out, and that's basically what you're talking about.

MR. VUONO:

That's exactly what I'm talking about.

LEG. EDDINGTON:

Okay.

MR. VUONO:

I notice that in some areas in the County, for instance, in Huntington, they just -- they create a document management process for -- in one part of their town. I'm not exactly sure where it was, but they basically are scanning documents into a data base and having those documents available for anybody to look at any time. Obviously, you need the security, so if it's -- you know, you or I wouldn't be able to go in there and look at each other's health records without mutual permissions.

LEG. EDDINGTON:

Great. Okay, thank you. Legislator Kennedy.

LEG. KENNEDY:

I'll make it fast.

CHAIRMAN MYSTAL:

Oh, yeah, thank you.

LEG. KENNEDY:

Thank you for coming forward with the presentation. As a matter of fact, I agree with you about the importance of capturing a centralized storage of images. I was part of a program out in the County Clerk's Office that to date now has 25 million images, land record images on line. But I was under the impression that we had an electronic system here in our County. Have you had occasion to have any conversation with our Health Department?

MR. VUONO:

We had Miss Nowick help arrange a meeting with some people from Public Health -- from Public Safety regarding -- regarding this, but I don't believe that it's on a -- I don't believe that what you're

talking about is for, specifically for disaster recovery and centralizing the records.

LEG. KENNEDY:

No. As a matter of fact, and I think you're correct, and the disaster recovery aspect of it, obviously, is very important as well, but as you continue the dialogue here with the County, I would encourage you to go ahead and have some contact with our Health Department, because it was my understanding that we actually did or we attempted to, I don't know if we ever succeeded, but we attempted to get medical records in our various clinics online and scanned and imaged. I don't know how successful that venture was.

MR. VUONO:

Well, you may have a situation where you would have, for instance, a {DICOM} images that are related to, you know, MRI's, CT's, mammograms. Those type of things would definitely be in an electronic format, but they wouldn't necessarily be part of the individual's record, so it wouldn't be easily pulled up, for instance. So, you know, we have an imaging center here in New York. They probably have close to 2 million -- 2 million patients that they keep -- that they see that they keep records for. They're one of the largest imaging centers in the country, and they were having a problem with centralization of records with, you know, how to pull them up specifically for that particular patient where it would -- you know, you could have multiple studies, multiple results. You still want to be able to organize them in one central data basis. And that's some of the things that we do. We're not the only company that does that, I think we're the only company that does that in Suffolk County.

But, you know, we've been approached by, for instance, with Mount Sinai here in Huntington, the health center over there, and we are putting together an application that does just this for disaster recovery. They have a system in place. They've got their information system that brings in data from all these -- from their labs and their imaging centers, but they don't have an easy access to a record from three years ago. And those are the records -- in a case of a problem, those are the records that get lost, that, you know, they would be sitting in a basement that would be flooded.

LEG. KENNEDY:

Thank you.

MR. DECKER:

And I guess one of the more dangerous misconceptions, and we've probably all gone through this, is that in the public's view, because they go into a facility and just merely by stating their last name, suddenly the person behind that commuter knows their address and what insurance they have. That goes beyond that to they're actually -- what is more important to them, which is their actual medical records and where they are with any kind of ongoing treatment, whether it be diabetes or cancer related. But what we find is, really, it ends at the billing.

We've taken great pains to make sure we're incredibly efficient when it comes to issuing bills and collecting our money, despite what some of the things we heard earlier today. But we also -- but that's kind of where it ends, because that medical record is still being jotted on a piece of paper and it's down in that dingy basement, as Mr. Eddington had said. And, again, when that gets lost, the human factor is that someone might be in the middle of an oncology treatment, or in the middle of an immunization treatment, or in the middle of any kind of diabetes treatment and really now not know where they are, because, obviously, it affects the elderly very significantly and they may not recall what their next shot or what their next radiation treatment should be. And without that record, really, no one knows, and so they're forced to go through very uncomfortable, very difficult procedures again, very costly procedures again, because we -- a very dangerous position, because we don't know where they're coming from. And that's many of the stories that hear coming out of Katrina right now.

CHAIRMAN MYSTAL:

Thank you very much. Could you do me a favor? Could you please state your name, so the

stenographer would know? James Decker.

CHAIRMAN MYSTAL:

From?

MR. DECKER:

From -- also from Med Link.

CHAIRMAN MYSTAL:

Thank you. Legislator Nowick.

LEG. NOWICK:

Just a quick question, so I can put this into perspective for purposes of the County of Suffolk. Would you be anticipating working with the County, just the County facilities, or would this be somehow all of the doctors and hospitals in Suffolk County would go into a main -- I'm trying to figure out how we, as County Legislators of the County of Suffolk, could use something like this. How would we do this? I mean, we couldn't go into private physicians, right? How would this be done governmentally?

MR. DECKER:

Well, obviously, I believe the Suffolk County government has jurisdiction over many of the facilities that they run and they manage, so, obviously, that would be important to start there. But also, to voluntarily make available to physicians in Suffolk County a depository where they can keep those records. Many are working -- those who have adopted electronic records, many all sit in their own local establishment with, you know, very little security. But to give them an opportunity to put them in a central depository and to actually share them with the County facility, so if someone were to come into a County facility who had previous medical history, the practitioners within the County would be able to effectively manage their care by having all the information available to them in terms of what their issues might be by having their private physician's records available to them. But also providing that data base where if there wasn't a significant event, that this data was all available and you wouldn't have, in the case of Katrina, thousands and thousands of doctors choosing to simply start fresh somewhere else, because when they're most needed down there -- because they have no records and no answers for their patients, so it's better to simply hang out a shingle in another state and start from scratch; they're better off. So when they're needed the most is when they're leaving, because they don't have -- they haven't -- don't have access to the records of these patients who are ill.

And so, yes, I think the County could not only institute something within the environments that they control, but also make it something that can be -- that can be used by the private practitioners to centralize their data -- their records and give access to other physicians and other institutions to make those records available to improve -- to improve health care county-wide.

MR. VUONO:

Yeah. Just to add to that --

CHAIRMAN MYSTAL:

Thank you very much. Go head.

MR. VUONO:

I just want to add one statement to that in that you have to start somewhere. And I think that if the -- if there was a central depository, I can tell you that in Suffolk County, maybe 10% of the physicians here are using some sort of electronic health record application. So they're not going to be sending you a copy of their papers, they're going to want to send over an electronic -- electronic records. So if 10% of the physicians have some sort of EHR and they have an opportunity to participate in a centralized repository for all facilities within Suffolk County, and it starts with the County-based facilities, I think you'd be surprised as to how many people would actually participate

in that.

CHAIRMAN MYSTAL:

Thank you very much for coming.

MR. VUONO:

Thank you.

CHAIRMAN MYSTAL:

Thank you very much.

MR. VUONO:

Thank you very much.

CHAIRMAN MYSTAL:

I really appreciate it. I have two cards that are on Social Services, so I'm going to call those two people to make not a presentation, a three-minute public portion. Anita Fleishman and Steven --

D.P.O. VILORIA-FISHER:

Burgdoerfer.

CHAIRMAN MYSTAL:

Bergdoerfer. Are you both from the same --

MS. FLEISHMAN:

No.

CHAIRMAN MYSTAL:

No, two different, okay. Anita, three minutes, you've got three minutes. Come to the podium and try to make it brief. And then I'm going to move to Vector Control.

MS. FLEISHMAN:

Good afternoon. My name Anita Fleishman. I'm the Executive Director of the Pederson-Krag Center, but I am here today to speak very briefly on two issues on behalf of the Suffolk Coalition of Mental Health Service Providers.

The first one basically is to reinforce that prompt contracting has been an issue of contract agencies for many years, and we have spoken in front of this body many times with regard to it. It really impacts the fiscal integrity of many agencies that are unable to sustain -- to sustain themselves during times that we're waiting for monies -- contracts to be signed and monies to come from the County.

The agencies suffer staff leave, and much of this money, or at least a good part of it, is 100% State funding, which comes to Suffolk County and just runs through the County. And for many years we keep hearing from the County that the State didn't send it, and you call the State and the State says, "Well, we did send it." But, in the meantime, the agencies and our consumers and our staff are caught in the middle and we really suffer some agencies irreparable damage.

The second issue that I'm very briefly going to speak about is one that's very timely. If you read this week's Newsday article about the C-PEP out at Stony Brook, this has been a problem for many years, but it has come to a point now where it is quite disastrous and absolutely threatens the integrity of services we're able to provide for our consumers and I believe public safety.

The police, as you read in the article, C-PEP, which is the Stony Brook Emergency Psychiatric Center, has been forced to go on diversion many times, more so recently in January and February. The reasons for them going on diversion are multiple, and indicative of the mental health system in

Suffolk County's dysfunction. It just happens to be on a downward spiral. There are bottlenecks in hospitals. Hospitals are unable to discharge. They aren't able to transfer to Pilgrim. They have -- there is inadequate housing for the level of care that's necessary. There's inadequate services for the level of care that's necessary. And, of course, the latest, which is Southside's unavailability of 25 beds. All of this leads to the fact that C-PEP gets bottlenecked with patients, they are unable to accept them, and our police force are called to take these people to what should be the nearest hospital. These community hospitals are ill equipped to take care of people that these police are driving around. These are all involuntary hospitalizations.

CHAIRMAN MYSTAL:

Please wrap up.

MS. FLEISHMAN:

And what happens is, is that the police very often spend a great deal of time driving around Suffolk County looking for a hospital emergency room to bring them to and stay with until after they've seen, which puts a terrible strain on the police force and subsequently public safety.

So this is a big issue. I know that Legislator Kennedy has made a proposed resolution that has been tabled, but anything that can be put forward to resolve or to ameliorate, even to a small degree, this very grave problem would be very much in the best interest of this County.

CHAIRMAN MYSTAL:

Thank you very much, Miss Fleishman. Thank you very much.

LEG. KENNEDY:

If I can just thank Miss Fleishman for coming down. She waited a long time, as a matter of fact, but, her comments, as you know, are important. And also what she does is I think she highlights for us the fact that what we've heard earlier, as far as some of the payment issues, is not limited to child care alone, it is endemic throughout the system.

MS. FLEISHMAN:

Thank you.

LEG. KENNEDY:

Thank you.

CHAIRMAN MYSTAL:

Thank you. Steven? Is he still here?

D.P.O. VILORIA-FISHER:

Yes.

CHAIRMAN MYSTAL:

Oh, please come up.

MR. BURGDOERFER:

Hi. My name is Steve Burgdoerfer. I own the Tutor Time in Islandia and the Tutor Time in Ronkonkoma, New York. And I agree with everything that Katie and Kathy have brought up. I have the same issues that they have. In fact, I'm owed \$300,000 in subsidized reimbursements. And to John's comment earlier, I am the gentleman that has accounts that are 300 days old.

I'd like to just recommend a possible couple of solutions. One solution would be, is that I know like, for example, in the State of Texas, that instead of us getting mailed a roster, for example, we were all mailed a roster today, the first day of the month for last month, instead of mailing that, why can't it be on the computer? And on the computer, why can't we input the exact same information that's on that roster, and, instead, do it by computer and it's immediately sent to them? There I think

would save four or five days right off the bat. And then why can't a computer system, if you already have a contract for a child, why does somebody need to manually audit that if the computer can audit it? If there's a problem or an exception to that, then it can go under manual review.

Second of all, then after that whole process is done, why cannot the check be cut electronically and sent to your bank account, instead of a hand check, which has mail, time, and lost checks? It's good enough for the Internal Revenue Service to send out checks, you know, via direct deposit. Why can't it be good enough for Suffolk County? I think, if we took some of these things into action, we could really reduce the number of days and address this manpower issue, because it seems, from what I'm hearing, that this job is kind of an entry level or a low priority job, and if they have a chance to advance, because I've been through this cycle before, this will happen again.

And it was brought up I think by Mr. Eddington that I don't want to be here in a year and have this -- well, the same thing would happen in a year. Despite all the good efforts of putting additional people into these places, they're going to bid out of these jobs, and then you have a certain civil service procedure that I think takes a long time to get new people in the place just for them to leave the job again as soon as they have a chance. So why don't we change the system? I think it would save the County money, it would certainly save us a lot of time and get us the money quicker for the subsidized children.

Also, I think we need to enforce the law that was written in 1974, that -- I've been a contract provider for I think about eight or nine years, not as long as Katie has, and Kathy has been a contract provider. We were never offered the two months of 75%. Now something fell through the cracks there. And I think we need to see what we can do now while we're working on these new systems to maybe amend that law, so child care centers can get at least 75% of that money within 15 days after they bill it, so they can meet their normal business expenses, so they're not in a crisis situation where they have the Internal Revenue Service down their throat, or LIPA, or can't feed their children or pay their teachers. So I think we can't wait until the end of April, never mind the end of August to clean it all up. So maybe if we do some kind of emergency funding now and look into other systems that are working throughout the country to maybe solve this problem permanently. And that's the same thing that can be done for nursing homes and other agencies that are handled by the Department of Social Services. Thank you.

CHAIRMAN MYSTAL:

Thank you very much.

D.P.O. VILORIA-FISHER:

Thank you, Steve.

CHAIRMAN MYSTAL:

Okay. No more questions. Thank you.

MR. BURGDOERFER:

Okay.

D.P.O. VILORIA-FISHER:

Thank you, Steve.

CHAIRMAN MYSTAL:

This concludes the part of this meeting that we call Social Services. We are going to move into the other part. There are two cards that I have that deal with something completely different from Vector, which have to do with substation. So I'm going to call those two people and then we're going to move right into -- and they have two minutes to talk. Where are they? Matthew Atkinson -- no, no, no, not Matthew. I'm sorry. Rick Bartlett and Joe DeStefano. You guys are talking about the substation.

MR. DESTEFANO:

Good afternoon. My name is Joe DeStefano. I'm a Commissioner of the Medford Fire District. A couple of years back we embarked on a project of putting an addition on our substation, which is located on Route 112, just north of Horse Block Road in Medford. We are probably one of the only five districts in Long Island that have C.O.'s on all of our buildings. We have played by the rule. We try do everything the way it's supposed to be done. However, we've come across some road blocks that have been thrown up in front of us by our own County, particularly the Department of Waste Water Management.

My architect is going to talk to you a few minutes about what the problems are. They met with the Division of Waste Water Management before they submitted the plans and they were told that they had to do certain things which they put into the plans. Subsequently to that, when the plans were sent back to us, they gave us a whole different version of what they wanted. In the time when the fire districts are looked as very unfavorably by the press and everybody else about frivolous spending, they're going to probably put us into the tune of about \$15,000 of unnecessary expenses that we're going to have to incur to comply with rules that would pertain to restaurants, like Applebees or TGI Fridays.

We have a substation where there's approximately 15 members that respond to that station. The reason why the station was being renovated and was being redone was because of the safety issues of backing the fire trucks in off of Route 112. If anybody knows the area, you know that when go down that road, people ain't stopping for nobody, and right now, we're packing the trucks in horizontally off of 112. So we decided we were going to do some work in there so that they can turn the trucks around inside the firehouse. Subsequently to that, we put an addition because of the growth in the area. We put an addition for another bay onto it, so that we have the expansion that's necessary to handle the volume of calls that we get in the area.

So with that being said, I'm going to let the architect speak to you about some of these extra expenses that are being thrown at us by the Division of Waste Water Management and he'll go further with it, if it's okay.

CHAIRMAN MYSTAL:

Thank you.

MR. BARTLETT:

Good afternoon. My name is Richard Bartlett, Architect. As Joe mentioned, we set out to design this addition just about a year or so ago. We had contacted the Office of Waste Water Management about the intent of the addition and what the parameters would be that we would have to comply with for the design of that system.

The existing station, as it sits right now, does have an existing sanitary system. But because there was no records at the Health Department with regard to that system, we opted to put in a new system to handle the new addition independently from the existing. Basically, we were told that since the kitchen -- there's a small kitchen, which really amounts to nothing more than a residential kitchen. There's a four-burner stove, a microwave, a dishwasher and a sink, and a small three-compartment wash sink. We've been told subsequently that it's an assembly use and we have to comply with the requirements for a catering facility. In addition to that, they came back and said, "Well, that existing system, we have no records of it and we need you to provide the documentation for it." So, at a cost of almost \$3,000 to the district, we had to go out and pay a contractor to unearth these components of the original sanitary system, which has been in existence for 20 some-odd years and operating without a problem, to document exactly the size of the existing components, the pipe inverts, the whole installation, even regardless of the fact that we're not even touching that system with our proposal.

The problem lies in the fact that now, to go back and upgrade this system to comply with a catering facility -- as Joe mentioned, it's a small substation that's going to have some training facilities there

and a small ready room, but, you know, most of the assembly type functions that occur with the fire district happen at the headquarters, which is probably a few miles from the substation. There, that has a much larger kitchen. It's equipped with a full grease system, and that's where they do choose to hold their primary assembly events.

But to go back now, and now to change the flow of the sanitary system design to a catering facility, we'd not only have to add this grease trap, but we have to upgrade the size of the septic tank, we have to upgrade the quantity of leaching provisions that are provided in there. And to that, you know, the fire district had offered as a consolation to Health Department -- look, you know, they show a small bar area, which is really a serving counter for the kitchen. They offered to remove that from the application, and they were told that that's going to have no impact, that they have to comply with these commercial applications.

So, furthermore, we've done projects like this, similar type facilities, similar type applications, and we've put in standard sanitary systems. So now, all of a sudden, somebody decides that this is what needs to be done and they're classifying it as a catering hall. I just don't think that that's fair.

CHAIRMAN MYSTAL:

Thank you. Any questions?

LEG. EDDINGTON:

Well, what I'd like to do is just make a quick comment, because, as a member of the Public Safety Committee and the Health Committee, and living about a mile from the facility you're talking about, I would like to direct the Health Department and Waste Management to get back to me within seven days of a report of how this has been resolved, because this sounds like, in a time when we're talking about fire districts being accountable and overspending, here we have -- you're being forced to overspend, and based, as I can see here, in a ridiculous request. So I want to make sure that the Health Department gets to me within seven days on how this has been resolved.

MR. BARTLETT:

Okay. If I could just add one other thing, the -- although we weren't required, from our initial conversation, to provide for an external grease trap on the plumbing for this installation, from a good design practice, we provided an interior grease trap that's in the floor slab that handles just the kitchen waste, the small amount of kitchen waste that's there. So it's not like it's not going to be a protected waste, and, you know, there's no fires, there's no heavy cooking equipment, it's no worse than a residential kitchen. So to have to go through these orchestrations for this -- and, again, I just can't say -- you know, I can't agree with the stipulations, especially when we've done it elsewhere and not had to comply with that.

LEG. EDDINGTON:

Contact me in seven days and I'll have an answer for you.

CHAIRMAN MYSTAL:

Thank you.

MR. BARTLETT:

Thank you very much.

CHAIRMAN MYSTAL:

And I do -- go ahead, go ahead. I do empathize with you, because I have a day-care center, which does not generate grease at all, and they want them to put a grease trap.

Okay. We are now moving into Vector Control. We're going to have a short presentation from Mr. Walter -- Walter --

MR. NOLAN:

Dawdyak.

CHAIRMAN MYSTAL:

Dawydiak, yeah, Walter Dawydiak, who's already set up and been very patient. And I want to apologize to all of those who are in -- been waiting patiently on Vector Control. And do we need to die the lights for you, sir?

MR. DAWYDIAK:

Legislator Mystal, with your permission, if you don't mind letting the public speakers go first, we have to stay to the end, other people have been patiently waiting.

CHAIRMAN MYSTAL:

Okay. I can do that, I can do that.

MR. DAWYDIAK:

Okay. Does anybody mind? I know I spoke to Ben Zwirn and he didn't object.

MS. ESPOSITO:

I don't mind.

MR. DAWYDIAK:

Yeah, it's just not fair to everybody to keep milling around.

CHAIRMAN MYSTAL:

Okay. We will call the people in the order of them signing the cards that I have here. If you hear your name, come to the front. And you have -- you will have three minutes. The first person is -- put glasses on, read card -- Bob McAlevy.

MR. MCALEVY:

Thank you, Mr. Chairman. I thought I was a contestant in Survivor there for awhile.

CHAIRMAN MYSTAL:

You are, Surviving Suffolk County.

MR. MCALEVY:

I'm from Hampton Bays and I've been on the civic -- the Citizens Advisory Committee to Vector Control, and before that, the Peconic Estuary Program. And I was -- I'm going to talk about economics here and investment by my tax dollars.

First of all, the West Nile Virus is a stable organism, according to the Center for Disease Control. It's like chicken pox. We've all been inoculated or had a subsystem -- subsymptomatic event, we're more or less immune.

I'd like to also talk about -- and we're spending a lot of money on that. It's like Anna Nicole Smith, you mention West Nile Virus, you get a lot of press immediately. Not spoken about is the tick borne diseases, Lyme and all those others. For every single case of West Nile Virus, there's been more than 200 cases of tick borne disease. It's more than 200. The cost is extraordinary to try and pay for a lifetime dose of antibiotics. Some of the organisms are parasitic, they're parasites. It's like malaria from the ticks. So I would suggest, if you're going to optimize the cost effectiveness of your Health budget, you might think about taking a little bit of money from the West Nile Virus activity and spending it on the ticks. What do you do? Do what Hunterdon County, New Jersey did. They had a full court press public education program. They cut the incidents in half. East Hampton did the same thing. Your employees here know that. The Citizens Advisory Committee apprized them of these things and asked them to look into that. It was not done.

Also, let me say, Mr. Chairman, that the County had been testing mosquitoes for the West Nile Virus. Almost all of them were like the common house mosquitoes, the Culex family, fresh water

breeding. Rarely did they ever find one that had West Nile Virus of the species, of the Adis family that breeds in the wetlands. However, the budget is about equally directed towards doing something to the wetlands, as far as West Nile Virus is concerned, in doing something against the fresh water mosquitoes. I think the number is something like -- they tested for several years before they found one mosquito infected with the West Nile Virus in the salt marsh. In all that time, they were digging them up and spraying, and God knows what else to them. So I think this has to be reviewed as a taxpayer.

And I heard various speakers here talking about the effectiveness of our tax money. I think you have to look at this in the big picture. What strategies should you use to improve the public health? If you look at the deaths by West Nile Virus, it's almost, you know, down there with somebody being hit by Tiger's golf ball, or something like that.

So I'll ask you to do that. There's some scientific stuff I'd like to address specifically about the program. I'll submit it to the Clerk, and I'll see you the next time.

CHAIRMAN MYSTAL:

Thank you very much.

MR. MCALEVY:

Thank you.

CHAIRMAN MYSTAL:

Our next speaker is Kasey Jacobs.

MS. JACOBS:

Good afternoon. My name is Kasey Jacobs. I'm with Citizens Campaign for the Environment. CCE is pleased that a wetlands stewardship program has been proposed as a result of the long-term planning process. Placing the management of wetlands under the jurisdiction of the new Energy and Environment Department just makes sense. CCE would like to see this portion of the plan separated out and advanced as rapidly as possible. This aspect is agreed upon by all who have participated in this lengthy process.

The Council for Environmental Quality has been reviewing this plan for over a year. Their comments are based on sound science and incorporated a tremendous amount of input from the scientific community, environmental and public health organizations and members of the public. The CEQ recommendations are consistent with this input and are widely supported by many diverse organizations. However, I.R. 1150 excludes and negatively alters pertinent components of CEQ recommendations to the plan.

CCE opposes Intro -- excuse me, sorry -- Intro Resolution Number 1150 in its current form for several reasons. One, CEQ has recommended against using Methoprine on salt marsh habitat, and, yet, 1150 ignores this recommendation. CCE, along with other organizations, agreed that the County consultant has oversimplified and improperly described the controversy over the toxicity of Methoprine. They would like the following statement of this plan to address the controversy by recognizing that the scientific community and the New York State DEC is currently questioning this issue, and should more information about the potential environmental impacts come to light, the application of Methoprene on salt marsh environments would be revisited.

Two, the long-term plan recommended a landing rate of one to five mosquitoes per minute as a threshold for triggering a spray event. CEQ recommendations were even higher. However, 1150 states one for the landing rate, with no basis to that decision. This is exactly the type of arbitrary or perhaps political decision-making the planning process was established to prevent. It is CCE's view that the threshold of one mosquito per minute is absurd and dangerous. This low and arbitrary threshold has the potential to have a significant negative impact on marsh health and public health

by increasing the amount of adulticiding, which undermines the objective of this plan, and would be counterproductive if approved. The thresholds need to be changed to reflect CEQ recommendations.

Three, CEQ recommendations stated that marsh ecology and health should be the number one priority for wetlands management. Vector Control Management objectives should be a secondary consideration and implemented only when determined not to adversely effect marsh ecology and health. The long-term procedure has already been revised to reflect this, but that's not reflected in I.R. 1150.

Four, CEQ recommends establishing a distinction between nuisance control and disease control, and there are aspects of a long-term plan that are productive and encouraging. However, some key elements in 1150 have altered the general scope and intent of the plan and need to be corrected before going to the full Legislature.

In 22 years of working on Suffolk County environmental programs, CCE cannot recall another instance where CEQ recommendations were so readily dismissed. This independent advisory board was established to do the research and detailed level of review that the Legislature cannot. It would be disturbing to see the Legislature rebuke their own environmental advisory for reasons currently unknown. So thank you.

CHAIRMAN MYSTAL:

Thank you. Matthew Atkinson.

MR. ATKINSON:

Good afternoon. Yes, I'm Matthew Atkinson, I'm with Peconic Baykeeper. I'd like to endorse all of the comments that were just made by Citizens Campaign for the Environment and make these following observations as well.

Without even getting into the substance of the plan, which is a very difficult and complicated thing, and which CEQ did spend a great deal of time doing, over a year-and-a-half of taking testimony, reaching out to scientists, leading people in their fields, and then coming up with a set of recommendations, that it's not just what they recommended, but what's behind, their basis for these recommendations. And the opportunity to give a full presentation on these recommendations I think is really critical for the Legislature to understand, why -- what CEQ has recommended, how it differs from what the initiating units of government are asking for, and the basis for those distinctions. That would be a well informed Legislature.

I.R. 1150-2007 illegally circumvents CEQ's recommendations to further some failed policies. The proposed resolution falsely purports to be issued pursuant to a directive of the Environment, Planning and Agricultural Committee. No action was taken in that committee concerning CEQ's recommendations. If an action was taken outside of the regular meeting, it would have been a circumvention of the Open Meetings Law and would be void. This effort to insulate Suffolk County Legislature from the recommendations of its own appointed advisors is a brazen violation of the statutory duties, rules of this Legislature, and the requirements of the State Environmental Quality Review Act.

CEQ's recommendations have been widely endorsed by environmental and civic groups in Suffolk County. Their recommendations were based on this extensive review and comments and consultations with New York DEC, who expressed much of the same reservations that CEQ has adopted, New York State DOS, National Park Service, who won't adopt these plans or DGEIS at all, saying it's inadequate. To move forward on the Vector Control Long-Term Plan while ignoring this extensive review is a bad policy and a failed process.

LEG. HORSLEY:

Please wrap it up, your three minutes. Thank you.

MR. ATKINSON:

We've long sought, Peconic Baykeeper, a full and proper environmental review of the Mosquito Control Program in Suffolk County. We differ in certain areas from the CEQ recommendations, but there are positive ways in which this plan can be revisited over time and has built-in mechanisms for new review.

The improvements and changes of this Committee and Legislature as a whole should insist on a full hearing of CEQ's recommendations, and without that review, the Legislature cannot discharge its duties to the welfare of the people in Suffolk County or to its own legal duties. And I have these comments in writing for your benefit.

LEG. HORSLEY:

Thank you very much, we do appreciate that. Enrico Nardone.

D.P.O. VILORIA-FISHER:

Oh, Mr. Chair.

LEG. HORSLEY:

Yes.

D.P.O. VILORIA-FISHER:

If I may.

LEG. HORSLEY:

You may.

D.P.O. VILORIA-FISHER:

I'm the sponsor of the resolution which Mr. Atkinson refers -- to which Mr. Atkinson refers as having been introduced illegally. Can you please say what the basis is of saying that that was an illegal resolution? I did it through advice of Legislative Counsel, and I did it according to the processes that we use here in the County of Suffolk in the Legislature?

MR. ATKINSON:

I believe that the statement within the resolution on Page 9 of the findings which indicates that this was through the direction of the committee, that this came out of committee, it is a false statement.

D.P.O. VILORIA-FISHER:

Well, I differ with you, sir, because the committee, the EPAC Committee had received the CEO resolution, the EPAC Committee had been -- I had consulted members of my committee. We had not voted on that resolution, but that resolution will be voted on by the Legislature. And so it is not a false statement, and it is certainly not an illegal document.

MR. ATKINSON:

Was there a vote on that in committee? It was an open meeting.

D.P.O. VILORIA-FISHER:

What did I just say to you, Mr. Atkinson? It was not a resolution that came before the committee. It has not yet been voted on, it has only been laid on the table.

MR. ATKINSON:

Is it going to be reviewed by your committee?

D.P.O. VILORIA-FISHER:

It will be reviewed by this committee, and members of that EPAC Committee are members of the general Legislature, which will be voting on it when it goes to the full Legislature.

MR. ATKINSON:

Well, my position remains the same. If you're going to issue a resolution, say that it's at the direction of EPAC, when EPAC voted on nothing and avoid the CEQ recommendations --

D.P.O. VILORIA-FISHER:

Actually, the resolution has one person's name as response and that's my name.

MR. ATKINSON:

And avoid the discussion of the CEQ recommendations and how they differ, it's too bad.

D.P.O. VILORIA-FISHER:

Mr. Atkinson, we all know you're just preparing your case --

LEG. HORSLEY:

All right.

D.P.O. VILORIA-FISHER:

-- so argue it when you argue your case.

LEG. HORSLEY:

Why don't we leave it at that. Thank you very much, Mr. Atkinson. All right. Enrico Nardone.

MR. NARDONE:

Good afternoon. My name is Enrico Nardone. I'm the Director of the Seatuck Environmental Association and a member of CEQ. I'm here to address just one of the discrepancies between the CEQ recommendations and the resolution and the draft findings before you, specifically the difference regarding the wetlands management.

Let me start by saying there's much to like in the County plan, especially its commitment to the preparation of a Comprehensive Wetlands Stewardship Plan. The place at which I and indeed almost a unanimous CEQ diverge from the resolution, however, is on the inclusion now of controversial and unsubstantiated wetlands management techniques before that Wetlands Stewardship Plan even exists.

The County has identified 15 Best Management Practices, or BMP's, that might be used to manipulate marshes in the future. As drafted, this resolution would accept and include all 15 of those, essentially approving them for future use hereafter. CEQ, on the other hand, found that all but a few of those BMP's failed to be substantiated as either effective vector control techniques or effective marsh restoration techniques, and as such, we recommended that BMP's 6 through 15 not be included in this plan at this time. Instead, we said that they -- these controversial techniques should be analyzed for the restoration potential and be included in the Wetlands Stewardship Plan when the Wetlands Stewardship Plan is prepared, if they're found to be, in fact, appropriate techniques.

Just about everyone on CEQ agreed that it didn't make sense to approve a controversial suite of techniques for managing wetlands when the Wetland Stewardship strategy itself doesn't exist. In other words, CEQ recommended putting the horse before the cart.

What we're really talking about here, although the County has abandoned the term and broken the practice down into its component parts, is open marsh water management. This portion of the County plan received more public comment than any other, many of which highlighted the fact that OMWM has not been subject to rigorous scientific analysis and is viewed with a skeptical eye by many wetland scientists. And I'd like to submit for the record a letter that was submitted by a host of prominent wetland scientists expressing their concerns about this technique.

LEG. HORSLEY:

Thank you very much, Mr. Nardone. Please, three minutes.

MR. NARDONE:

Okay. Just quickly, I can't speak for the rest of CEQ, but I want to just tell you my own experience in the evolution of my thought process about OMWM. I started off, when I was first invited to participate in this process, as a big fan of it, because my organization 20 years ago conducted some research on it and advised that it be used in Suffolk County.

And I was struck, though, by one comment in the Seatuck report that said that it has extensive environmental benefits. But the citation for that report included only 30 or 40 year old studies from New Jersey where this technique was developed. So I figured there had to be more out there. I did some research and I couldn't find anything. I talked to lots of -- some scientist friends, asked them to help me find these reports, figuring there had to be a few seminal research projects published in major peer review journals, but they weren't there. So I started wondering what was going on, so I started calling wetland scientists and anybody that I could find and I asked them essentially two questions, is OMWM good for mosquito control, and is it good for the marshes. And just about every one of them told me the same thing, that it's a mosquito control technique and it's synonymous with marsh restoration. I found no wetland scientist willing to support this technique.

So I would urge the committee to take these techniques out of this plan at this time. Let the Department of Environment and Energy review them for the restoration potential. If, in fact, they are valid techniques, which I question, then let them put them back in the plan at that time. Thank you.

LEG. HORSLEY:

Thank you very much.

CHAIRMAN MYSTAL:

Thank you very much. Mr. John Potente.

MR. POTENTE:

Thank you, Mr. Chair. I was first appointed to the CEQ in 2005, and shortly after being appointed, Terry Elkowitz, who was the Chair at the time, asked me to be on the subcommittee for the Vector Control. Since that time, I have been studying and reviewing this program. And I've listened to the presentations by Vector Control, and I've also listened to the comments and the concerns by the people from -- of Suffolk County from civic groups and environmental groups that came up, and I listened and weighed both sides, and it actually caught my interest and I spent much more time on this than I should have, but I didn't. And I took a particular interest in it. I have a Masters Degree in Medical Biology, so it caught my interest. And as a volunteer to review this, I did that.

I delved into some of the research to try and find out what substantiated this idea of digging ponds and marshes to actually alleviate nuisance problems or disease problems for the people of Suffolk County. I appreciated and sympathized with people who did live near salt marshes that experience more mosquitoes than people inland or possibly on the North Shore. So Vector Control has come up with this idea, "Well, we have the silver bullet for this. We're going to decrease the amount of pesticides that go into the marshes and we're going to dig ponds so there's more fish and then fish will eat the mosquitoes." And, initially, most people embraced the idea, and, as it developed, I watched it, and like Mr. Nardone, I questioned wetland scientists up and down the East Coast and got to know many of them. And the people who seemed to be supporting this idea were people from the mosquito industry who made their living going out and digging ponds in marshes. They also got much needed support from Ducks Unlimited, a duck hunting organization. The people who were skeptical or outright -- who came outright against this were wetland scientists, ecologists, biologists. And I then searched the scientific literature, there was nothing there.

There are two things I would like to handout. Number one is I would like to present what the majority report for the CEQ is and just highlight something real quick for you. Also, I have -- I'm

handing this in on behalf of another CEQ member who couldn't attend. She's an attorney. She's worked with Mr. Nolan, along with Mr. Nardone, where there were some legal issues, to try and present some of these issues. Actually, CEQ was very fortunate to have Enrico Nardone and Ms. Stiles on the committee, because they have worked in environmental lawsuits in the past, and they have been working to help the County avoid any future lawsuits, because they understand where this thing may be going. And they've been trying to apprise the County, "Look, this little technicality, fix this so that there's no problem here and there."
So let me pass out these two handouts.

CHAIRMAN MYSTAL:

Mr. Potente, you just expanded your three minutes. I'm going to give you a minute to wrap up.

MR. POTENTE:

Oh, okay. Don't start that minute yet, though.

CHAIRMAN MYSTAL:

Okay.

MR. POTENTE:

I'm just going to wait until you get the handouts.

CHAIRMAN MYSTAL:

Okay. Your minute starts.

MR. POTENTE:

Okay. These are the CEQ -- this is the majority report that the CEQ has put out. Now, again, this is from -- I've been on this in the year 2005, where CEQ has been studying this for many years. The CEQ does endorse the plan in general, don't get that wrong, and it does allow for the use of pesticides, but there were some critical issues here that should be attended to before it gets out of this committee.

If you'd just look, these are the recommendations I went and I highlight. If you just flip the pages, go to the first highlight. This is important. DEC should -- "DEC should first be required to prepare an in depth Wetland Stewardship strategy, which should be developed with an appropriate EIS." The reason is this plan was developed to dig ponds and marshes. The CEQ does not agree that this will work to reduce mosquitoes and it is not a restoration project.

If you flip a couple of more pages, the next highlighted one, the use of BMP's. If I'm allowed the opportunity for a future meeting, I would be glad to share my information, so that this committee understands what these BMP's actually are. The BMP's, that's not -- they are not substantiated as Vector Control. In other words, there's no scientific literature to back that this will actually reduce mosquitoes. And the other thing is it's not marsh restoration. Most marsh restoration are afraid of putting these ponds and creeks in the marshes, because it will degrade the marshes, much like the ditches did.

And finally, under larvicide use, Methoprene should be restricted from use in our tidal wetlands. And we are not saying ban Methoprene, we are just saying we found that probably its most potential harm is in the tidal wetlands, that's where the high tide comes in, because it may affect insects and crustaceans, such as lobsters and shrimp. Thank you very much, Mr. Chair.

CHAIRMAN MYSTAL:

Thank you very much. Next speaker, Adrienne Esposito.

MS. ESPOSITO:

Good afternoon, Legislators. This will be very quick. Just two additional points. One is that, first, I'd like to also just echo what was just said. Basically, the plan is very good. I was outside just a

minute ago and Walt Dawydiak said, "I thought you guys liked the plan." And overall, we have come a very long way. We have come a terrific way, particularly with the Wetlands Stewardship Program. We'd like to see the Legislature pass that bill with the accompanying funding and not hold that bill up, and we've made some terrific progress. But what we need to do today is, and in the next couple of weeks, is sought out the areas of controversy, not the most pleasant part, but necessary nonetheless, one area.

We appreciate -- also, there has been a change in verbiage, which would help distinguish between nuisance control and disease control of mosquitoes. Currently, the plan is now calling for "nuisance control" to be called "vector control" and "disease control" to be termed "emergency response". That's better. We appreciate the effort and the detail. We would prefer, however, that it be termed "vector nuisance control". If you could get that one word in there, we think that that generates an image to the public more accurate about what exactly it would be. We think that would be an honest reflection of the activity and, therefore, would be the best way to describe it to the public.

My second comment is on this whole issue of taking CEQ recommendations and not taking them. And I would say to this Legislature, this is a very serious issue, because you have the proverbial junction in the road. You're either going to understand that CEQ is an independent body, which you all appointed, to do the tremendous amount of research they, did they held public hearings, they have spent countless hours doing the scientific research and the detail necessary to propose this plan to you. So either you're going to support this independent research, or you'll dismiss their recommendations and undermine the independent value of CEQ. That would be a very serious course of action.

We would urge you to uphold the role, the independent role of CEQ in the County, and we would urge you to uphold their independent research, the public hearings that were held, and the sentiment by which they have created the recommendations to you. That is an important role in this County. It's been an important role for decades. We would not want to see that role diminished, nor disregarded. So we're asking you, as you deliberate and as you confer with the recommendations, to be mindful of the important role that CEQ has played and should continue to play in the future, because this is not only about the mosquito long-term plan, this is about the role CEQ plays in the County, and how it should continue to play that role, one we think, and we hope you agree, is an important one, because, frankly, why bother to have CEQ if you're going to dismiss their recommendations when it's not politically fun to accept them? Thank you.

CHAIRMAN MYSTAL:

Thank you very much. Last speaker, Mike Kaufman. You wanted to be the last speaker, right?

MR. KAUFMAN:

Yes, I did, sir.

CHAIRMAN MYSTAL:

Okay.

MS. ESPOSITO:

He likes having the last word.

MR. KAUFMAN:

No, I just wanted to hear what everyone else had to say. I'm speaking here in a personal capacity. I'm also, however, Vice Chair of CEQ. I've been on the board since 1992. I'm one of the three Project Managers at CEQ of this Environmental Impact Statement. The Legislature specifically provides for CEQ to manage the process.

Bluntly, I was one of the main or prime movers for this EIS back in 2002, and sometimes I regret that, but I did see, as did a lot of other members of CEQ, that there were some problems out that

there that had to be resolved. This had to -- entire process had to go through a SEQRA process and also through an EIS. So I'm relatively proud that I was one of the original people who tried to get this going.

Just to let you know, I have 20 years of real estate experience and environmental law experience. I've litigated this stuff, I've worked with quite a lot of people on both sides of the fence. I'm familiar with land use, I'm familiar with SEQRA, and I actually have at various times managed marshes, which is something that most of the other members of CEQ do not had and have never had that kind of experience.

I disagree, frankly, with a bunch of things that Mr. Potente and Mr. Nardone have stated, but I'm not going to really try and advocate any policy decisions today. I am going to point out, however, some issues concerning CEQ and the recommendations of a majority and minority that have been presented to you.

The document that you have before you, and the entire FGEIS that has been prepared, is loaded with three years of CEQ recommendations. I was one of the three, originally four people on that subcommittee, as John Potente stated, and we did a lot of work on that. There were massive changes in the last three years. This plan is unrecognizable compared to what was originally proposed. Frankly, it is much more protective. There are a lot worse SEQRA protections built into there, which I personally got in, and I think some of the members of the health team up here will fully admit that. I've fought a lonely battle for several years to have these kinds of protections put in here, and, again, there have been massive changes.

They've gone -- originally, the County wanted to have a break point. Any marsh under 15 acres wouldn't really get major review. There was nothing in there about marsh health being the prime directive, if you will. There wasn't enough supplemental EIS's being possible. There was, frankly, also an area wherein a lot of marshes could be destroyed under this plan. The County, however, has changed its opinions and has changed the document to reflect the points that I have just pointed out. We have had lots of meeting with them. Walt knows, Walter Dawydiak knows, for example, that I have called him many times with my concerns and tried to push him towards getting a better document and things like that.

I'll tell you right now that significant dissent exists at CEQ on some of the recommendations that have been placed before you. They were the result of, bluntly, some political processes that went on there. I'll tell you right now, a lot of the scientific issues have not been resolved by these votes; okay? They have not been resolved in any way, shape or form. Second, a lot of SEQRA issues have been created by these recommendations. To put it bluntly, if I was so inclined, I can drive a truck through this process with the recommendations of some of them that were made on January 17th. A lot of this stuff would not stand if they are recommended -- if they are adopted by this Legislature.

I also want to tell you that a lot of these recommendations are not vested with mysterious scientific authority. They're not delphic pronouncements coming off of some high mountain which you Gentlemen and Ladies at the Legislature should necessarily follow. You have to use your independent mind on these recommendations and understand that mere vote counts are not necessarily the last word on a scientific controversy. Okay? I will also submit to you --

CHAIRMAN MYSTAL:

Please wrap up.

MR. KAUFMAN:

Okay. I will also submit to you that there are a lot of problems with administration of SEQRA at this point in time at the CEQ, and this stuff is starting to rebound towards your direction. I would advise you very bluntly to be very, very careful with what you review and how you decide, because, bluntly, the science is not necessarily resolved. There is one wing of CEQ going one way, there's another wing going another way. It is not an easy process. We're trying to build an operational plan here at

this point in time, and that's the key word, "operational". Not everything is going to be resolved in a GEIS. A GEIS is not supposed to go that way. It establishes and overarching technique and an overarching operational way of doing things. I disagree with some of the stuff that is in the plan right now. I have made my dissents known to the Executive Branch, I've made it known to the Legislative Branch. It is not an easy question. It's something that you all are going to have to wrestle with.

You're not necessarily going to be hurting CEQ to ignore some of these recommendations. You do have to take into account that there are votes on both sides. Some of these votes are correct, some of them are wrong. I don't know which one is which. You know, what I say is right some people say is wrong. What I say is wrong some people think it's right. But there are problems with a lot of these recommendations and that's what I'm trying to tell you about. Thank you very much.

CHAIRMAN MYSTAL:

Thank you very much. We are now going to proceed with the Suffolk County Department of Health Services, Division of Environmental Quality, Vector Control and Wetland Management long-term plan and GEIS. Good afternoon.

MR. DAWYDIAK:

Good afternoon, Mr. Chair. Boy, it's late in the day.

CHAIRMAN MYSTAL:

It's been a long day.

MR. DAWYDIAK:

Thank you for your time and your patience. I'm joined here with Dr. Patricia Dillon, Head of the Public Health Division of the Suffolk County Health Department; Dr. David Tonges, formerly of Cashin Associates, our consultant for the plan, now a Professor at Stony Brook University; Amy Juchatz, an MPH and Environmental Toxicologist with Department of Environment, who also helps us out in Health quite a bit, to our good fortune; Dominick Ninivaggi, Superintendent of Vector Control, and Chris Jeffreys from the County Attorney's Office, and my name is Walter Dawydiak. I'm the Chief Engineer for the Suffolk County Health Department. I don't know if anybody from the panel, maybe Chris wanted to make any preparatory statements.

MR. JEFFREYS:

As the panel knows, my name is Chris Jeffreys. I'm an Assistant County Attorney over at the County Attorney's Office. I'm involved, and I have been involved since 2002, in the litigation involving Vector Control. My job here is not to advocate any one position. My job here is to make certain that this panel, no matter what the final determination is, takes the hard look.

The challenge that we've seen over and over again to our Annual Plans of Work have been procedural challenges, that there wasn't a hard look that has been taken. I would point to one portion of the challenge that was in 2003. It was in the challenge to one of the Annual Plans of Work where the claim was that the Legislature improperly delegated its authority to CEQ. I don't want that sort of challenge to take place again, and I have made it known each year that I'm here for the Annual Plan of Work to make certain that everything that CEQ had is before the Legislature. And I'm gathering that and cross-referencing it to make sure that everything CEQ had over the past year-and-a-half is with the Legislature, and to take that hard look itself and make its own independent determination as the policy-makers for the County of Suffolk to reach the ultimate conclusion to what is best for your constituents. That's what I'm here for. I want to make sure that the hard look's taken.

If there's a document that's out there that you believe you want that hasn't been provided, all you have to do is call me. Contact me at the County Attorney's Office. George knows my number. Just call me directly. I will get that information to you. My goal here at this point is litigation prevention,

it's not litigation defense.

CHAIRMAN MYSTAL:

Thank you.

MR. DAWYDIAK:

I just love that quality in an attorney.

CHAIRMAN MYSTAL:

Let's proceed with the show.

D.P.O. VILORIA-FISHER:

I'm sorry. Can I just clarify something?

CHAIRMAN MYSTAL:

Go ahead.

D.P.O. VILORIA-FISHER:

I just wanted to ask something, because there has been -- I believe it was Adrienne Esposito who said that CEQ has worked very hard, but that its recommendation was ignored, and that's not the history of this Legislature, which, in fact, the resolution was not ignored, but CEQ is advisory. And the resolution that's before us was a resolution -- is a Legislative resolution, and the Legislature can vote on that. And the Legislature has the resolution from CEQ. If there are members of the Legislature who want to go completely with the CEQ recommendations, they have that ability to present a resolution supporting that CEQ recommendation.

MR. JEFFREYS:

Absolutely. If the Legislature chooses to diverge from a recommendation of CEQ, that's the Legislature's authority to do that. If they choose to follow the CEQ resolution completely without alteration, that's also the Legislature's prerogative. It's whatever -- right now, we only have I.R. 1150 in front of us. That's the one we're here to discuss. But if anybody were to propose something else or an alteration, it's something that has to be considered as we go through the whole SEQRA process to make certain that, as the lead agency, we take the hard look and do those things that are appropriate under SEQRA. And that's what we're here for, to look at 1150, compare all the science, compare all the presentation material to see if that would comply with the SEQRA requirements, and that's what we're here about.

CHAIRMAN MYSTAL:

Thank you. Could you --

MR. DAWYDIAK:

Yes. I'm willing to take, with your permission, 15 to 20 minutes on this presentation. I'll try and keep it as brief as possible. My apologies --

CHAIRMAN MYSTAL:

Thank you.

MR. DAWYDIAK:

My apologies to those who have seen it before. Before I do that, I just wanted to summarize the handouts for the record that have been provided to you. You've all received a CD-rom which contains reports and documents that have been published related to our the consultant and our advisory committees, like peer reviews and peer review responses as part of this long-term plan. Some of these documents have come to you over time. Not all necessarily have been for your convenience. We wanted you to have these all in one place. They've been mailed to the Legislature, but I wanted to make sure that you had personal delivery today as well.

You've all just received a letter from Doctor and Professor Anne McElroy, the Head of the Graduate Programs in the Stony Brook University Marine Sciences Research Center. She was involved with Dr. Brownawell in the caged fish study and a lot of chemistry work. I'll refer to this letter a bit later. This was just received by us today and I wanted to get this to you as soon as possible.

Your folder has got some materials again for your convenience. There is a hard copy of the presentation you're about to see. The time frame and milestones procedurally for this GEIS is included. There's a one-page update that gives you background. If you read nothing else, this one page, it is the most helpful. There's an overview of the most current configuration of the Wetland Stewardship Committee. A really important document is the Suffolk County analysis of CEQ recommendations on the long-term plan and the Final Generic Environmental Impact Statement. A lot of the discussion focuses on what CEQ said and how this is dealt with in the current findings statement. Our consultant and our staff have done a terrific job going through all of CEQ's recommendation and providing you with every detailed cross-referencing. Every CEQ comment that was submitted is cross-referenced in terms of how it's dealt with and the plan, the EIS and the findings statement, and we'll be touching on some of this today, not in great detail, but this document is available to you and we'd be happy to answer questions. The last two things in your packet are separate summaries on mitigation and thresholds for further environmental review. This, again, is a very detailed breakdown of some of the most critical components of findings. Again, we made every effort to incorporate how CEQ recommendations are dealt with with respect to both of these topics.

I wanted to just take one minute, because I think it's important to correct for the record some of the inaccuracies or misleading statements that were made as part of the public comment period. These are all on the record in various places, but since you may be hearing them for the first time, I think it's important for you to be aware of them. There were statements made that the population is somehow immune to West Nile Virus and this is all for nothing. That's just totally inaccurate. We'd be happy to discuss this at length, but it's just not true. The fact that West Nile Virus is not a concern with respect to salt marsh mosquitos in particular. Well, that's just not the mosquito which is typically monitored as a first indicator for West Nile Virus. And we'd be happy to discuss the surveillance program in great detail, but that was a very misleading and relatively inaccurate statement.

The statement that there was no threshold -- there's no basis for the thresholds of landing rates of one per minute, this rate was developed in conjunction and directed by the head of all of New Jersey's mosquito control programs, Dr. Wayne {Krantz}. This is a widely accepted number for purposes of verifying the problem. And we have incorporated the CEQ recommendation to revisit this in future years. So, again, this has been dealt with in great detail.

Mr. Atkinson said that the National Park Service has somehow refuted our plan. This is a misstatement. We need to go through a separate permitting process for the Fire Island National Seashore, but they have not rejected this plan in any way. In fact, this plan is going to provide a very important foundation for that separate permitting process, which is going to happen in the relatively near future.

There was some implication that the State DEC has somehow refuted this plan, and that, again, is just absolutely untrue. A number of comments were submitted as part of the Draft Generic Environmental Impact Statement that I know that those comments did not refute the use of Methoprene. I think that was somehow implied. Those comments were fully responded to in the final EIS, and we've received nothing subsequently from DEC which indicates unhappiness with our response. So we think, again, that the consultant has done a great job dealing with these comments. A lot of what --

CHAIRMAN MYSTAL:

Mr. Dawydiak.

MR. DAWYDIAK:

Yes.

CHAIRMAN MYSTAL:

You know, usually we would tell people to speak closer to the mike.

MR. DAWYDIAK:

Okay.

CHAIRMAN MYSTAL:

In your case, speak a little further.

MR. DAWYDIAK:

Oh, I'm sorry. I grew up a soft speaker. Okay. About the concerns with respect to wetlands management, you need to know that wetlands management is a field in its relative infancy and there's not a whole lot of paper that's either pro or con. Some of the papers, there were very extensive literature reviews and survey papers done by {Dale and Wolfe} that are in the Environmental Impact Statement. These document some of the benefits of Open Marsh Water Management type integrated marsh management that I'll discuss some of the nuances and terminology later.

Some of the scientists that have expressed concerns are not people who are published on these sorts of techniques. In fact, we found no publication anywhere in the literature which has refuted these techniques as being harmful. To the contrary, we found papers which support them. We've also found a number of jurisdictions which have successfully employed these with respect their reports on the management efficacy, and, again, we'll talk about this in just a moment.

There have been concerns expressed that we should move cautiously. We backed off, we'll talk about that, and I think that's a very positive development in the plan. But I don't want you to get the misimpression that somehow the scientific community has condemned this work. It's really quite to the contrary. The notion that we've somehow approved 15 Best Management Practices, again, very misleading. This is a Generic Environmental Impact Statement and it's a toolbox of potential techniques that are out there. For us to deny that these techniques exist or that us or others may use them would just be fallacious and kind of bizarre. And what we've done is identified the fact that most of these require further environmental review. So I think we've done a good job identifying that these don't get carte blanche, they do deserve scrutiny.

CHAIRMAN MYSTAL:

Mr. Dawydiak.

MR. DAWYDIAK:

Yes.

CHAIRMAN MYSTAL:

It's 5 o'clock.

MR. DAWYDIAK:

Okay.

CHAIRMAN MYSTAL:

There's a lot of things that you're going to talk about.

MR. DAWYDIAK:

I'll get to those.

CHAIRMAN MYSTAL:

Can we get on with it?

MR. DAWYDIAK:

I will. I just have one more comment here about restricting Methoprene usage in the salt marsh. Well, that's just where Methoprene use needs to happen, and we'll talk more about Methoprene impacts in just a moment.

I wanted to make a comment about the Citizens Campaign. They wanted a better definition of "emergency response" versus "vector control". We call "vector control" "public health nuisance", and this is really, really important. This has been one of the recurring themes that we've made a great effort to clarify. What was started out as public health control is now called public health nuisance control, and that's rooted in the Public Health Law. And I think we made a great progress in terms of clarifying emergency response or virus control versus vector control, which is also public health nuisance control. Just wanted to clarify that.

Now, in term of our plan, we're going to give a little bit of background about why we got in here and what our initial goals were, what the plan approach is, including the highlights and what the issues before the Legislature are in terms of the Impact Statement and the findings. Very briefly, the goals were to protect public health. You hear a lot about West Nile Virus, but Eastern Equine Encephalitis and a whole host of arthropod borne diseases are a concern.

Marsh restoration has been identified for decades by programs such as the Peconic Estuary Program as a high priority in reducing pesticide usage. It's a major County policy and objective that we seek to effect here. This graphic shows optimizing in environmental quality, while minimizing public health risk from toxics and mosquito borne diseases by addressing larvicides, adulticides and other alternatives, as well as water management.

We've seen four deaths in Suffolk County and 27 cases of West Nile Virus, West Nile Virus first appearing in our region in 1999, and since then, not going away here or nationally. In New York State, about, in order of magnitude higher, deaths, 34, and nationally, almost 1,000 deaths, with about 24,000 cases.

In terms of water management, we have this treasurer of wetlands, 17,000 acres of tidal wetlands. Much greater than 90% of these were grid-ditched in the 1930's, and they've remained in substantially a grid-ditched state, which pretty much everybody agrees can't be ecologically a very good thing. We have a lot of monoculture spartina where historically biodiversity undoubtedly occurred. You have fragmites invasion, you have mosquito breeding. The ditching may have provided fish access in some cases, but it's resulted in not eradicating the mosquito problem, which we'll get to in just a moment.

Historically, the maintenance goal was as high as 20% of this grid-ditch network. People were concerned that the grid ditches were being perpetuated unnecessary. That's been ratcheted back significantly, as we get to it in just a moment.

These green areas show the larvicided areas. Roughly 4,000 acres of the 17,000 acres of salt marsh or larvicided routinely. Roughly a quarter of the salt marsh receives pesticides to kill mosquito larvae to prevent them from becoming adults, and this is really an unacceptable situation.

Adulticiding geographically is a much smaller concern. If you look at the blue areas of vector control without biocontrol, it's these little areas here along the South Shore, less than 2% of the County receives Vector Control. Now these dots that really occur all across the County, and it's even hard to see on the screen, by far, most of the service requests, which represent these dots, are not responded to, because either the problem is not documented, or it will be resolved on its own. So adulticiding, though, is still a concern. Even though it's a relatively small area of the County, we're looking to decrease it.

Now, this plan started in August of '02 and the project began in November of '03, and we committed as a County to do a plan, not a mere Generic Environmental Impact Statement on a preexisting annual plan of work. We involved a literative review, extensive monitoring, field tests, models, risk assessment, starting with a clean slate, and the Legislature acknowledged that whatever we do, it's going to be big and we're going to need to do SEORA on it. So this was a little unusual, but a Positive Declaration was adopted before the plan was developed. I think that was good, because there was an economy of scale and we were able to refine the plan and develop information for the EIS at the same time.

Now, we had 20 meetings of the Technical Advisory Committee, and extensive peer reviews and response documents. We also were fortunate, in addition, to Cashin to contract with nationally and internationally renowned experts at Harvard, Mount Sinai, Rutgers University, Stony Brook Marine Sciences, U.S. Geologic Survey, the Federal Government and the Fish and Wildlife Service dealing with marsh health, toxics, mosquitoes, human health, and vector disease transmission. This was an incredibly complex project that was pulled off in a very short time with great skill by our consultants. We're very appreciative.

Legislature wanted a lot of work done in the field and not burned up in paper and we complied, I think. We've done a tremendous amount of monitoring, hundreds of samples of air, water, sediment and biota to unprecedented low levels down to low parts per trillion, measurements of pesticides, which are lower than have ever been done before. We looked at about 2,000 acres of marsh in detail, archetypal wetlands. We did pre and post implementation monitoring at the Wertheim National Wildlife Refuge. This photo here shows the caged fish study. This was not in our initial design, but the State DEC requested that we look at actual fish in the marsh that are exposed to pesticides to see that there is lethal or sublethal effects and our consultants took it a step further by a series of lab experiments, which we'll talk about, if we have time. Demonstration projects like garlic oil or rosemary, mosquito magnets. We upgraded the technology with the Adapco Wingman, which uses realtime meteorology to minimize pesticide application and optimize mosquito control, which was another major improvement that we made.

This plan has gone through not just with technical input, but with 30 Citizens Advisory Committee meetings, and we've come up with multiple drafts of this plan. We're on the left side of this chart now, going up through the Council on Environment Quality, which held three public hearings, and now the Suffolk County Legislature reviewing the plan and the finding statements.

During the plan, we made great progress refining our goals. Even though only 2% of the County receives nonemergency adulticide sprays, that number is going to be maintained and reduced. We're looking to reduce larviciding by 75%, as measured in acres treated. So about 4,000 acres should be reduced to less than 1,000 acres. We're going to continue to decrease health risks and improve management of the wetlands, especially those affected by Vector Control.

We answered a bunch of questions. One of the questions is why do vector control. Is there really a need to do this program? And based on our modeling, we estimated that tens of deaths from West Nile Virus alone and hundreds of serious illnesses could happen annually. Now these are not necessarily huge apocalyptic numbers, but they're in order of magnitude higher than what we've seen, and they're certainly not insignificant and can't be dismissed. This is West Nile alone, which we were able to model, not mentioning Eastern Equine, Saint Louis, LaCrosse, or any other sorts of arboviruses that can appear here.

Somebody's bugged my presentation. My device can perform faster; I doubt it. I'm going pretty fast, aren't I? I'm locked. All right. There we go.

The risk assessment was very extensive. Now we rolled this data around a bunch of different ways. We did a comprehensive literature review. We looked we looked out in the field to monitor and see if there's impacts, and we did a state-of-the-art risk assessment using worst case assumptions and

local conditions. Amy Juchatz is happy to speak at length about that. But the bottom line conclusion is that human health impacts are negligible. We could never say that pesticides are safe, but we can never say that there's no impact. But based on objective standards and criteria that are well accepted in the scientific community by the Federal and State Governments, impact thresholds were not exceeded and impacts are negligible in terms of human health.

Ecological impacts could be minor from adulticiding on nontarget flying insects, but they're relatively minor. There's rapid recovery and they can be mitigated by method and timing of application, so that was good. Can we reduce pesticide usage? Yes, we can reduce adulticides as well as larvicides by 75%.

We're not going to talk a lot about the operational improvements in Vector Control, but there were many. The Adapco Wingman System that I mentioned, a number of records have been digitized. The surveillance Program has been significantly ramped up in terms of what it's going to look like in coming years. Strict adulticide criteria have been adopted, none of which have been developed before. One of the questions that the Legislature asked is what triggers an adulticide, and there will be a numeric criteria before each and every adulticiding. We're going to continue to look at alternatives and enhance education, such as targeted education programs and tire management.

Can we enhance wetlands? Yes, with minor impact BMP's, and we believe that major restoration will happen, and we'll talk about that in a moment.

A lot of policies were implemented here. No new ditching has always been in effect. No routine ditch maintenance has been instituted, except when necessary for a critical health or ecological purpose. We're expecting to effect less than 50,000 feet per year, which is one-fifteenth of what the prior maintenance goal historically was; very small percentage that can actually be maintained for critical reasons only.

The Stewardship Committee is a major, major policy that was developed as part of this plan. They're not only going to review and approve any significant wetland project, they're also going to develop a strategy for managing all 17,000 acres of tidal wetlands, not just the 4,000 acres that are under Vector Control concern. And, again, marsh health is going to be the paramount objective here.

Real quickly, the Wetlands Best Management Practices and how they play out in the plan. The no impact or minor impact ones, nobody really seems to have a problem with replacing a culvert in kind or minor maintenance. No SEQRA will be required, but DEC permits might be necessary.

The ones with potential impact, like upgrading a culvert, those are possible. They would require DEC permits and SEQRA, and they would also be subject, as an additional layer of review, to Stewardship Committee oversight. The bottom category, the major impact ones, these would fall under the category of major restoration.

The DEC requires three years of monitoring data right now before you can touch a wetland. We're going to come up with a Wetland Stewardship strategy in three years, so none of these major projects are expected to happen in the first three-year period, and when they do, they'll be subject to SEQRA, DEC permits and Stewardship Committee review at a very early juncture. So I think we really refined and fine-tuned our wetlands strategy.

D.P.O. VILORIA-FISHER:

Walter.

MR. DAWYDIAK:

Yes.

D.P.O. VILORIA-FISHER:

Mr. Chair, it's important that the Committee see -- understand what's in the actual resolution in

1150 regarding this, because Mr. Nardone said something about our giving the Department the ability to do all the BMP's without scrutiny. And I just want to read very quickly what it says in the resolution, which is, "For the first three years of the long-term plan, implementation of the long-term plan will focus on low impact BMP's 1 through 4, including de minimus ditch maintenance and maintenance repair of existing culverts. Any other BMP's, including BMP's 5 through 15, will automatically trigger additional environmental review. While BMP's 1 through 4 will generally be classified as Type 2 actions, they may be subject to further SEQRA review, if deemed necessary, by DEE and/or CEQ. BMP's 5 through 15 will be deemed unlisted or Type 1 actions to ensure appropriate SEQRA review."

I just wanted to just list that. There's lots more here with regards to how the Stewardship Committee is triggered, what their recommendations are. But in no way are these wetlands management practices given carte blanche by the resolution that I introduced.

CHAIRMAN MYSTAL:

Thank you. I'd just like Mr. Dawydiak to finish with the presentation, so we can --

MR. DAWYDIAK:

Okay. In terms of implementation, we provided for a continuing structure to oversee this plan. There will be reports every three years which address public health, vector control and water management.

The report is incredibly specific. We're going from 27 to 30 New Jersey traps, from 80 to 105 CDC trap-nights per week, from 10,000 to 40,000 catch basin inspections over time. I just don't want to gloss over the fact that there's just hours of very detailed operational fine-tuning that we just can't really touch on, but I just wanted to summarize some of the key points. 3.8 million dollars was contracted for this. The area on the left side, the Risk Assessment Management Plan and literature review would have probably been required for any EIS, and then sum. We estimated 2 to 3 million to do a basic EIS. We were fortunate to be able to do the demonstration project on monitoring with the remainder of the money to leverage a really powerful field effort.

In terms of costs and benefits, the good news is most of this can be implemented with in-house resources, except for the additional support for wetland restoration. And Legislator Vilorio-Fisher has mentioned Capital Program 8730 and the funding for the Wetland Stewardship Program, which she's championing, as well as the County Executive, and we really appreciate it for that. That funding will support the money necessary to do the field work, to do the Wetland Stewardship strategy for all of the County wetlands. The benefits we've spoken about. I know we're running short on time.

Three iterations of a plan with major improvements. We've eliminated the term "Open Marsh Water Management", because it was confusing and misleading. Integrated marsh management for marsh health purposes with mosquito control is one design consideration as how the plan reads now.

The mitigation. Mitigation is outlined in your package. We're enhancing integrated pest management, improving water management, and improving the pesticide situation in terms of reducing pesticide usage. Now, most of these mitigation measure that were spelled out in the final Environmental Impact Statement, as well as the threshold and triggers for future environmental review, such as annual plans of work that do not comply with this plan, or wetlands management actions other than the most minimal impact wetland management actions.

What CEQ did is recommend a series of recommendations above and beyond what was in the Environmental Impact Statement. Now, CEQ agreed with all the other stuff that was just up there on the board and which is in your package. They endorse that. There's a resolution somewhere that they approved all that stuff, and it's a lot of great stuff. The other stuff was mostly good, too. I don't want you to get the impression that CEQ recommendations were somehow disregarded. There's stuff -- the Finding Statement as drafted and introduced by Legislator Vilorio-Fisher have

provisions which allow for DEC oversight of the Stewardship Committee and the Stewardship strategy. They're going to actually Chair the committee. The Department of Environment will review and approve Best Management Practices 5 through 15, and they can review 2 through 4, depending on whether they're warranted based on any new information.

Wetlands Stewardship now include an emphasis on preservation, not just mitigation. Best Management Practices 2 through 4 will be further clarified, if they become a significant part of the long-term Stewardship Strategy.

Information on ditch maintenance will be submitted to CEQ on a regular basis. There's going to be an annual review of pesticides as part of a public health review of this report. Adulicide thresholds for vector or public health nuisance control are going to be reviewed on an annual basis. Information on maintaining and continuing to optimize buffers, these are now in the Annual Plan of Work. These are going to continue until CEQ gets notice to review these buffers. So all this stuff has been incorporated into the findings as mitigation.

There's some language in the CEQ recommendation which I think is interpretational without really any necessary scientific basis. There's concerns about health impacts, and these concerns really are not warranted. There were questions about the risk modeling and the health versus nuisance description, which I hope I've clarified a bit. There are two major substantive areas, though, that I think needed to be noted on the record. One is this requirement that no wetlands action should happen before there's a supplemental Environmental Impact Statement. Now this one just doesn't make sense to us, because there have been no actions yet formulated, there's no lead agency. This is a potentially wasteful and burdensome thing to saddle the County with, and we just think SEQRA is there for a reason. There's a lot of checks and balances and safeguards. SEQRA should prevail at the appropriate time. If it rises to a level of a positive declaration in the EIS, so be it. If it's minor and it doesn't, why spend the money and the time and prevent meaningful actions from happening. So we disagree with that. We're pleased that the current version of the findings before you does not include this requirement either.

In terms of a ban on Methoprene in the tidal marshes, this is really an essential part of the integrated program. And Methoprene usage is curtailed. Adulicide usage will almost certainly increase, and probably significantly, and this will probably have greater environmental impacts, that just the use of Methoprene.

We use contracted experts, the Technical Advisory Committee, literature review, monitoring demonstration projects, modeling and risk assessments. We used every tool at our disposal to come up with this conclusion. Going into this program, we had a lot of concern and speculation, and we respectfully submit that we've dispelled the speculation on the part of anybody who's carefully looked at our reports and our data. We are still concerned and we'll continue to review information and data on Methoprene. If anything warrants a change in policy or usage, we will certainly do it. But, at this point, every credible scientific tool at our disposal suggests that there are not unacceptable adverse impacts from Methoprene usage.

Now, nothing in our analysis was specifically refuted. There were a couple of studies which were either not relevant or problematic, with different concentrations and settings which have been cited. We responded to those and nobody said our response was inaccurate or inadequate, they said we're still concerned about this. Again, the information is all in the FEIS.

These graphics are from Vector Control about what happened around 1995, when Methoprene was added to the arsenal of larvicides. We saw a very, very significant increase -- I'm sorry, a decrease in adulticiding. Adulticiding went from the range of eight to ten thousand typically acres adulticided to the range of two to four thousand. That's a greater than a 50% --

MR. NINIVAGGI:

You need to add a zero to that. It's eighty to a hundred --

MR. DAWYDIAK:

I'm sorry. Thank you. It's getting late for me, too. Eighty to a hundred thousand, a greater than 50% reduction in areas adulticided. Not only did we greatly reduce the area adulticided, the mosquito control was much, much better. We're looking at 80% or greater decreases in sollicitans alone when Methoprene was used.

Now, there are three changes that we're respectfully requesting be made to the findings that are currently attached to I.R. 1150-2007. Wetlands management projects must, of course, be designed with due consideration for public health impacts, potential public health impacts. This I think almost doesn't need to be said, because the Public Health Law requires it, and it permeates the long-term plan and EIS. But the language was somehow inadvertently omitted, and we think, just for purposes of completeness, that it needs to appear somewhere in the findings. Marsh health is still paramount, but I don't think anybody in their right mind would go around manipulating marshes to create infestations of mosquitos to compromise public health potentially. That just doesn't make sense, and I don't think anybody will object to this change.

In terms of Methoprene, nominal concentrations of Methoprene rapidly decreased to near or below detection limits of five nanograms per liter or five parts per trillion, or 0.005 parts per billion. Most of this reduction occurs within two hours of application. This sentence was not included in its entirety in the findings. It was just seen for technical or accuracy. This is a clarification. This is language that's in the plan and EIS that needs to be included in the findings, we think, for completeness.

I wanted to just take a moment and read a sentence from Dr. McElroy's letter. She's been reviewing the transcripts and proceedings of what's going on, and she's concluded here in her guidance, larvicide application, as practiced in Suffolk County, does not lead to concentrations of Methoprene and surface waters that would be expected to be acutely toxic to marine crustaceans. She also concludes in her work on Methoprene found it not to be a concern for larval or juvenile lobsters or to adult grass shrimp. An application of Methoprene in salt marshes did not seem to be toxic to shrimp or sheepshead minnows. And there's a lot of other information here that I invite you to read.

The last point relates to something that Mr. Atkinson said, and it's a point of clarification. There was information there about getting direction from the Environment, Planning and Agriculture Committee. We think that we got direction from that committee, as well as from individual members, especially the Chair, Legislator Viloría-Fisher. For the sake of completeness, we'd like to strike that language with knowledge of the Legislature and state something more broad, like: "These findings incorporate the direction from the Legislature." And that, again, is a minor procedural correction.

That concludes my comments. I appreciate your patience at this late hour, and we'd all be happy to answer questions.

CHAIRMAN MYSTAL:

Thank you. Any questions?

LEG. EDDINGTON:

I have a clarification.

CHAIRMAN MYSTAL:

We -- no questions.

LEG. EDDINGTON:

Clarification.

CHAIRMAN MYSTAL:

Thank you very much.

LEG. EDDINGTON:

I just want to clarify something.

CHAIRMAN MYSTAL:

Oh.

LEG. EDDINGTON:

I just want to make sure that I got this right, that the CEQ is split on the BMP and the GEIS, and that the County has responded in an FGEIS to the CEQ, and that the DEE has oversight; am I pretty much on top of what you said? Okay.

CHAIRMAN MYSTAL:

Thank you very much. Thank you, Mr. Dawydiak.

MR. DAWYDIAK:

A-okay, Mr. Mystal.

CHAIRMAN MYSTAL:

Thank you very much. We are going to move into the agenda. I want to take ***1150 (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)*** out of order, and at the request of the sponsor of the bill. She has asked us to table this bill.

LEG. HORSLEY:

Second.

CHAIRMAN MYSTAL:

There's a second.

D.P.O. VILORIA-FISHER:

And I'll put on the record that I would like it to be tabled, because we had a very long meeting of the CEQ in January. We met for five-and-a-half hours. The clerical people who worked on that have not finished preparing the minutes. And before the Legislature votes on this, it would be best for everyone to have minutes of that meeting so that you can make decisions for yourselves.

CHAIRMAN MYSTAL:

Thank you very much. All in favor of the motion to table? Opposed? Abstentions? The motion is tabled. ***(Vote: Tabled 5-0-0-0)***

TABLED RESOLUTIONS

We'll go on to Tabled Resolutions. ***2243 - Requiring notification of rabies vaccine drops.*** The sponsor has asked also for this to be tabled. I make the motion to table, seconded by Legislator Horsley. All in favor? Opposed? Abstentions? This motion to tabled. ***(Vote: Tabled 5-0-0-0)***

2595 - Direction the Department of Health Services to conduct an audit of retail establishments that sell pesticides. I'll make a motion to table, seconded by Legislator Eddington. All in favor? Opposed? Abstentions? Motion is tabled. ***(Vote: Tabled 5-0-0-0)***

I.R. 1017 - Authorizing second public hearing on Health Care Delivery System in Suffolk County by the Department of Health Services. Motion to approve by myself, seconded by Legislator Eddington. All in favor? Opposed? Abstentions? Motion is approved. ***(Vote: Approved)***

5-0-0-0)

1.R. 1085 - Approving the reappointment of Edward J. Ahearn to the Suffolk County Disabilities Advisory Board - Group D. Motion to approve.

LEG. EDDINGTON:

Second.

CHAIRMAN MYSTAL:

Seconded by Legislator Eddington. All in favor? Opposed? Abstentions? Motion carried. **(Vote: Approved 5-0-0-0)**

1086 - Approving the reappointment of Roy Probeyahn to the Suffolk County Disabilities Advisory Board - Group D. Same motion, same second, same vote. **(Vote: Approved 5-0-0-0)**

1087 - Approving the reappointment of Mitchel Shapiro to the Suffolk County Disabilities Advisory Board - Group D. Same motion, same second, same vote. **(Vote: 5-0-0-0)**

1097 - Accepting and appropriating 100% additional State Aid from the New York State Office of Mental Health to the Department of Health Services, Division of Community Mental Hygiene Services, for the provision of Cost of Living Adjustments (COLA) and expansion of services for Pederson Krag Center and Federation of Organizations. Motion to approve and to put on the Consent Calendar. Motion by myself, seconded by Legislator Nowick. All in favor? Abstention? Opposed? Motion carried. **(Vote: Approved 5-0-0-0)**

1124 - Appropriating funds in connection with the Forensic Sciences Medical and Legal Investigative Consolidated Laboratory. Motion to approve by Legislator Eddington, seconded by Legislator Horsley. All in favor? Opposed? Abstentions? Motion carried. **(Vote: 5-0-0-0)**

1146 - Declaring the month of October as "Embracing our Differences Month".

P.O. LINDSAY:

Mr. Chairman, the only thing is I'd like the record to reflect that Legislator Stern is going to be the prime sponsor on that and I'll be the cosponsor, okay?

CHAIRMAN MYSTAL:

Okay.

P.O. LINDSAY:

And I'll make a motion.

CHAIRMAN MYSTAL:

Legislator Stern, prime sponsor. Motion by Legislator -- by myself, seconded by Legislator Horsley. All in favor? Opposed? Abstentions? Motion carried. **(Vote: Approved 5-0-0-0)**

1147 - Declaring the second week of March as "Traumatic Brain Injury Awareness Week". Motion to approve by Legislator Eddington, seconded by Legislator Nowick. All in favor? I'm sorry. All in favor? Opposed? Abstentions? Motion carried. **(Vote: Approved 5-0-0-0)**

1149 (A Local Law to regulate the use of outdoor furnaces in Suffolk County) has to be tabled for a public hearing. Motion to table.

LEG. EDDINGTON:

Motion.

CHAIRMAN MYSTAL:

Seconded by myself. All in favor? Opposed? Abstentions? Motion is tabled. *(Vote: Tabled 5-0-0-0)*

Memorializing Resolution 001, resolution in support of insurance coverage of long-term medical care for Lyme Disease and other tick borne related pathogens. Motion to approve, seconded by Legislator Eddington. All in favor? Opposed?

P.O. LINDSAY:

Is there a bill?

CHAIRMAN MYSTAL:

Is there a bill in Legislature?

LEG. KENNEDY:

1014.

P.O. LINDSAY:

You do have the bill number, okay.

CHAIRMAN MYSTAL:

Yes. Motion carried. *(Vote: Approved 5-0-0-0)*

MR. ZWIRN:

Just briefly, Margaret Bermel is here from Health. We have one item we're going to be asking for a CN from the Health Department on a grant. Margaret. Just bear your indulgence for a second before you adjourn.

MS. BERMEL:

Mr. Chair, we have one CN for Saint Christopher Otilie. It's to accept and appropriate 100% State-aided funds for a community residence for women and children. The amount is 249,549. This will allow us to accept and appropriate the funds and to authorize the executive of a contract. Thank you.

P.O. LINDSAY:

Do we have the bill?

CHAIRMAN MYSTAL:

We don't have the -- it's a CN, so you'll have --

P.O. LINDSAY:

Oh, it's a CN.

CHAIRMAN MYSTAL:

-- the bill on Tuesday.

MR. ZWIRN:

We just want to let you know it will be coming.

P.O. LINDSAY:

Okay.

CHAIRMAN MYSTAL:

No problem. Thank you very much.

MS. BERMEL:

Thank you very much.

CHAIRMAN MYSTAL:

Thank you. Motion to adjourn by Legislator Kennedy.

[THE MEETING WAS ADJOURNED AT 5:30 P.M.]

{ } Indicates Spelled Phonetically