

HEALTH & HUMAN SERVICES COMMITTEE

Of the

Suffolk County Legislature

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, 725 Veterans Memorial Highway, Smithtown, New York on March 13, 2008.

Members Present:

Legislator Elie Mystal - Chairman
Legislator Jack Eddington - Vice-Chair
Legislator Kate Browning
Legislator Thomas Barraga
Legislator John Kennedy

Also in Attendance:

Presiding Officer William Lindsay - District #8
Legislator Daniel Losquadro - District #6
George Nolan - Counsel to the Legislature
Ian Barry - Assistant Counsel to the Legislature
Maxvel Rose - Aide to Legislator Mystal
Linda Bay - Aide to Minority Leader Losquadro
Paul Perillie - Aide to Majority Leader Cooper
Katie Horst - Aide to Legislator Eddington
James Montalto - Aide to Legislator Losquadro
Michael Pitcher - Aide to Presiding Officer Lindsay
Kara Hahn - Director of Communications/P.O. Lindsay's Office
John Ortiz - Senior Budget Analyst/Budget Review Office
Ben Zwirn - Deputy County Executive
April Ortiz - County Executive Assistant
Robert Moore - Chief-of-Department/Suffolk County Police Department
Janet DeMarzo - Commissioner/Department of Social Services
Roland Hampson - Commissioner's Office/Department of Social Services
Linda O'Donohoe - Assistant to the Commissioner/Dept of Social Services
Dr. Humayun Chaudhry - Commissioner/Department of Health Services
Margaret Bermel - Director of Health Administ/Dept of Health Services
Dennis Brown - Bureau Chief/County Attorney's Office
Debra Alloncius - Legislative Director/AME
Deborah McKee - 3rd Vice-President/AME
Barbara Curtis - President/Welcome Inn
Jim Cahill - President/Steering Committee-Bread & More Inn
Elizabeth Nostrand - Assemblyman Steve Englebright's Office
All Other Interested Parties

Minutes Taken & Transcribed By:

Alison Mahoney - Court Stenographer

*(*The meeting was called to order at 2:45 P.M. *)*

CHAIRMAN MYSTAL:

Welcome to the Health and Human Services Committee. Everyone rise for the Pledge led by Legislator Kennedy.

Salutation

Good afternoon to all. We have one short presentation, Barbara Curtis of Welcome Inn and Jim Cahill, President of the Steering Committee of the Bread & More Inn to discuss how department of soup kitchens. Please come and sit at the table. Come and sit at the table, right here. Yes, this table; you're in the hot seat. Good afternoon.

MR. CAHILL:

Good afternoon.

MS. CURTIS:

Good afternoon.

CHAIRMAN MYSTAL:

I know you have a presentation for us, for the committee. This lady and gentleman represent about 13 soup kitchens?

MR. CAHILL:

We are an affiliate of the Interfaith Nutrition Network, so we are one of 17 soup kitchens in Suffolk County.

CHAIRMAN MYSTAL:

Okay, you have the floor.

MR. CAHILL:

Well, good afternoon. I would like to thank Chairman Mystal and other members of the Health & Human Services Committee for allowing us this time this afternoon. My name is Jim Cahill and I am the President of the Bread & More Inn Soup Kitchen which serves dinner Monday, Wednesday and Thursday evenings in downtown Riverhead.

Bread and More Inn is one of the 17 soup kitchens located in Suffolk County that is an affiliate of the Interfaith Nutrition Network. Although I am only speaking for my soup kitchen, I know I am echoing the concerns of not only the Interfaith Nutrition Network's kitchens, but the more than 40 additional soup kitchens presently operating in Suffolk County.

In November of 2005, after 16 years of operation, Bread and More Inn was notified by the Suffolk County Department of Health Services Food Control Unit that as an operator of a, quote, "food assistance organization", that is a soup kitchen, we needed to obtain a Food Service Establishment Permit; this notification was sent to all soup kitchens in Suffolk County. I'm not sure if you are all aware that this permit that we as soup kitchens are being required to obtain has the same guidelines as those required of all restaurants in the County. The plan review process sent by the Food Control Unit, which I have here a copy of which I would be glad to share with the commission, is a form as if we were beginning new construction and many of the questions apply to that situation.

I'd like to bring to the attention of the Health Committee that almost all of the soup kitchens in Suffolk County are tenants in long established, old churches who see as their mission partnering with soup kitchens to help relieve hunger in our communities. As old churches with decreasing congregations, it is impossible for these churches to incur capital improvement expenses and rather than face fines from the County Food Control Unit, may ask soup kitchens to vacate the premises; then where do soup kitchens operate?

Bread and More Inn, like all soup kitchens, is an all-volunteer, not-for-profit organization; no one is paid for their services and all funds are used in the purchase of food and running the program. If the Health and Human Services Committee reviews the plan review procedures required by the Suffolk County Department of Health Services Food Control Unit, I think they would see how onerous the requirements are when it comes to soup kitchens. It is virtually impossible for any of us to change the physical structure from which we operate. We are all tenants whose landlords, as I just mentioned, are unable to financially make changes. We, as not-for-profits, do not have anywhere near the kind of money required to make infrastructure changes, and even if we did, we do not own the space. All soup kitchens are now required by these regulations to submit two scaled drawings of the kitchen, dining room and storage facilities. This requirement would be fine if we all had an architect as one of our volunteers, but guess what, we don't. The fee to fulfill this requirement would be at a minimum a thousand dollars.

(*Legislator Losquadro entered the meeting at 2:50 P.M. *)

Commercial hot water heaters are another requirement of the Department of Health Services; the hot water heater located in the church from which my soup kitchen operates did not meet that requirement. We were fortunate enough to find someone willing to donate the funds for replacement of the hot water heater and that was to the tune of \$1,900; without this donor, the upgrade would have never happened. The Department of Health Services cannot expect not-for-profits to have this kind of money available or money to install grease traps, three-compartment sinks, upgraded plumbing, etcetera, nor can they expect the various landlords -- who, again, for the most part are churches -- to be willing to have their facilities torn up in order to meet some of these required alterations. This, of course, raises -- also raises the question, even if the money was available, shouldn't that money be used to provide meals? If the money was expended it would be spent on spaces that are rented and how does a soup kitchen take the improvements with them if at some point in time the soup kitchen is requested to vacate the premises?

The Department of Health Services requires food service establishments have a person in charge that has a valid, certified Food Managers Certificate; this is a requirement that all soup kitchen feel is the most important component of running a soup kitchen and all are happy to have their volunteers take a food handling and preparation course. The Department of Health Services only recognizes the three half-day ten hour course offered by the County and only in Yaphank. Now, please tell me how any soup kitchen is to get their volunteers to take three half-days off from work without pay in order to take this course? There are many volunteers, myself included, who have taken a three-hour safe food handling course offered by Island Harvest conducted by certified personnel and given at various churches and libraries around the County. Kings Food also offers the same kind of course, but the Department of Health Services will not recognize these other courses as filling the requirements for Food Managers Certificates.

I would also like to add that I've been told by people who have taken the County course that there is only about half of what is covered in the course that is applicable to the running of a soup kitchen; in fact, there is a whole half-day dedicated to how to tend and clean and manage a bar. These are but a few of the obstacles put in the way of soup kitchens under these onerous requirements. I would ask Chairman Mystal and the other committee members to review the application set-up package and process currently being required by the Department of Health Services. I believe that this committee has jurisdiction over the enforcement of the County Health Code and could be instrumental in assisting soup kitchens in negotiating with the Department of Health Services some sort of less onerous and impossible permitting process.

As Newsday reported last month, Long Island has seen a sharp increase in seeking -- in people seeking food and other assistance. Soup kitchens are serving more people than ever. I am not talking about an increase in homeless people, but of the newly poor who are the people just finding it impossible to make ends meet in this lagging economy; these are people not eligible for

governmental programs. It falls to the not-for-profits with no financial assistance from the County to help feed this population. Soup kitchens are regularly told by the County Executive's Office and local government what a vital service that we are all performing. On the other hand, in a letter dated October 31st, 2007, the Bureau of Public Health Protection Food Control Unit informed me, and I quote, "It is unlawful for any person to operate a food service establishment," let that read soup kitchen, "within the County of Suffolk who does not possess a permit."

If soup kitchens are closed because of their inability to comply with the onerous and unreasonable request for permitting from the Department of Health Services, who is going to feed the less fortunate in our communities who do not have a voice and who would now be on the street? In this situation, one can imagine some of the possible options left to these hungry people; dumpster diving, panhandling, or even the possibility of more serious crime in order to feed themselves. And what is the burden on law enforcement and, more importantly, on the health care system when part of the reported 250,000 hungry people in Suffolk County are no longer able to receive free, nutritious meals at Suffolk County's soup kitchens and then become ill because of it? What sort of backlash occurs when the press becomes aware that soup kitchens have been forced to close because of these guidelines?

I know that the Interfaith Nutrition Network and its 17 affiliated soup kitchens, as well as all other soup kitchens in Suffolk County, would welcome the opportunity to sit with this committee and the Department of Health Services in order to work on a negotiated resolution to permitting soup kitchens. I would be happy to answer any of your questions this afternoon. And again, I thank you for your time and look forward to a positive response from this presentation.

CHAIRMAN MYSTAL:

Before we ask you any questions, I would like to have Ms. Barbara Curtis, if she would like to add to what you just said and then I'll open it for questions.

MS. CURTIS:

Okay. My name is Barbara Curtis, I'm the President of Welcome Inn, a group of about 75 volunteers who serve free meals, five days a week from four different churches in Port Jefferson. We have been operating in Port Jefferson for the last 18 years and we serve an average of 13,000 meals a year.

I would like to acquaint you with our particular situation. Of the four churches we use, there's only one that may be able to meet the definition of a food service establishment, and that's only because the church has chosen to renovate their kitchen. The church we serve from two days a week is centrally located on Route 112 in Port Jefferson Station near both the railroad station and two County bus routes and, therefore, easily accessible for our clientele. However, the kitchen and dining hall are located in the basement; the kitchen itself is only 12 feet wide and 20 feet long, both were built on a concrete slab in 1950. There is no conceivable way any of the equipment requirements could be installed even if we had the money, labor and church approval to do them.

The other two kitchens are larger and may be able to be modified, but that would require church approval and even then there's no guarantee we would be able to remain there. In fact, Welcome Inn had just that situation ten years ago. We had been serving out of a particular Port Jefferson church for eight years when we were told the church was closing the hall we had been using and we were given two months to find another location. If we had installed costly equipment such as a hot water heater, we certainly could not have taken it with us. I am aware the Health Department has recently modified the waste water management aspect of the permitting process, but that does not begin to address our problems.

I want to give you a chronology of my good-faith efforts to work with the Health Department to resolve this problem. Since I first received and reviewed this packet of requirements in August of 2005, I knew it wouldn't be possible for the majority of our kitchens to meet these standards. At first I was under the impression that if we just made a good faith effort to comply, then the

Health Department would honor our status as a religious and charitable organization and grant us an exemption; however, as time went on it became clear they were not going to.

In April, 2007, a year ago now actually, I made an appointment to appear before this committee to present my case; I felt I had no alternative but to appeal to the elected officials. However, several days before I was to appear I got a call from Dr. Patricia Dillon and I was persuaded not to appear here but to instead meet with her and Mr. Bruce Williamson, the Director of Food Protection for Suffolk County. I was under the impression that meeting would be the beginning of a dialogue between us to resolve the problem. Instead, Dr. Dillon told me that the Health Department would never grant a waiver to any soup kitchen in Suffolk County and that she expected us to be in full compliance. When I asked Mr. Williamson how we could do this, he suggested we purchase a building and install a commercial kitchen; that suggestion demonstrated to me a stunning lack of understanding of the very nature and capabilities of a grassroots, volunteer charitable organization.

The final straw came October 31st, 2007, when Mr. Chris Sortino, the Senior Public Health Sanitarian, sent a letter to the Pastors of each of the four churches informing them they were operating an illegal food service establishment. I've had phone calls from the pastors expressing outrage at the heavy-handed tactics of the Health Department and also questions about liability. I should note that when I directly asked Mr. Sortino why he had sent the letter to the churches instead of our post office box where all correspondence over the last three years had gone, he claimed he had no other address; I have evidence to the contrary and I interpret that letter as a tactic to intimidate.

I'm here today to ask for clarification of the status of a soup kitchen in Suffolk County. I recognize the health Department is exercising due diligence to protect the public health which is, of course, exactly what everyone would want them to do. However, in their diligence, in they're not addressing the public health service which soup kitchens provide as a frontline in fighting hunger. Unless Welcome Inn gets relief, we will be forced to close our most valuable location and possibly lose two others; that would have a profound effect on the poor and needy people in the Port Jefferson area.

I need to know if we're going to be operating a year from now. We're about to embark on a fundraising campaign, but before any more time and energy is expended on this issue, it needs to be addressed. Although this is just a story of one person's soup kitchen, I know this scenario can be extrapolated to many other soup kitchens in Suffolk County. According to the Health Department's own statistics, of the 40 operating soup kitchens that they are aware of, a total of 28 soup kitchens either have not submitted plans or have been disapproved. Five have conditional improvements -- approvals and six have permits issued; of those six permits, several were for soup kitchens operating out of schools.

I'm hopeful we can work with the Health Department in a way that respects the role soup kitchens play in providing a public health service while also safely meeting the very real social issues of hunger and adequate nutrition. Thank you for your time. I'd be glad to answer questions.

CHAIRMAN MYSTAL:

Thank you very much, Ms. Curtis. Jack? I have two people, the two Jacks.

LEG. EDDINGTON:

I got it?

CHAIRMAN MYSTAL:

You got it.

LEG. EDDINGTON:

Thank you for coming. I'm getting this sense that last year we dealt with a problem with Meals-on-Wheels and now I'm getting this feeling again that we're trying to solve a problem that really doesn't exist. You're basically saying -- what I'm hearing is that there's unreasonable structure

or requirements under these new regulation; is that correct?

MR. CAHILL:

I think structural and monetary requirements.

LEG. EDDINGTON:

Okay. Right, because of the new equipment.

MR. CAHILL:

I mean, we really receive our funding from grants which become smaller and smaller every year, so we have to attempt to raise money and that money should be to feeding the hungry, not being -- be used to make structural changes or facility changes outside of proper food handling.

LEG. EDDINGTON:

Right. Well, what I'm going to ask is -- you know, the problem I've seen over the past is negotiations is usually hard when you're the little guy trying to work against the government.

MS. CURTIS:

Right.

LEG. EDDINGTON:

In this case, Suffolk County Health. What I'd like to hear from you is some possible solutions. Because you know what, you're doing it, and I'd like you to come at least maybe to the committee again, if the chairman will allow, and I'm sure you have ways of dealing with this so that you can keep in business. If we have 40,000 people going to bed every night on Long Island hungry, I don't want you to go away.

So I think this is something that we're going to be willing to negotiate with and I think you probably can come up with many of the solutions that could do it. And of course there's always the thought of grandparenting an establishment that's been working for 18 years successfully and trying to find a better way. So I certainly would advocate for that.

MS. CURTIS:

If I could just respond. Yes, we do have specific ways. One of my concerns is that there seems to be no leeway in the Health Department's regulations for a soup kitchen. We are considered a food service establishment; I don't consider us a food service establishment, we don't charge for our food, so I don't see that we need to meet the same onerous requirements, so that's part of my concern. But yes, we certainly have ideas. I know we can all work together, we have all have the same goal.

LEG. EDDINGTON:

Great. Thank you.

MR. CAHILL:

The most important component of it is food handling and food preparation and we are all on board, all soup kitchens are on board in fulfilling that requirement. But as I said in my statement, it is very difficult for me to get volunteers to go to Yaphank --

MS. CURTIS:

Right.

MR. CAHILL:

-- to take a three half-day course, and that is the only course that the Health Department will now recognize. And in -- at one point in time there was the course that was given by Island Harvest that did meet the Health Department requirements, they now tell us that that does not and the Suffolk County course is the only one that we are allowed to take.

LEG. EDDINGTON:

It's unreasonable.

MR. CAHILL:

It's unreasonable. I mean, then certify the Island Harvest people, let them go to the churches and libraries in our communities, teach the three or four hour course so that all of our volunteers know safe food handling.

LEG. EDDINGTON:

Thank you.

CHAIRMAN MYSTAL:

Legislator Kennedy?

LEG. KENNEDY:

Thank you, Mr. Chair. Similar to what Legislator Eddington said, it occurs me as I heard you speak I was thinking specifically about the Meals on Wheels Program that operates in the northern portion of my Legislative District which was being told through communications through the Health Department about what they had to do and which, for all intent and purposes, seemed to want to drive them out of business.

I apologize to you for communications that come from the County that don't recognize the important work that you do. I know firsthand the work that soup kitchens do, I have St. Joseph's in my Legislative District which I have been at, visited and brought supplies to on many occasions, so I know the important work that you do. I know that but for you folks, people would be doing all the things you describe or even worse. I know our safety net is very much impacted, both with the Social Services Department. I know that they rely on the work that gets done by you soup kitchens because not only do you feed people, you do linkage, you do connection, you do referral. You try to engage those folks that are most impacted and most on the fringe of our society and bring them back into some kind of engagement, so your work is absolutely positively critical and valuable. The majority of what I have to say, Mr. Chair, really has very little to do with these two people here, who I appreciate coming.

CHAIRMAN MYSTAL:

It can wait.

LEG. KENNEDY:

Yeah, I am very much interested in having a dialogue with whomever wants to step forward from the Health Department because I certainly want to know about the courses, I want to know about the regulations and I want to know about waivering.

CHAIRMAN MYSTAL:

After we finish --

LEG. LOSQUADRO:

My questions can wait as well then.

CHAIRMAN MYSTAL:

Okay, thank you very much. We're going to have the Commissioner and whomever he wants to bring to come to the table.

MR. CAHILL:

Can I give you this, a copy?

CHAIRMAN MYSTAL:

Yes, give it to the Clerk.

MR. CAHILL:

Thank you again.

CHAIRMAN MYSTAL:

Good afternoon, Dr. Chaudhry.

COMMISSIONER CHAUDHRY:

Good afternoon, Mr. Chairman.

CHAIRMAN MYSTAL:

I'm sure you've heard the allegation and the complaints of what's going on, so we're waiting for your answer and we have some questions from us.

COMMISSIONER CHAUDHRY:

I'm sure. Thank you. Good afternoon, everyone. Just a couple of initial comments.

First of all, we in the Department of Health Services greatly do appreciate the role of the soup kitchens in providing a very vital resource and source to the hungry; we recognize that. At the same time, I should also mention that the County Sanitary Code as it relates to food service delivery is not the only Sanitary Code, we are also obligated to follow the State Sanitary Code, and these regulations are not new, they've been in place for quite some time.

We have had continuing dialogue with the soup kitchens and we continue to do so, whether it's by conversations, phone conversations or by electronic means. Some of the soup kitchens, as they will tell you themselves, provide as many as up to 20,000 meals a week, which in some cases is more than what restaurants even provide. And the issues as it relates to public health in terms of the storage of material that they receive -- which in some cases is raw material and some cases might be actually food prepared but needs to be kept in appropriate storage for refrigeration and whatnot -- are important public health considerations. Other things like hand washing, these are just basic things that we apply all across the board, we try not to single out anyone in that sense.

As far as the food managers course is concerned, the reason we require all, anybody in Suffolk County that provides food services to take that one course, it's a three day course, that is correct, it's held every week, 52 weeks out of the year just about, 4,000 certificates are issued a year. But I should also mention that we only require the food manager or the person in charge of the facility to attend because we feel that it probably is unreasonable to have for every single worker at every single establishment attend these courses, but we do require one person to attend who can get a Certificate for the establishment. And the requirement is really just to attend one time because subsequent -- because the certificate lasts three years and to make sure that they're up-to-date, refresher courses can be done with basically a home study refresher course and a half of day attendance. We don't think that -- we don't believe that that is onerous.

We're also in the process of putting together, I should mention, an on-line food manager's course. Because part of all this, as was indicated by the individuals from the soup kitchens, is education, making sure that everyone knows how to prevent the spread of public health diseases as it relates to food services. There are external controls involved and there are internal controls involved. So it is true that when it comes to things like sewage, as long as there's no active sewage problem going on, we have worked with the soup kitchens to focus on more of the internal issues as long as there isn't any external problems. The internal issues include things like hand washing sinks, making sure that there are enough work tables for the amount of food that's involved and to also make sure that there is enough refrigeration space for the volume of meals that they deliver and also to make sure that there is, for instance, a hot water heater to make sure that hand washing is done appropriately.

So we have been in continuing dialogue with a number of the soup kitchens. I should also mention almost a dozen of them have received permits and have been following our guidelines as they -- and not just our guidelines but the State guidelines. I know last year there was some attempt at State legislation to exempt food establishments that didn't go too far, so this is really not something that we on a county basis can change the rules because we're still obligated to follow the State rules as they apply to food service establishments. And soup kitchens are considered an establishment that gets food, prepares food, sometimes not always prepares food but certainly delivers food and therefore we have to hold them at the same standard. We do not offer a permit without some minimal standards in place and we have worked with soup kitchens to try to achieve compromise within the laws, within the regulations, not just County regulations but also State regulation.

I can't speak to conversations that went on years ago, but certainly as many of you know, I'm committed to working with the residents of Suffolk County and important establishments like soup kitchens to achieve the end result which is a safe environment for our residents to get food.

CHAIRMAN MYSTAL:

Thank you very much, Dr. Chaudhry. Doctor, in my conversation with Ms. Curtis and Mr. Cahill, and I see that you have pointed to it a couple of times in terms of the State requirement, and I was brought into this situation by Assemblyman Steve Englebright and his Chief of Staff is sitting right back here, and you kept -- you said three or four times that State requirement is forcing you to do this, more or less. You could not give them a waiver -- you see, what I'm putting in front of you is -- and we are fortunate enough to have a former Assemblyman on this committee. It says waiver, "The permit issuing official," which would be you, the Department of Health, "may waive in writing any of the requirements of this and the waiver included as a conditions of the permit to offer it when it reasonably appears that the public health would not be endangered by such waiver. All such waivers are to be only for the same period of the term of the permit," in other words if the permit was for three years, it would give them a waiver for three years. What I don't understand, if the State gives you the authority to give soup kitchens a waiver, why can't you do that? Because obviously to not do that, you are -- the Department of Health -- not you personally, Dr. Chaudhry -- the Department of Health is going to put out of business -- as we said before, there have 44 soup kitchens in Suffolk County and maybe only 12, and of those maybe only six receive the permit and of those they are schools which are already there. You can't -- the Health Department cannot expect a church to meet this requirement. Number two, they cannot -- they don't have the money to spend. Number three, if they had the money, they can be thrown out of that church at any time and they cannot take -- they can't say, "Well, I'm leaving, so now I'm going to take my kitchen with me."

So some kind of waive -- before you came on board as Commissioner, this has been going on for two-and-a-half years, two-and-a-half years. Is there a solution on the horizon so we can keep these people feeding people who are hungry? I mean, is there something in my future that says, "I am going to solve this problem so the soup kitchen can keep feeding people that are in need of food?" I mean, you know, I have to find a solution, as a Legislator, because I have a couple of them in my district.

LEG. EDDINGTON:

Me, too.

CHAIRMAN MYSTAL:

Everybody has them in their district. And I cannot afford to have them closed because they'll be on my step in my office asking them to feed them, and I can barely feed myself with this salary. But I'm finished. Somehow this is a problem, I'm thinking again, Meals-on-Wheels, you know, was referred to before, this is a solution that you have in search of a problem. They have been operating for 18, 20 years, feeding a lot of people.

LEG. EDDINGTON:

Have they killed anybody?

CHAIRMAN MYSTAL:

There you go; have they killed anybody yet?

COMMISSIONER CHAUDHRY:

I should mention -- first of all, let me say that I share your interest, as I'm sure everyone around this table has, of achieving a long-term solution that addresses all of these. Among the challenges I have are that each case is, in fact, different and so each case needs to be looked at individually. And we have worked with soup kitchens, just like with the Meals-on-Wheels Program, that issue is now resolved, we worked with them and achieved a workable solution to everyone's satisfaction. That is something I told Mr. Cahill outside, as we've told him before, we'd be happy to try to sit down and meet with him and discuss, but I can't change County Sanitary Codes, I can't change State County -- State Sanitary Codes.

CHAIRMAN MYSTAL:

Dr. Chaudhry, yes you can.

COMMISSIONER CHAUDHRY:

I'm aware there's a waiver, but when I know that a food service establishment, a soup kitchen has thousands and thousands of meals, and we know because we visited, that they may not have the storage facilities. It's difficult to give a waiver from a public health point of view, so a blanket waiver is something that I would have to look at but I would be reluctant to, you know, issue without looking at each case. Each case is different is, I guess, what I'm trying to say.

CHAIRMAN MYSTAL:

Dr. Chaudhry, I wasn't waving at you, I was waving to Mr. Cahill; no, you already spoke, so you have to wait for you to come back. We have a couple of questions from Legislator Kennedy and Legislator Losquadro who wanted to ask you some questions.

COMMISSIONER CHAUDHRY:

Sure.

LEG. KENNEDY:

I do know that you did work with the Meals-on-Wheels Programs and I appreciate the fact that the department decided to get involved with that in a proactive way. But it is, as the Chairman said, I guess, a certain measure of frustration when we continue to see people who are coming before us who are doing this solely because it's the right thing to do. They're not making a dime, they shouldn't be held to the same standard as a proprietary outfit from process things. Nobody here is saying that we should ask you to turn a blind eye to basic sanitary items, nobody wants somebody to be serving bad food or unhealthy food or something like that.

*(*Presiding Officer Lindsay entered the meeting at 3:20 P.M. *)*

I will ask you about the food handling course work; I'm familiar with it for another reason. But the fact that it is -- who are the instructors, who from the Health Department actually provides the courses?

COMMISSIONER CHAUDHRY:

I believe it's our Public Health Sanitarians within our Bureau of Public Health Protection.

LEG. KENNEDY:

Okay. Now, those Sanitarians travel all over the County, they go and they inspect on-site restaurants and other types of food serving avenues. We have a mechanism for them to travel from Amityville all the way out to Orient, right?

COMMISSIONER CHAUDHRY:

Yes.

LEG. KENNEDY:

Yes, okay. Is there a reason, Doctor, that we couldn't contemplate having this course be made available for, let's say -- I know there's a network of 17 of these soup kitchens that ring the north and south forks that are involved not only with providing food but they also provide emergency shelter and things like that. I'm also aware over in, you know, my area here, in the Smithtown, Ronkonkoma, Hauppauge area. It seems to me, Doctor, that, you know -- look, if somebody is going to work at, you know, a Quicky Mart or something like that where it's proprietary, then it's reasonable that they come to your location in order to go ahead and get the tools they need to become employed and earn a living. But when you're talking about a volunteer, shouldn't we have some ability to be flexible to meet what the volunteer's needs are physically and time-wise?

COMMISSIONER CHAUDHRY:

Legislator Kennedy, I'm not unsympathetic to the concerns of individuals who work in soup kitchens in terms of transportation and the ability to make it to the course, even though it's held on a weekly basis. I did indicate that we are working on an on-line presentation so that the entire course can be taken no matter where you are, you can take it from your home even, just for one individual from each facility so that they are aware of what the standards are, what the Sanitary Code is and so that they can make sure that the people who work in their facility also know. I don't believe that's too onerous, as I say, that's in the works, the on-line course. But short of that --

LEG. KENNEDY:

Even if they don't have a machine at home, they could get access to a local library, this, that and the other thing.

COMMISSIONER CHAUDHRY:

Sure, sure.

LEG. KENNEDY:

So then tell me, how soon can we expect that they'll be able to participate in that?

COMMISSIONER CHAUDHRY:

I can't tell you, I don't know. I know it's being worked on.

LEG. KENNEDY:

Okay.

COMMISSIONER CHAUDHRY:

I can get you that information. But my point is that we have been trying to be proactive and recognize that not only for soup kitchens, but it may be an issue for much of the County, as widespread as it is, to be able to attend for three days. We recognize that, so that's why we initiated the attempt to see if we can do this as an on-line course. Many courses, as you know, in college nowadays are also offered on-line and there's no reason why we can't do the same.

LEG. KENNEDY:

Okay. I'm going to ask you specifically about soup kitchens in my Legislative District then, too. Have they gotten correspondence to this effect; that would be St. Joseph's, St. Mary's? And I believe I have one other one that's serving meals in the 12th Legislative District.

COMMISSIONER CHAUDHRY:

Correspondence as far as?

LEG. KENNEDY:

Notices similar to what Mr. Cahill was speaking about before, noticing them that they're in violation or that they're needing to make changes or obtain permits or something to that effect?

COMMISSIONER CHAUDHRY:

I can't speak to specific soup kitchens or facilities. I can tell you that I'm aware of ongoing discussions with any number of them. As I indicated, almost a dozen have successfully achieved the permitting process and are, you know, certainly within the County Sanitary Code, others we are working with and continuing to dialogue with to achieve closure. I couldn't speak to the specifics, though, I don't have that in front of me.

LEG. KENNEDY:

All right, when you go back to your office, if you could go ahead and just ask one of your staff if they would forward me any correspondence or just what the status is for those soup kitchens as well.

I'll yield back to the Chair, but I have the same sense that he does, that sometime in this lifetime we'd like to be able to bring some degree of resolution to this issue and not have it continue to go on.

CHAIRMAN MYSTAL:

Legislator Losquadro?

LEG. LOSQUADRO:

Thank you, Mr. Chairman. I'm not a member of this committee, I appreciate being recognized.

Dr. Chaudhry, this seems to be a reoccurring theme of groups being notified of requirements that seem -- that they are incapable of meeting. You and I have had discussions on this in the past with the school districts, I have the correspondence here that went back and forth between us regarding the preparation of home-baked or home-prepared food in schools and regarding Article 13 and the exemptions that exist. Many of the sports teams in my district that were using food sales to supplement their fund-raising efforts received similar notification. There seemed like there are a lot of groups doing a lot of good within our communities. And even in the correspondence that I sent to you I said the fundamental problem here is it's a very difficult premise to argue against. We all want to make sure that there's no food contamination, so it's very difficult to argue against something.

I understand that the Health Department wants things to be black or white, because when there are gray areas it becomes very difficult to enforce things. But when we deal with public benefit groups, charitable organizations, there has to be some sort of accommodations made, there has to be an understanding that these groups cannot comply with the same standards, whether it be for monetary reasons or simply the fact that volunteers just do not have the time to put into this type of process that someone being paid is going to put into it. And this becomes a very difficult proposition in terms of not only recruiting but maintaining the volunteer base that they rely upon to serve this portion of the population.

As I said, I don't know if it's the way that the communication is taking place, that it's being presented as a mandate and not with the understanding that these groups are going to have to incur significant time or monetary expenditures to be able to meet what you're putting forward. But I really think the department -- and I'm sure this isn't going to be the last organization that's going to come down the pipe. You know, I know your department is going through and finding things that have not been addressed in the past and I'm sure the soup kitchens are just the latest on the list, and like I said, the schools and the sports teams and everyone else. My suggestion to you is that in the future it be presented in a different way to say, "We understand that this is what you've been doing in the past, this is what we're going to be looking to have you comply with. Let's find a way to make that work together." Instead of just saying, "Here you go, do this or we're shutting you down," and that seems to be the message. And that's why we have responses such as we just

heard here because -- I'm amazed that there's actually this few soup kitchens in the County because I have about six in my district alone and fully half of my community service initiative money goes to supporting those soup kitchens and food pantries. I know what they do for the constituency in my district and, you know, maybe I have a larger population that's in need than some other districts, but this is something that has to be addressed working together with these organizations instead of just being presented as an almost unattainable mandate for a volunteer organization.

That is my suggestion to you. I know it's very difficult for you to respond in short order to questions and statements like this, but I look forward to future correspondence with you on this issue because as I said, there are many organizations in my district that are going to be affected by this that serve a very large population.

CHAIRMAN MYSTAL:

Legislator Barraga?

LEG. BARRAGA:

Thank you, Mr. Chairman. I think Mr. Losquadro really hit it on the head. I mean, I think -- and you're relatively new in the position, and maybe it's just the approach. I mean, the State -- if what the Chairman read is correct, you don't have the ability to grant a waiver. No one is asking you to grant a waiver to any organization that would be in violation, stark violation of a Sanitary Code or anything else. But obviously, as I'm sitting here listening to the lady and the gentleman, they have strong financial constraints, they really -- they just don't have the ability to conform to some of the new regulations. You know, you mentioned some soup kitchens are serving 20,000 meals a year; that's a lot of meals.

COMMISSIONER CHAUDHRY:

A week, a week.

LEG. BARRAGA:

A week; that's like over a million meals a year.

LEG. LOSQUADRO:

Three thousand a day.

LEG. BARRAGA:

I mean, I think their figure was something like, in their particular case, 13,000 meals for the entire year.

MR. CAHILL:

It's a year.

LEG. BARRAGA:

It's a year? Thirteen thousand a year versus 20,000 a week, you know; it's a marked difference in numbers. But I guess bottom line is that I think there has to be some flexibility here, you just can't go in and say, "Either you do this or you're out of business."

And if -- you know, another thing, too, you have to take a look at the history, I would think, of the respective soup kitchen before all these new rules and regulations went into effect. Have they had a good track record, were there ever any complaints, the people, you know, were satisfied, you never really had a problem with them? I think that should go a long way in determining what their future should be. You know, it's just a question of the approach, and I think Mr. Losquadro keyed in on that issue. If you go in and you're heavy-handed, I think everybody loses. By the same token, if there's some flexibility and you sit down and you say, "Look, let's see what we can work out here based on your own financial constraints and taking a look at the people you serve," I think in the long run everybody is much better off.

CHAIRMAN MYSTAL:

Dr. Chaudhry, I'm not trying -- this committee is not trying to bash you or your department. It's just that, you know, we as Legislators, we have a close, a very close relationship with people in our district and we know that the soup kitchen is, in general, a vital part of almost all of our districts. And the kind of regulations that are being put on them, and this has been ongoing for two-and-a-half years and that's what's been happening. I know you weren't here, you can't speak for the past administration, but it seems to be that the bureaucracy approach, the bureaucracy somehow is intent on putting people out of business that are doing good for other people.

We don't have it -- we're not asking you to turn a blind eye to gross, you know, food mismanagement or anything like that. But somehow the department has to find a way to work with these people and this committee is going to stay on top of it, you know, and it's been going on for two and a half years. Well, we're looking for some resolution in the next two-and-a-half months, okay, to put some closure into this before it gets to be a big whoopsido, because we don't want it to go that way. And I know you're a reasonable man and I know you're a conscientious doctor and I know the people that we've been talking with are very good people and somehow you'll find a solution, one way or the other we'll find a solution to solve this problem; right?

COMMISSIONER CHAUDHRY:

We'll try.

CHAIRMAN MYSTAL:

Thank you.

All right, I don't have any other speakers and I would like to go to the agenda.

Tabled Resolutions

1001-08 - To implement Welfare-to-Work Commission Recommendations (Romaine). I'm going to make a motion to table this because they are still working with Mr. Koubeck and Social Services. So I have --

LEG. EDDINGTON:

Second.

CHAIRMAN MYSTAL:

Seconded by Legislator --

LEG. EDDINGTON:

I'm Eddington.

CHAIRMAN MYSTAL:

Eddington.

LEG. EDDINGTON:

That's Kennedy over there.

CHAIRMAN MYSTAL:

That's Kennedy over there, okay; Jack I. All in favor? Opposed? Abstentions? ***The motion is tabled (VOTE: 5-0-0-0).***

Resolution 1039-08 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with a Tick Eradication Study (CP 4085)(Romaine). Motion to table.

LEG. BROWNING:

I'll second.

CHAIRMAN MYSTAL:

Seconded by Legislator Browning. On the question?

LEG. LOSQUADRO:

On the motion? To Counsel, the changes that were requested, I had spoken to Assistant Counsel?

MR. NOLAN:

Yeah, this is --

MR. ZWIRN:

This is the tick.

MR. NOLAN:

This is tick study.

LEG. LOSQUADRO:

Oh, I'm sorry. That's the second time I've done this today. I thought the one was -- I didn't see the one on the first page; it's not my committee.

CHAIRMAN MYSTAL:

Okay, motion to table. All in favor? Opposed? Abstentions?

The resolution is tabled (VOTE: 5-0-0-0).

1143-08 - Adopting Local Law No. 2008, a Local Law to amend Resolution No. 1386-2007 to clarify application of individual water meter requirements (Losquadro).

Motion to approve --

LEG. EDDINGTON:

Second.

CHAIRMAN MYSTAL:

-- by myself, seconded by Legislator Eddington. All in favor?

LEG. LOSQUADRO:

No, I won't say anything.

P.O. LINDSAY:

Yeah, there's a time to shut your mouth, Dan.

CHAIRMAN MYSTAL:

Yeah, don't say anything; if you say anything I'll make a motion to table it. All in favor? Opposed? Abstentions? ***Motion is approved (VOTE: 5-0-0-0).***

Introductory Resolutions

1182-08 - Establishing a policy requiring the use of single-use syringes and the phasing out of multi-dose medication vials at County Health Centers (Losquadro). Before we make a motion to approve this, I'm going -- I wanted to ask the Commissioner again, are we already doing that in this County?

COMMISSIONER CHAUDHRY:

I'd like to present to you some information about that.

CHAIRMAN MYSTAL:

Go ahead.

COMMISSIONER CHAUDHRY:

This resolution has two issues, one is the single-use syringes and the other has to do with single-dose vials of either medications or vaccines. As it relates to single-use syringes, we did an inventory study throughout our department and I'm pleased to report that actually throughout our Division of Patient Care Services as well as at the John J. Foley Skilled Nursing Facility, we do use single-use syringes. And I've seen the syringes myself, once you use them you cannot use them again for another purpose.

As far as the single-dose vials are concerned, I'd like to make observations about three medical conditions where this comes into play as far as this resolution. Pneumococcal Vaccine is available in single-dose vaccines and would cost an additional \$6,500 per year, according to our estimates, to get it as a single-dose vaccine and so 6,500, you know, in the scheme of things is not entirely unreasonable, so that's doable.

Tuberculin-tine test, the test we use for PPD for Tuberculosis uses a very small dose and because of that is only available everywhere as a multi-dose vial. But I'm pleased that the resolution actually says that it asks for phasing-out to the greatest extent feasible. As it relates to that particular vaccine, it would never be feasible unless they decided to get a single-dose vaccine. So on that issue, I think we're covered in the resolution.

The challenge is with the influenza vaccine. Although it is available in prefilled syringes and single-dose vials, its availability throughout the season fluctuates. In other words, you'll recall last year there was a shortage of vaccines, so what we -- this year, one of the reasons we have an abundant supply of flu vaccine is because we purchased the vaccine through a number of vendors just in case one had some issues. And some of the vaccines are available as multi-dose vials, some were available as single-dose vials. If we were to purchase all single-dose vials, our estimate is that that would cost us about \$70,000 for a season. But the bigger challenge is because manufacturers don't have an abundant supply of the single-dose vaccine, usually they make available to local Health Departments the multi-dose vaccine, this could, I emphasize the word could, dramatically cut down on the amount of vaccine available for any given season. I should also mention that we only give the single-dose vial to children and pregnant women, but the multi-dose vial is going to be an issue.

So as far as the wording of the resolution, this may be a challenge as far as making sure that there's an adequate supply of influenza vaccine which of course is not irrelevant, because the latest information I have from both the New York State Department of Health and the CDC is that this year in particular happens to be pretty bad with influenza actively widespread throughout not only New York State but across the country. So I'd be happy to work with Legislator Losquadro to try to tweak the wording a little bit, but I -- when it comes to influenza, as this resolution stands, it's going to be problematic for my department.

LEG. LOSQUADRO:

If I could be recognized, Mr. Chairman?

CHAIRMAN MYSTAL:

Go ahead, sir.

LEG. LOSQUADRO:

Thank you. Dr. Chaudhry, I thought that the third RESOLVED clause gave more than ample flexibility where -- in putting the language in that said "Where applicable". I certainly didn't -- you are the health care professional, you are the expert, and where applicable, if you made a determination that we would not be able to secure a sufficient quantity of a given medication or vaccine in a particular form, be it multi-use, single use, that you would then make the decision as the professional, as the head of the department; I thought that language was very simple and certainly gave you that flexibility. Certainly your primary charge is not to endanger the public health, and to put that burden, to use a particular dosage amount where it would restrict the

number of doses that we could give out certainly wouldn't make any sense, and I thought I certainly gave you that flexibility with the language that is already existing in the bill.

I'm aware that the single-use syringe is something that we already do in common practice, but again, I thought it was something that was worth while to codify in law being that it was -- it did not exist anywhere in our current language. So whereas it might have been the practice, I thought it was prudent to codify that in law

COMMISSIONER CHAUDHRY:

I appreciate knowing that when a resolution states "where applicable", you have interpreted that to mean that the Commissioner has some leeway. My challenge there is that for all vaccines, particularly influenza, these are ordered in the advance several months before the season hits, so that I can't always predict if there will be enough of the single-dose vaccine versus the multi-dose vaccines and so I'm not entirely certain whether the resolution provides enough flexibility. I certainly -- if this passes, I would not want to be in violation of it. If we prospectively -- what the resolution would say is prospectively, could I every year order both single-dose and multi-dose vaccines not knowing whether there's enough of it; you know what I'm saying.

LEG. LOSQUADRO:

Well, what do you order now?

COMMISSIONER CHAUDHRY:

We order a combination of both multi-dose vaccines and single-dose vaccines for Influenza, because we feel that that's the prudent approach.

LEG. LOSQUADRO:

And if the availability shifts as the orders are being filled, I guess you tell the drug company, "All right, well, ship me a little bit more if you have more of this." Then how do you deal with getting the number of doses that you need?

COMMISSIONER CHAUDHRY:

We prospectively order months in advance based upon previous years how many we think we'll need. And if the State makes additional supplies available in any given season they'll do that, but generally speaking we put in a certain amount of how many vaccines we need. My point is that to me, in reading the resolution, it's not clear-cut that prospectively I would be okay with ordering multi-dose vaccines just as a precaution, and so I'd like to work with you to try to tweak the language a little bit to make it tight. And if that's your interpretation, that the Commissioner of Health prospectively can have the -- you know, can be okay with deciding which way to proceed prospectively, then I would -- you know, that's not an issue. The other issue of course is the cost.

LEG. LOSQUADRO:

Certainly my intent is not to limit the ability of the Commissioner or the department to provide the necessary medications or vaccines to the people that we're treating, but at the same time, the purpose is to try to minimize the possibility for cross-contamination. And even with single-use syringe, you know, every time that a multi-use vial is used, there is that minute increase in possibility of cross-contamination, however minute it might be. I think that the single-use syringes certainly minimize that to the, you know, entire extent possible but, you know, we've seen in many cases -- and sometimes it's not even intentional, it's not even someone reusing something intentionally.

I think the way that this issue is best dealt with, and we've seen this across the country and right here at home when we've had issues of cross-contamination and, you know, Hepatitis being spread, that the best way to eliminate even the remote possibility is to use single-use vials or the preloaded syringe as you said wherever possible, or as I said, where applicable, and that's where I think the

flexibility comes into you.

You know, I'm going to go back to the same thing as before, I know everyone wants things black and white, but I really think that this language is entirely sufficient. I don't know, I mean, do you want to specifically spell out, you know, an exemption clause that says -- you know, I don't know if I'm entirely comfortable with that because if we put that in, what if you decide, "Well, we're not going to order any single-use vials then," if we leave it entirely up to your discretion. So I don't know if I'm entirely comfortable with that either.

COMMISSIONER CHAUDHRY:

It sounds like it's worth having some dialogue about and reaching a happy medium. But the way it stands now, I don't see that as giving me the discretion that I would be needing from a public health point of view. I feel that the single-use syringes is a fairly good policy, I'm actually pleased that we have that in place, it was not known to me before this issue came about. When I trained we didn't use single-use syringes, so I'm very pleased that we use this throughout the department. And while nothing is a hundred percent, yes, having the single-use syringes goes a long way to prevent what happened in Nassau County, but I worry about the influenza in particular because it is such a major public health concern nationally as well as in New York State and this County.

LEG. LOSQUADRO:

As I said, I'll be happy to speak to you about that language, but I do want to see the language remain that to the extent possible, which is already in here, that we should be seeking to use the single-use vials to, you know, eliminate to the best extent that we can that possibility for cross-contamination. Of course I always want to offer the department the flexibility to be able to secure the proper amount of medication or vaccines to be able to protect the public health, but I don't just want to give a blanket waiver to say that the department doesn't have to use single-use, you know, to the greatest extent that they can. I think that that's what this language already accomplishes. You and I can disagree on the flexibility that it offers you, I think it's already there, but I'm happy to sit down and work out those details with you.

CHAIRMAN MYSTAL:

Thank you. Legislator Eddington.

LEG. EDDINGTON:

Yes. I'm happy to hear that Legislator Losquadro believes in the -- if it's a common practice, that codifying into law is a good thing; I believe that, too.

My question to you, Doctor, is what is the -- what's the possibility, if you're using single-load syringes, for contamination? Because I thought that's how it -- how can we get contamination in a vial that's sealed, even if it's a multi-use vial?

COMMISSIONER CHAUDHRY:

That's why I mentioned that from the point of view of Infection Control, we feel that the single-dose syringes actually already solves much of the concern.

LEG. EDDINGTON:

And that is a common practice.

COMMISSIONER CHAUDHRY:

I don't know if it's a common practice throughout the country.

LEG. EDDINGTON:

But I mean here in Suffolk County.

COMMISSIONER CHAUDHRY:

Yes, it is --

LEG. EDDINGTON:

Okay.

COMMISSIONER CHAUDHRY:

-- in the Department of Health Services and we -- and I checked to make sure both in Division of Patient Care services, all eleven of our Health Centers as well as the nursing home where we, you know, give injections of vaccines, etcetera. So -- and the CDC has also suggested that this is a prime means of preventing the types of incidents that occurred in Nassau County, for instance. So that's certainly a very good way of looking at this, that already the practices in place fully should go a long way to prevent a problem. A hundred percent? It's never a hundred percent, you can never say that, but I --

LEG. EDDINGTON:

But what you're saying is that multi-use syringes are not being used and you're also saying that multi-dose vials are not being contaminated if you use the single syringe, so I'm just questioning --

COMMISSIONER CHAUDHRY:

If you throw away the syringe after each use and you can't use it again, then by definition you can't contaminate that multi-dose vial, assuming, of course, that everyone has been trained and knows to use sterile techniques.

LEG. EDDINGTON:

Right. Well, even if you pass legislation, you have to assume everybody is doing what you're telling them to do which is preventing -- in other words, a law isn't going to change anything as long as you're telling people to do it and they're doing it.

COMMISSIONER CHAUDHRY:

That's correct.

LEG. EDDINGTON:

Okay, all right. Thank you.

CHAIRMAN MYSTAL:

Legislator Barraga?

LEG. BARRAGA:

Just one quick question to make sure I understand your comments, because I was trying to pay attention to the dialogue between you and Mr. Losquadro. But didn't you mention at the very beginning if you had purchased a single unit dose vaccine for influenza it would cost an extra \$70,000 to do so?

COMMISSIONER CHAUDHRY:

If we were required to only purchase single-dose vaccines of the influenza, as opposed to what we do now which is we purchase a combination of the multi-dose and the single-dose just to make sure that there is enough supply, according to our financial people, that would cost us \$70,000 additionally every year to make sure that we only purchase single-dose vaccines; that's only part of the issue because there may not be enough of those vaccines around, but that is correct. So there is a monetary issue as well which I didn't -- you know, I mentioned it but --

LEG. BARRAGA:

Okay. And under the concept of "where applicable", giving you flexibility, if you faced a situation where both were available, a single-unit dose and multi-dose, I think the pressure would be on you to purchase the single-unit dose. Do you have the flexibility to say no to the single-unit dose, I'm

going to purchase the multi to save \$70,000, or would you be forced to purchase the single-unit does under this legislation?

COMMISSIONER CHAUDHRY:

I would be forced to purchase single-dose vaccine.

LEG. BARRAGA:

Okay. Right, thank you.

CHAIRMAN MYSTAL:

Thank you. Legislator Losquadro, would you -- could you suffer a tabling motion?

LEG. LOSQUADRO:

Oh, no, I fully plan on speaking with Dr. Chaudhry about this and, you know, working out some of the language. But as I said, I certainly -- you know, just to comment on what the conversation that took place between Dr. Chaudhry and Legislator Eddington. You know, you use the word to make the assumption that people are using proper sterilization, controls and this and that; having a single-dose vial or a preloaded syringe eliminates even that small chance. You know, there's always still going to be even in that circumstance where someone can mess something up, but it further reduces the possibility of cross-contamination, even if by a small margin. I think we've seen enough of this right here at home and across the country that Suffolk County might want to, you know, reexamine some of its purchasing practices for the type of medication that we're distributing, that's all. But we'll be speaking further about this.

CHAIRMAN MYSTAL:

All right, motion to table by myself, seconded by Legislator Eddington. All in favor? Opposed? Abstentions? ***Motion is tabled (VOTE: 5-0-0-0).***

1214-08 - Requiring that the Suffolk Health Centers remain part of the Suffolk Health Plan Network (Romaine). Motion to table by myself, seconded by Legislator Eddington. All in favor? Opposed? Abstentions? ***The motion is tabled (VOTE: 5-0-0-0).***

1224-08 - Accepting and appropriating 100% State grant funds from the New York State Office of Temporary and Disability Assistance to the Suffolk County Department of Social Services to implement a Food Stamp Bonus Award Allocation Plan (County Executive). Motion to approve and put on the Consent Calendar, seconded by Legislator Eddington.

LEG. KENNEDY:

Mr. Chair, on the motion. If I can just find out what -- how the program is actually going to be implemented. I know it's a hundred percent State money that's being put into place, but is there anybody here who can tell us --

CHAIRMAN MYSTAL:

You just want to speak with Janet, we know it.

LEG. KENNEDY:

No, no, no, no; you know, anybody. We have several capable and able people from the department here and we always have Mr. Zwirn, he can talk to us.

CHAIRMAN MYSTAL:

Mr. Zwirn doesn't know anything about that.

MR. ZWIRN:

Only if it has to do with the Bavarian Inn. Is this an under water grant? I'm ready to go.

LEG. KENNEDY:

Absolutely. We'll have our lunch soggy. Thank you.

CHAIRMAN MYSTAL:

Good afternoon, Commissioner DeMarzo. Could you give Mr. Kennedy a brief, short answer?

COMMISSIONER DEMARZO:

Yes. The State of New York is implementing the Working Family Food Stamp Initiative this year to do more outreach, they're looking to do an on-line application where we would have Catholic Charities as part of the process, taking applications and we're restructuring the whole process as our numbers have grown over the years. So this is a resolution that allows us to do the back end catch-up to deal with the implementation of the new Working Families Initiative.

LEG. KENNEDY:

Are we going to actually bring on any personnel directly, County personnel, or are we just going to contract with agencies to do this?

COMMISSIONER DEMARZO:

No, this resolution is part of an overall restructuring. We just received approval to hire eight individuals to work on the food stamp program, so it's a combination. The eight County employees that were just approved over the last two weeks and this is some temp work as well as some office equipment to bring on the new system. So there are eight new people being hired, you know, or positions being filled as well as this temp and equipment purchase.

LEG. KENNEDY:

Is there a particular category, Janet, of these people that are being hired; what are they, are the Client Benefits people?

COMMISSIONER DEMARZO:

They're temporary workers, they're Clerk Typists and those natures. We have a lot of scanning processes and consolidation efforts, so we're looking at restructuring the way in which the food stamp program is configured as the Working Family Initiative is put into place. We're going to do some back-end consolidation so that the care is in one central location.

LEG. KENNEDY:

Approximately how many cases are we dealing with a year? Just ballpark.

COMMISSIONER DEMARZO:

We have -- we have currently about 22,000 individuals receiving food stamps in Suffolk County.

LEG. KENNEDY:

And do you think that --

COMMISSIONER DEMARZO:

Twenty-two thousand cases.

LEG. KENNEDY:

Okay. And the eligibility criteria for receipt of food stamps is fairly liberal and continues to become expanded, right?

COMMISSIONER DEMARZO:

Correct, the State estimates that we should see at least a 10% increase. We're projecting to have anywhere from 24 to 25,000 cases of food stamp recipients this year, so we expect significant growth and that's what brings the restructuring for the employees and the temporary workers.

LEG. KENNEDY:

Okay, thank you. Thank you, Mr. Chair.

CHAIRMAN MYSTAL:

Thank you. The motion has been made and seconded. All in favor? Opposed? Abstentions? Motion carried, *approved (VOTE: 5-0-0-0)*.

1229-08 - To require Department of Social Services Recipients to be housed only in habitable housing accommodations (Romaine).

LEG. BROWNING:

I'd like to make a motion table. I know that I spoke with Legislator Romaine to make some changes to the bill; I know he made one change but he hasn't been available this week to talk to him about some of the other concerns I have about the bill. So with that, I did speak with George to try and come up with a similar bill, but I am concerned. I don't know if Janet would like to come up and respond on some of these WHEREAS clauses, if she's available.

CHAIRMAN MYSTAL:

Ms. DeMarzo, your presence -- I was trying to signal to you not to leave.

COMMISSIONER DEMARZO:

I was looking for some overall direction.

LEG. BROWNING:

One of the questions I had was landlords.

COMMISSIONER DEMARZO:

Correct.

LEG. BROWNING:

There's the mention of making the landlords pay if you had to relocate and, you know, I know that you're bound by State law more often than not. I hate to say that I know -- I'm starting to learn so much about this issue. But that was one of my concerns was I don't want to introduce a bill that we're going get challenged on and it's really a do-nothing bill, I want to make sure that whatever we do, it's going to be effective.

COMMISSIONER DEMARZO:

I agree, I'm not confident that we could recover the cost of moving the individuals from their present location to emergency housing. It's something that the County Attorney's Office would have to advise me of. I don't have the recovery power under the State authorization, I don't know if it's a small claims recovery or not. So it does require a little more review.

LEG. BROWNING:

Okay. And I know we do have a State Assembly Bill, Assemblyman Thiele has it; I'm hoping that your wife is a cosponsor on that. But again, that's really where we need to be is getting that State legislation.

LEG. EDDINGTON:

I also have a question.

LEG. BROWNING:

I know, I know what you're going to say.

CHAIRMAN MYSTAL:

Legislator Eddington.

LEG. EDDINGTON:

I had a concern with the second RESOLVED where it says -- well, actually the first RESOLVED where it says, "All applicable building codes." I mean, are we talking about a window that's a little bigger or smaller or steps that could be, instead of eight inches apart, nine inches apart? Because I don't want to rip people out of homes for any and all, I would rather have a list of specifics.

COMMISSIONER DEMARZO:

The way the legislation is drafted, Counsel would have to speak to that, but that's what it appears to say, that any code violation would be covered under the removal process for 30 days fixes. Yes, I read it as covering everything.

LEG. EDDINGTON:

Is that how Counsel would -- George doesn't have answers for me; when I ask him he's gone. But that's what it sounds like to me also and --

CHAIRMAN MYSTAL:

That's -- I think, you know, without having the benefit of Counsel, I think that's the way the bill is written.

COMMISSIONER DEMARZO:

Right.

CHAIRMAN MYSTAL:

And that's why I think we all have problems with it so he wants to table it.

LEG. EDDINGTON:

Okay, then I would vote for tabling also.

CHAIRMAN MYSTAL:

Okay? So the motion has been made to table by Legislator Browning, seconded by Legislator Eddington. All in favor? Opposed? Abstentions? ***Motion is tabled (VOTE: 5-0-0-0).***

Having no further business in front of this committee, I take a motion to adjourn.

LEG. EDDINGTON:

Motion to adjourn.

CHAIRMAN MYSTAL:

So moved by Legislator Eddington, seconded by myself. We are out of here.

(*The meeting was adjourned at 3:58 P.M. *)