

HEALTH AND HUMAN SERVICES COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Health and Human Services Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on Thursday, April 17, 2008, at 2:00 p.m.

Members Present:

Legislator Jack Eddington, Vice-Chair
Legislator Tom Barraga
Legislator Kate Browning
Legislator John Kennedy

Also in Attendance:

Presiding Officer Bill Lindsay
Legislator Ed Romaine, Legislative District No. 1
Terry Pearsall, Chief of Staff, Presiding Officer Lindsay's Office
George Nolan, Counsel to the Legislature
Barbara LoMoriello, Chief Deputy Clerk, Suffolk County Legislature
Ben Zwirn, Assistant County Executive
John Ortiz, Budget Review Office
Diane Dono, Budget Review Office
Janet DeMarzo, Commissioner, SC Department of Social Services
Kara Hahn, Presiding Officer Lindsay's Office
Marge Acevedo, Presiding Officer Lindsay's Office
Linda Bay, Aide to Minority Caucus
Paul Perillie, Aide to Majority Caucus
DeWayne Gregory, Aide to Legislator Mystal
Katie Horst, Aide to Legislator Eddington
Dr. Humayun Chaudhry, Commissioner, SC Department of Health Services
Jim Dougherty, Supervisor, Shelter Island
Rae Lapides, Shelter Island Deer and Tick Committee
Patricia Shillingburg, Shelter Island Deer and Tick Committee
Janalyn Travis Messer, Shelter Island Deer and Tick Committee
Debra Alloncius, AME Legislative Director
Lydia Sabosto, AME Executive Vice President
Kathy Malloy, AME Union
Mario Posillico, Administrator, Village of Saltaire
Patsy Hirschhorn, Smithtown Youth Bureau, Executive Director
Richard Koubek, Catholic Charities
Pat Gyscek, Catholic Charities
Joan McGay, St. Joseph The Worker
All Other Interested Parties

Not Present:

Legislator Elie Mystal

Minutes Taken By:

Lucia Braaten, Court Stenographer

Minutes Transcribed By:

Lucia Braaten, Court Stenographer and Kim Castiglione, Legislative Secretary

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

VICE-CHAIRMAN EDDINGTON:

Okay. If I could get everybody to stand, and ask Legislator Romaine to lead us in the Pledge.

(*Salutation*)

Thank you very much. Okay. I understand we have no presentation, so we'll go right to the public portion. Richard Koubek. I don't see anybody coming. He is? Where? Is somebody coming here? Who?

Your time's running. Take your time. Go ahead.

MR. KOUBEK:

Thank you. My name is Richard Koubek from Catholic Charities. We met with Commissioner Demarzo on Monday to discuss an issue regarding evening hours at DSS, and we actually, without reading her report, discussed her report with her, which we were told she was going to present today. So I was hoping to comment on her report, but, apparently, the report is not ready, so that's why I'm here and why I'm not speaking.

VICE-CHAIRMAN EDDINGTON:

Thank you for that presentation.

MR. KOUBEK:

Okay.

VICE-CHAIRMAN EDDINGTON:

Okay. Pat Gyscek.

MS. GYSCEK:

Same thing.

MR. KOUBEK:

Same thing.

VICE-CHAIRMAN EDDINGTON:

Oh, okay. You're even better. Thank you, I appreciate that one. Jim Dougherty.

MR. DOUGHERTY:

Thank you very much. I'm Jim Dougherty, Supervisor of the Town of Shelter Island. I'm here to report to you about the Four-Poster Program to eradicate tick-related diseases, not only on Shelter Island, but all throughout Suffolk County and the State. The Four-Poster Program is rolling out nicely. I have a few members of the Deer and Tick Committee here today to report to you further on it. Tick-related diseases are a big issue on Shelter Island and in Suffolk County, and with the warming temperatures, getting worse all the time.

Shelter Island very much wants the Four-Poster Program. I have here a petition in 2006, actually, signed by, and we're a tiny little island, as you know, signed by 1,380 Shelter Islanders, saying, "We want the Four-Poster Program." The Four-Poster Program, as you know, involves Permethrin. Pesticides are a concern to all of us. Our newspaper editor, I spoke to her Tuesday, reported that East End tick alone, one pesticide applicator said that last year it made monthly broadcast sprayings, applications of Permethrin to over 300 Shelter Island lawns. That is what is opposed to the surgical

application of Permethrin by the Four-Poster Program. And that is only one pesticide supplier out of four or five that are servicing Shelter Island.

Little Shelter Island is very willing to shoulder a big financial burden and a big operational burden in this fight against tick-borne diseases, which is threatening both our -- my constituents, as well as yours, but we need your help.

Last week, I was gratified that Senator Ken LaValle and Assemblyman Marc Alessi got us over -- got us \$100,000 from -- up in Albany in the final budget for this year's use and this year's Cornell Four-Poster Study and Program. I respectfully request that Suffolk County join in this fight, and I assure you, Shelter Island will continue to fight hard to eradicate these horrible tick-borne diseases. At this point, I'd like to ask -- oh, do you introduce the next speaker? I don't.

VICE-CHAIRMAN EDDINGTON:

Yeah, I get to do that. Thanks.

MR. DOUGHERTY:

I'm sorry, you should. I apologize.

VICE-CHAIRMAN EDDINGTON:

That's okay. Thank you.

MR. DOUGHERTY:

Okay. Thanks.

VICE-CHAIRMAN EDDINGTON:

Could I have Rae Lapidés? Something like that.

MS. LAPIDES:

Hi.

VICE-CHAIRMAN EDDINGTON:

Thank you.

MS. LAPIDES:

My name is Rae Lapidés. I'm Chairman of the Shelter Island Deer and Tick Committee, and I'm also a member of the Suffolk County Tick Management Task Force that you all appointed. I've spent the last five years of my life researching different methods to eradicate ticks. We chose the Four-Poster Program as the most effective and the safest way to kill the ticks.

At this time, I believe that one of the largest challenges that Suffolk County is facing, and which grows each year, is the challenge of eradicating tick-borne illnesses. Shelter Island is overrun with ticks and, therefore, tick-borne illnesses. This is affecting our families, our summer residents, our pets, our visitors, our economy as well. This health crisis has taken a serious toll on our Island in many ways. The residents of Shelter Island believe that the Four-Poster Program will greatly benefit our Island and, therefore, have shouldered a great deal of the financial burden.

We're here today to ask you for some financial assistance to help Shelter Island eradicate our ticks. We are the test site for Suffolk County. If we are successful in our endeavor and eliminate our tick-borne illnesses, we can pave the way for other Towns in Suffolk County which are suffering as well, such as East Hampton, Southold, Mattituck. Those are just a few of the towns that are suffering. This tick problem is spreading across Long Island and we're looking to you to be a guiding force to get rid of this disease. Thank you.

VICE-CHAIRMAN EDDINGTON:

Thank you very much. Janalyn Travis-Messer.

MS. TRAVIS-MESSER:

Good afternoon. This Committee takes care of health. We are asking for your help to protect the health of the residents and the tens of thousands of visitors to Shelter Island. The health of our domestic pets and wildlife, the health of our bay waters and aquatic life, and the health of our freshwaters that we use for drinking that our residents and visitors enjoy, which takes us full circle.

The Four-Poster Program will eliminate ticks that harbor six to eight tick-borne illnesses. Lyme Disease is the one that everybody knows about, but there's a lot more, and we have them on Shelter Island. It will help decrease and help to eliminate spraying of our lands with pesticides that are currently being used to kill ticks, and that will help stop the pesticide from running off into our freshwater ponds and our saltwater bays and creeks, that will help our fishes' immune systems from being destroyed, that will help eliminate the many patients our doctors see every year who are being prescribed antibiotics for tick bites.

Our homeowners have spent thousands in hiring pesticide sprayers, in doctor's visits, in veterinarian bills, and they have willingly supported the Four-Poster System. Please help us now, so in a few years our dollars will not have to be spent this way. Please don't allow my husband's death, former Councilman Jim Messer, who was bitten by a tick, to that be his legacy. He died from a tick bite. Thank you.

VICE-CHAIRMAN EDDINGTON:

Thank you very much. Patricia Shillingburg.

MS. SHILLINGBURG:

Thank you very much. I'm Patricia Shillingburg. I have lived on Shelter Island full-time for nine years, but I have always been a summer person on Shelter Island.

When I was little, we used to remove the ticks from our dogs and put them in kerosene. Now I remove them from my husband, and they're not anything that you can really see, they are teeny, teeny things. He was bitten by three ticks last year in the spring to the point where we sprayed our lawn for the very first time in my lifetime. We don't even put fertilizer on our lawn to have green grass, because we don't want to affect our aquifer. But we felt we had to, for our own safety, spray our lawn and our shrubs with Permethrin. Shelter Island is in a very, very difficult situation. None of us knows -- I'm sorry, I'll put that another way. We all know or live with people who have been bitten by ticks.

I was in the doctor's office recently, last year, last Spring, for an hour, and everyone who came into that office, and there was a constant stream, were coming in with tick-related issues. It is something that is everywhere, ubiquitous and persistent. We really need everyone here to pay attention to the medical needs on Shelter Island and the need to get rid of tick-borne diseases, which are so very, very debilitating. They can -- people cannot even be able to go back to work for months or years because of this, these issues, so we really need your help in every way that you can possibly provide it. Thank you very much.

VICE-CHAIRMAN EDDINGTON:

Thank you. Mario Posillico.

MR. POSILLICO:

My name is Mario Posillico. I'm the Administrator of the Village of Saltaire. As you probably all know, Village of Saltaire is located on Fire Island. And, if I had the opportunity to take you for a tour of our wonderful Village, I would certainly show you the ocean beaches, I would show you the wonderful natural surroundings, but I would also be forced to warn you, please, don't get off the boardwalks, because, if you did, you'd run a real risk of leaving our Village on the ferry back to Bay

Shore carrying a couple of -- couple, three or four disease-carrying ticks on your waistband or, you know, in your socks. And, if you had the misfortune of perhaps stepping into a tick nest, it wouldn't be one or two or three, it would be dozens, if not hundreds. I've had that personal experience numerous times with my own children, where they step into tick nests and the tick larvae, which are microscopic and very small, number in the dozens and the hundreds. And just in case you ever run into that, I mean, my wife and I found the only way to get those tick larvae off is to use duct tape, the old put-it-on-and-rip-it-off method. Believe me, it's not comfortable for the children, and I'm sorry to be so graphic, but I just want to point out that there's a real public health concern here.

The threat of tick-borne disease is a real public health concern on Fire Island, Shelter Island, and in many areas throughout Suffolk County. In addition to Lyme Disease, there are some lesser known, more serious and potentially deadly tick-borne diseases that have been on the rise in the Northeast. This is why the Village of Saltaire has requested, along with Shelter Island, and it was granted permission to become a trial site for the Four-Poster Tick Control Field Trial and Study.

In field trials conducted by the United States Department of Agriculture in other parts of the country, the device was able to accomplish a 95% reduction in tick population in the test areas over a five-year period. That is obviously a significant reduction, in effect, collapsing the tick population. And if used as part of a coordinated program, the device has tremendous potential to reduce the threat of tick-borne disease throughout Suffolk County. The theory is simple, reduce or eradicate the tick population and you reduce or eradicate the threat of tick-borne disease.

The Department of Environmental Conservation has determined, and probably correctly so, that despite the success of the field trials in other parts of the country, as a condition of the permit for the trial on Long Island, additional studies need to be conducted to gauge the Four-Poster's efficacy in New York State and to measure any environmental impacts. The cost of this study, which is being conducted by the Cornell Cooperative Extension over the four or five-year trial period, is in excess of 1 million dollars. The communities participating in the field trial have agreed to bear some of the cost of this study, as well as the cost of the purchase and maintenance of the devices, but the program needs funding from all sources in the State in order to foot the bill, as it should, since the potential benefits of the device could be County and Statewide.

I, therefore, urge the Legislature to approve Resolution Number 1039-2008 in order to amend the 2008 Capital Budget and appropriate the requested \$155,000 to assist in funding the Four-Poster Tick Reduction Program and to remain an important partner in this extremely important public health initiative. Thank you.

VICE-CHAIRMAN EDDINGTON:

Thank you very much. Kathy Malloy.

MS. MALLOY:

Good afternoon. My name is Kathy Malloy. I'm a member of the AME Executive Board, and today I'm representing President Cheryl Felice, who could not be here. I'd like to read our letter to Legislator Romaine to go on to the record, and we are thanking Legislator Romaine very much for meeting with myself and with President Felice last night, and for your decision to withdraw your Introductory Resolution Number 1001-2008.

"Although the proposed resolution was made in an effort to implement the recommendations made by the Welfare to Work Commission, the AME Union was not asked to be part of this Commission. AME represents the fifteen-hundred-member DSS workforce, which includes DSS, Medicaid, Family Services, and the Child Support Enforcement Bureau. The Commission's May 16th report to the Legislature was made by representatives of Saint Sylvester's Parish Social Ministry and Saint Joseph the Worker Parish Social Ministry, both privately-funded not-for-profit community agencies. Additionally, there are 18 Committee members listed, only one of which is a Department of Social Services representative. The majority represent outside community agencies who are vigilantly client advocates."

"As the President of AME and the bargaining representative for all of our DSS members, our organization is the workers' advocate. The main component of the report and of the resolution relate to two important issues, that DSS centers should remain open with client access until 5 p.m. daily, and the DSS center should provide evening hours. In quoting from the November 1st, 2007 letter to the Legislature from the Commission's Chair, Richard Koubek, it is my understanding that DSS Commissioner Janet DeMarzo is not in favor of these changes to the DSS workday and work hours, citing a reported fiscal impact of over 1.77 million per year."

"Although the private community agencies cite the use of flextime and their idea that workers would benefit at the use of flexible schedules, Commissioner DeMarzo has cited current staffing is insufficient, and that flextime would actually prove counterproductive. In addition, AME cites County Executive Levy's refusal to fill staff vacancies, and that DSS is currently operating at an average 11% vacancy rate. Commissioner DeMarzo points out that it could result in the use of mandated overtime. AME maintains it would be for already understaffed and overworked DSS County employees. You would be maintaining that our AME members continue to do more with less."

"In speaking with our representatives of DSS, the centers used to be open until 5 p.m." Access. When I mean open, I mean open doors, client access. "However, the workers had no time to do their paperwork and open the cases before them. Although clients have one-on-one appointments in the entire morning, many still return to the centers all afternoon with questions, dropping off paperwork," etcetera. In the Year 2000, DSS cut back the client availability hours from 5 to 3 p.m. to allow the workers time to get the cases opened. The centers remain open and client availability hours are now Monday to Friday, 8 to 3, five days a week. Please keep in mind that the majority of public assistance clients do not work, and if they do, it is with the Department of Social Services DOL position, which allows for time to go to the DSS centers. Food stamps and Medicaid programs can be processed through the mail and by telephone, as many applicants do work and are program eligible."

I'm wrapping up. "We would also like to call your attention to other service offices, such as the Social Security Administration, which operates Monday through Friday during normal business hours. Clients, many of whom hold full-time jobs, manage to get their benefits and their recertifications processed regularly."

Cheryl will offer the services of an AME representative to meet with you, Legislator Romaine, further to discuss the many components of our DSS unit, together with the fifteen hundred excellent DSS workers who devote themselves to serving our clients. I also ask that Cheryl, as the AME Union President, that she be allowed to have an AME representative sit on the Welfare to Work Commission to bring the concerns of the DSS workers, along with the clients they serve, to the entire Commission. If we work together, much can be accomplished. And I certainly, sir, would volunteer. I have 19 years experience at DSS. Thank you, sir.

VICE-CHAIRMAN EDDINGTON:

Could you just hang out, Kathy, for a second? We have a question --

MS. MALLOY:

Sure.

VICE-CHAIRMAN EDDINGTON:

-- from Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Kathy, thank you for bringing forward AME's position on this. I want to ask, so that I understand where the Unions position is. I think I understand it. It sounds as if you're

saying to us the Union's preference is to keep the operation hours at the centers as they are now?

MS. MALLOY:

Yes, sir, it is.

LEG. KENNEDY:

Okay.

MS. MALLOY:

Actually, I have to tell you, if we did have a wish list, back in the '90's, we used to have flextime. We love flextime. People would love once in a while to work flextime to work different hours, or we'd love to get overtime, but the money is not there to give us the overtime, and I don't mean mandated overtime. And nobody wants to work on Saturday. We're all mothers who have kids at home. We can't work on Saturday. And flextime has not been feasible for DSS in the last several years. We just can't do it.

LEG. KENNEDY:

Well, I guess I would defer to the sponsor here, because both he and I came from an environment that used flextime quite a bit. We also did a lot overtime, too. But we -- I will tell you that we can -- I, and I believe my colleagues, get contacts from our Parish Outreach Centers and from other advocacy groups in the community that are saying they're not able to get their clients' needs met in processing applications, and in particular what you're speaking about with the Medicaid and the food stamps, and I've had that firsthand.

Now, a contact to the Commissioner's Office usually helps to address the individual who makes their way to our offices, but for each one that gets to us, there's probably 10 or 20 that don't, that aren't getting their needs met. So therein lies the dilemma. How do we address it?

MS. MALLOY:

I so strongly dispute what you just said --

LEG. KENNEDY:

Okay.

MS. MALLOY:

Because I have worked on line, on the front line. I didn't work in an administrative office, I was on line for 19 years. The benefits are there. What my background is, the food stamp can be accessed through the mail and so can the Medicaid. There are appointments made all day long, five days a week. My experience with many of the clients are that if -- when we kept the offices open until 5 o'clock, many came in at ten to five.

LEG. KENNEDY:

Okay.

MS. MALLOY:

When we closed at 3 o'clock, they came in at ten to three. I have offered to sit in on this Commission, because I know that Mr. Hernandez also said, and is a DSS representative. But, again, I was an on-line worker. I'd be very happy to volunteer my time, whether it's weekends or nights, to sit in on this Commission, to help the Commissioner, because I think I could best represent my workers. I meet with them all the time, and I would be bringing good information back to the Commission to try to work out a happy medium.

LEG. KENNEDY:

I think your input would be invaluable. And, please, don't think I'm somehow saying that our

departments don't deliver services when a client gets there, but I will say to you, having dealt with constituents firsthand who are challenged to actually put an address on an envelope or put something in the mail, that there is a disconnect oftentimes. What we who are in the system look at as something that's routine and very run-of-the-mill, many folks out there in the world have no clue how to go ahead and get through. So I think, at the end of the day, there probably is some legitimacy to trying to explore these alternate hours or to do something.

Look, if a neighbor who drives, or a spouse, or a parent, or whatever, wants to bring a sibling or a parent to something off hours, sometimes it's a hardship to have that individual who's going to facilitate take the time off from work. All I'm asking is, is if there's some room for dialogue here.

MS. MALLOY:

I'd love to sit on the Commission.

LEG. KENNEDY:

Okay, thank you.

VICE-CHAIRMAN EDDINGTON:

Legislator Romaine.

LEG. ROMAINE:

Thank you for appearing. I had introduced this resolution, Resolution 1002, on January 2nd, because I felt there was a need to address some of the constituency of Social Services. But I withdrew it yesterday, because after four months of table -- being tabled by this Committee repeatedly, and the reason being told is that the Commissioner of Social Services was going to present a report, I figured, okay, we won't need the resolution, the Commissioner of Social Services is going to present a report.

The second reason I withdrew it is because, when talking with Ms. Malloy, we discussed the impracticability of evening hours or weekend hours, as convenient as that would be. When we have 11% of our Social Service positions that we fund, that we tax people in Suffolk County for, and we leave them vacant, and we leave a Department struggling to keep up, it's difficult, particularly a department that would not allow overtime and hasn't introduced flex schedule. It's difficult to implement this report.

What I would say is I'm all for taking a look at the recommendations, because I think there's some validity, but only if there's going to be overtime and proper staffing. Without that, we can mandate whatever, we can say whatever, but it's not going to happen. Just like we can put jobs in the budget, we can fund them and we can tax people for those jobs; doesn't mean they're going to get filled. So that's one of the reasons it was withdrawn. Thank you.

MS. MALLOY:

As a further comment, if I can just let you know that the Administration, through the Commissioner and the Union, are trying to work together on this to find a happy medium, because these are people, the segment of society who do need our help, and this is what we do for a living. So, like I said, I am going to contact this Commission and see if they'll take me on board. Okay? Thank you.

VICE-CHAIRMAN EDDINGTON:

Thank you.

MS. MALLOY:

And I will report back.

VICE-CHAIRMAN EDDINGTON:

Thank you. Just for a point of clarification, Legislator Romaine, did you say that you withdrew it because you knew there was going to be a presentation and -- because I'm hearing the reason the

presentation wasn't made was because you withdrew it.

LEG. ROMAINE:

At the last Committee meeting, the Committee Chairman made it quite clear that there was no need for my resolution, because the Commissioner was going to present a report. That's part of our verbatim minutes.

VICE-CHAIRMAN EDDINGTON:

So you were misled is what I'm hearing.

LEG. ROMAINE:

Well, I don't believe. The Chairman isn't here, so I don't want to --

VICE-CHAIRMAN EDDINGTON:

Okay.

LEG. ROMAINE:

-- make statements for him. But, if anyone was misled, it may have been the Chairman by the Social Service Commissioner. And I certainly -- although I'm not a member of this Committee, I keep on coming. I will -- I may be back at your next meeting when the Chairman, Mr. Mystal, is here, because he had said that.

VICE-CHAIRMAN EDDINGTON:

Okay. Well, I'll ask for some clarification --

LEG. ROMAINE:

Okay.

VICE-CHAIRMAN EDDINGTON:

-- after our last speaker here.

LEG. ROMAINE:

Thank you.

VICE-CHAIRMAN EDDINGTON:

Debra Alloncius

MS. ALLONCIUS:

Good afternoon, Members of the Health and Human Services Committee. I'm here to speak to you regarding a resolution that also was recently withdrawn. That would be I.R. 1027. It's regarding a request that we had asked for, the Agency Oversight Report. And perhaps, had you had this Agency Oversight Report last year, you wouldn't be in the pickle you're in today. You'd have the staffing in DSS and we could accommodate the people who cannot make it there during the day, the people who do work, but live on the edge.

The Agency Oversight Report would detail the current staffing levels of each County department, including filled staff positions and vacant funded positions. The report would also contain an analysis of each department's total caseload and caseload per position when applicable. I sit here and see how time and time again the Legislature attempts to rectify situations that they cannot, simply because we don't have the staffing.

In the Public Safety Committee this morning, we saw how the agency -- how the Committee was, again, blindsided because of a redeployment of positions out of the Police Department, again, because you don't know the staff, the current staffing levels at the Police Department. Legislator Losquadro would have been totally aware that these people were being pulled from situations where,

come the summer, we might have three or four thousand teenagers who've got nothing to do every night. That's going to be a major problem. But you need to be able to track and analyze the statistical data of the County Departments, such as staffing numbers, the caseload levels, the workload levels. Again, this was a prime tool for you to use, and I do hope somewhere along the line that we're able to resurrect this resolution, because it would be a tool for you to use effectively. And we do not believe that it would cost -- that it would cost over a million dollars, so that you'd have to set up a whole division. We know darn well, I've been here for 32 years, every department has statistics, they report monthly. It would be a tool to use again. Thank you. Have a good day.

VICE-CHAIRMAN EDDINGTON:

Thank you. Is there anybody else that would like to address the -- yes, I do, I see a card. And the winner is -- well, if you filled out the card, come on up. There you go. All right.

LEG. BROWNING:

It's Joan.

VICE-CHAIRMAN EDDINGTON:

Thank you.

LEG. BROWNING:

Joan McGay.

VICE-CHAIRMAN EDDINGTON:

Joan McGay, okay.

MS. MCGAY:

Good afternoon. My name is Joan McGay. I am the Parish Outreach Coordinator at Saint Joseph the Worker that was mentioned before by the Union Representative. I came this afternoon because we were at a meeting with Commissioner DeMarzo just this week for a couple of hours and were told that there would be a report today, that it was not available for us to see on -- the other day, but that it would be available after it was presented to the Committee, and I'm disappointed that there was no report. We were misled in that the report would be -- we were told the report would be presented today.

None of us in Outreach Offices are opposed to Department of Social Service workers. We advocate as much for the workers of the Department and appreciate and understand the hard work that they do. So to say that we advocate just for the clients, we advocate as much for the workers as possible. But I am disappointed that the report was not made available today. Thank you.

VICE-CHAIRMAN EDDINGTON:

Thank you. Anybody else like to address the Committee? Is that -- oh, okay. You want a second shot?

MR. KOUBEK:

Do I get it?

VICE-CHAIRMAN EDDINGTON:

I don't think. Can we do the law?

MR. NOLAN:

(Shook head no.)

VICE-CHAIRMAN EDDINGTON:

I'm sorry, we can't. Sorry. But was that Commissioner DeMarzo's hand that I saw up?

COMMISSIONER DEMARZO:

Uh-huh.

VICE-CHAIRMAN EDDINGTON:

Would you -- would you, please, come and just give some clarification to Legislator Romaine and Joan?

COMMISSIONER DEMARZO:

Thank you. Good afternoon. The presentation, the report, the analysis, as requested by I.R. 1001, was completed by the Department. And I apologize if my understanding of the withdrawal of the resolution after the meeting with the Union, and the indication that there was a lack of support by the withdrawal of the resolution the day before the Committee meeting did not indicate a change of interest in that resolution.

The report is completed. We have a number of copies. We spent a lot of Department time looking at this, as requested by this Committee. I met with the Union on this issue. I met with the Welfare to Work and the Parish Outreach people twice to go over this. We also had a mini training session for some of the Parish Outreach people to help them see how determination, eligibility determinations are made for emergencies. So I apologize that there's a misunderstanding on my part. I did think that the sponsor's withdrawal of the resolution indicated a lack of continued support for the concept. So, if it is the will of the Committee, I have the ability to do a presentation on the issue of extended and evening hours.

VICE-CHAIRMAN EDDINGTON:

Yes, Legislator Romaine.

LEG. ROMAINE:

I was told by the Chairman of this Committee, Legislator Mystal, that my resolution was not necessary, because he had assurances that that report was going to be done in any event. And in speaking with the Union, I realize their problems in the sense that no matter what the report recommended, it couldn't be implemented, because there isn't enough staff, there's no money for overtime, and there's no flex schedule currently available at Social Services. So this really should be a matter for the entire Committee to address, possibly at its next meeting, where we can have full and frank discussion of not only the problems of the workers at Social Services and the clients, but the limitations currently in place on the Social Services Department. I don't want to dictate to the Committee, but --

VICE-CHAIRMAN EDDINGTON:

Well, go ahead.

LEG. ROMAINE:

-- I withdrew, because I -- you know, I was told that the report was forthcoming. I withdrew, because I was told of the problems that the workers are having at Social Services. And I think that these problems really merit full consideration of this, because, you know, we're Legislators, I understand we don't have Executive authority, but we do have Legislative authority. I know we've put the staffing in. I know the staffing hasn't been filled, although we tax people for it, we raise money and we tax people for it. I think we should have a full discussion of the needs of the Department of Social Services, to make sure that at least we're being effective as a County and we have some oversight. So, just a recommendation. I'm not a member, but, obviously, I would recommend to yourself and to Legislator Mystal's representative that, possibly, at the next Committee meeting, we can ask this to be an agenda item. Thank you.

VICE-CHAIRMAN EDDINGTON:

Yeah. And as a follow-up, let's do that, because I would want the -- I would want the Chairman to be here himself. And we'll plan on that, we'll have it, and then we'll let the legislation -- Legislators

know that this is going to happen. Thank you. Did you want to -- you're almost ready to go.

LEG. KENNEDY:

I was aching to ask about flextime, but if we're going to go through the whole enchilada next time around --

VICE-CHAIRMAN EDDINGTON:

Yep.

LEG. KENNEDY:

-- I'll wait.

VICE-CHAIRMAN EDDINGTON:

Okay. All right. Thank you very much. Okay. Then let's go to the agenda.

TABLED RESOLUTIONS

And I have *Introductory Resolution 1039 - Amending the 2008 Capital Budget and Program, and appropriating funds in connection with a Tick Remediation (Eradication) Study.*

MR. ZWIRN:

Mr. Chairman, before you -- may I have an opportunity to be heard at some point during the debate?

VICE-CHAIRMAN EDDINGTON:

Sure, absolutely. Do I have a motion?

LEG. KENNEDY:

I'll make a motion to approve for purposes of discussion.

VICE-CHAIRMAN EDDINGTON:

Motion to approve by Legislator Kennedy.

P.O. LINDSAY:

I'll make a motion to table.

VICE-CHAIRMAN EDDINGTON:

Motion to table by Legislator Lindsay.

LEG. BARRAGA:

Second.

VICE-CHAIRMAN EDDINGTON:

Second by Legislator Barraga on the tabling resolution. Okay. Then why don't I ask Mr. Zwirn to step in and --

MR. ZWIRN:

Thank you, Mr. Chairman.

VICE-CHAIRMAN EDDINGTON:

-- give us some information on the tabling motion.

MR. ZWIRN:

Last year the Legislature and the County Executive approved I.R. 1696, which was the appropriation of \$155,000, the exact amount that we're talking about here today in this resolution, to get the Four-Poster Tick Program underway. Cornell was chosen to administer this program. And that \$155,000 is there available, and the program is up and running, even though Cornell has not yet -- we've not signed the contract, because there are disputes with respect to the administrative fees and the amount of the administrative fees they are charging with this respect to this project, but it's moving forward, nonetheless.

In I.R. 1696 of last year, which was Legislator Romaine's bill, it stated that \$155,000 was going to be the amount and the only amount that was going to be requested for this study. And I have I.R. 1696 before me and I can read you the appropriate language, which is very clear. I'm not suggesting that if this program is successful the first year that this Legislature might not want to revisit and spending more money on the continuation of the program, but we think at this particular time, especially in light of the language in the original resolution, because that was a question that was asked at the debate during the first I.R. 1696 resolution, because it was not part of the Capital Budget, it had to be done by offset and amendment.

VICE-CHAIRMAN EDDINGTON:

Why -- let me ask you, though, why last year we heard these arguments? What's taking so long to implement a public health issue?

MR. ZWIRN:

No. They are moving forward. They've set up, I think, Jim, about 25 --

VICE-CHAIRMAN EDDINGTON:

Well, you're, I guess --

MR. ZWIRN:

Twenty-five stations so far? There have been 25 of these stations I think have already --

AUDIENCE MEMBER:

Thirty.

MR. ZWIRN:

How many?

AUDIENCE MEMBER:

Thirty.

MR. ZWIRN:

Thirty have already been --

VICE-CHAIRMAN EDDINGTON:

Oh, so there are -- oh, this is underway.

MR. ZWIRN:

Even though the contract has not been signed, we anticipate that, at some point, all the problems will be resolved.

VICE-CHAIRMAN EDDINGTON:

Right.

MR. ZWIRN:

And we will -- the funding will be fully in place. The money's there, the money's not going anywhere.

VICE-CHAIRMAN EDDINGTON:

Okay.

MR. ZWIRN:

And we'll get this resolved by --

VICE-CHAIRMAN EDDINGTON:

In other words, this is being worked on now. I mean, I don't want --

MR. ZWIRN:

We're dual-tracking it. It's not being held up because the money has not gone forward. But I think it's just premature at this time to ask for this additional money. You know, we can make copies of I.R. 1696 available, but it said in the Sixth Resolved Clause, Section C, that this was -- "The expenditure and appropriation contained herein is contingent upon," and I quote, "Executive" -- "A binding agreement between all the parties, including, but not limited to, the Town of Shelter Island, County of Suffolk, and the New York State Department of Environmental Conservation, limiting the County's commitment to the study to no more than one year, and limiting total County funding in connection with this program to no more than \$155,000." Now, it didn't have to say that at that time, but I think pretty much that was what Legislator Romaine was asking for.

I think we should let the program go forward, see if it is working and successful, and then, before the end of the year, this would be plenty of time to revisit this.

VICE-CHAIRMAN EDDINGTON:

And there would be funding to supplement this program if -- you know, in other words, I don't want the people on Shelter Island and Fire Island that, once we prove it's successful, have to go through the whole process to try to get more funding to really have it go. I mean, is there going to be available funds?

MR. ZWIRN:

You will have the Capital Budget before you, so you'll have time to work on it and do it at that time.

VICE-CHAIRMAN EDDINGTON:

Okay. Legislator Romaine, if you don't mind.

LEG. ROMAINE:

Yes. This is a four-year study. This is made very clear. There are some people in the room today, I believe Ray was there, Patricia, and possibly Janalyn were there when we met with the County Executive. We made this very clear at the time that this was a four-year study, that the 155,000 that was allocated last year -- by the way, this whole study is going to cost well over \$1.2 million. So the County was making a contribution, the Town of Shelter Island was making a contribution, the Fire Island communities were making a contribution, the State of New York was making a contribution. We were going to see if we also could attract Federal funds. We are now looking to move into the second year and to make sure that funding is available.

I have a problem with the fact that this was adopted last August, and it is now April of the following year and we still do not have a contract with Cornell Cooperative Extension, and that not one penny of the original 155,000 has been allocated or spent in the sense that we have no contract. This is a study that we wanted to get off that we thought would have significant influence and could be used, but if we're having all of these troubles at the beginning and then we're going to have a funding stream problem, this is going to be very difficult.

The people came from Shelter Island, people came from Fire Island to speak about it. I could literally pack this auditorium. Unfortunately, we don't have East End meetings anymore and people have to travel, and the travel time from Shelter Island is well over an hour-and-a-half minimum, not

counting the ferry trip.

So I would ask you to consider this. This is a problem, a vector control problem. Ticks are vectors, just like mosquitoes. We spend money, we spend millions of dollars each year on trying to control mosquitoes, because they might create disease. Last year we were lucky, we had no West Nile, which is one of the more deadly diseases carried by mosquitoes. The year before, I think we had three or four cases. There are literally hundreds of cases, if not thousands of cases, County-wide of tick bites that people now have to seek antibiotic treatment. And some people, it's devastating, because it gets undiagnosed, they don't get treated right away, and they have long-term recurring illnesses and disabilities as a result of this. This is an opportunity for us to say, okay, we've not -- we've neglected the study of ticks and the problems that they cause, and this is opportunity to fund a research program that could have multiple benefits for many people throughout Suffolk County. I would ask you to consider it. Thank you.

VICE-CHAIRMAN EDDINGTON:

Anybody else? Yes, Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Vice-Chair. If we have 20 to 30 stations that are in place now, is this -- are the people from Shelter Island aware of it?

LEG. ROMAINE:

Oh, yeah, the Supervisor --

LEG. KENNEDY:

The Mayor, the Supervisor is aware of it, and the Administrator from -- Mr. Posillico, there are stations out there in Saltaire?

MR. POSILLICO:

Yes.

LEG. KENNEDY:

And are they functioning at this point? I mean, are they doing their job?

MR. POSILLICO:

Yes. We have the Cornell representative here who was out in the field last night and he could --

VICE-CHAIRMAN EDDINGTON:

You'll have to come up to the podium there, so we can record your words.

LEG. KENNEDY:

Through the Vice-Chair, can we have them --

VICE-CHAIRMAN EDDINGTON:

Sure. Would you come up? Just identify yourself and the organization.

MR. GILRAIN:

Yes. Good afternoon. My name is Dan Gilrain. I'm the Entomologist with Cornell Extension. I just returned from Fire Island this morning also, and I'm the one who's currently responsible for implementing parts of this program, including the placement of the stations and overseeing that.

LEG. KENNEDY:

And what is it -- what's your experience so far, what are you finding? I mean, is the equipment doing the job? Are you finding it's collecting a lot of ticks? Is it --

MR. GILRAIN:

Yeah. Let me explain --

LEG. KENNEDY:

Is it managing the population?

MR. GILRAIN:

Let me explain how this device works. It's a -- basically a deer feeding station that applies a tickicide to the neck and head and ears of the deer, where most of the ticks reside. We're dealing with two kinds of ticks and both of them seem to like to reside on this location on the deer. In my estimation, they are performing well in general. Most of them are fairly well placed. The deer are using them, they're feeding at them. The ones in Fire Island are extremely heavily used. The ones on Shelter Island, some are very heavily used, some a little less, so it varies a little. But I think, in my opinion, they are doing what they're supposed to do. But we will not be able to measure their impact on the tick populations for at least another year or more, and that's why it takes a long time to see it. The way the tick life cycles work, it's just not an immediate effect. You don't see an immediate decline the day you put these devices out, it takes time for the effect to show up in the field.

LEG. KENNEDY:

Well, then let me ask you, this is deemed to be a pilot or a study, and so what are your metrics? What are your measure of effectiveness of this mechanism? How are you going to be able to come back to us and say, "It's worth us spending another 150," or whatever, or "It's not effective"?

(The following was transcribed by Kim Castiglione)

MR. GILRAIN:

I think there's several measures of effectiveness we have on this. We will be putting cameras out to show how much the deer are using it. We are taking measurements on the feed consumption to show how much corn is depleted over time and that will give you some sense of how much the deer are using these stations. So we'll have both visual as well as that kind of data to document.

We're planning to take samples of ticks in the field as well to show what their populations are right now, and to use that to measure future -- against future decline. And we're going to be measuring those not just in two different sites on Shelter Island, but also going to be conducting work in North Haven as our control site as well. That's going to be some of our main indicators of performance to see how well the devices are working.

We've talked about looking at other measures such as -- some of the DEC stations to see what the ticks are looking like on ears. We're trapping them, getting a sense for what tick populations are on deer currently also. So there's several different ways we're planning to get at this same information.

LEG. KENNEDY:

There's DEC stations that exist that are this same kind of equipment?

MR. GILRAIN:

Well, they -- no. This four poster device is exclusively permitted for use within this particular program only. So no private citizen and no other entities are permitted under the special local need conditions of registration in the State of New York. And that applies just to the State of New York. It does not apply to any other part of the country.

LEG. KENNEDY:

Okay. I'll yield. I'll yield.

VICE-CHAIRMAN EDDINGTON:

Legislator Browning.

LEG. BROWNING:

My question is the State just gave \$100,000. What are we doing with that? What are they doing with that?

MR. GILRAIN:

Well, we're not doing anything with it right at this moment. We just found out about that about a week ago and we will be coming up with a budget to decide how to spend those monies. We've had, you know, incidental expenditures that we hadn't anticipated, things that we're going to be needing funds for and those will certainly find a home. We've had expenses that we've incurred that have not been reimbursed. You may know my associate, Michael Seagraves, who is funded through my program through grants that I had brought in, totally unrelated to County funding, not taxpayer dollars that have been paid through -- to -- that I have funded to do work on this program. So those are examples of unanticipated funds that have not been reimbursed, just as an example of some things.

VICE-CHAIRMAN EDDINGTON:

Legislator Barraga.

LEG. BARRAGA:

Refresh my memory. The bactericidal being used is Permethrin?

MR. GILRAIN:

That's correct.

LEG. BARRAGA:

Mr. Kennedy brought up the scenario of whether or not DEC is involved. Isn't it true that DEC has not signed off on this bactericidal? They cannot determine it's effects, either short or long-term, on human beings?

MR. GILRAIN:

That is not DEC's role. That -- those effects have already been determined through EPA.

LEG. BARRAGA:

I understand that, but DEC normally would take a position. Their position is that they have not signed off on this bactericidal. Is that true?

MR. GILRAIN:

What do you mean signed off?

LEG. BARRAGA:

Well, they have reservations about its usage in this particular instance in terms of its long-term effects on human beings.

MR. GILRAIN:

I don't -- it's not my understanding that they have reservations concerning long-term effects on human beings. Those are pretty well spelled out in the EPA registration eligibility document which has been, I think, finalized as of last December. The issues that DEC has -- there are several things. They would like to see -- they would like to see demonstrations of efficacy. They are also interested in looking at Permethrin residues on deer. Those are the kind of things that they would like to have --

LEG. BARRAGA:

They have some reservations. They have not embraced Permethrin.

MR. GILRAIN:

They have embraced it to the extent that they have hundreds of Permethrin products registered in the state, and you can use it currently on livestock. You can use it as a tick repellent applied to your clothing, and it's currently widely used on Shelter Island and elsewhere around Long Island as a --

LEG. BARRAGA:

Have they embraced its use in this Four-Post Program, yes or no. I mean, either they have or they haven't.

MR. GILRAIN:

They've approved it. If that's the same as embracing, then I would say yes.

LEG. BARRAGA:

They have approved in this particular instance?

MR. GILRAIN:

Yes, they have indeed.

VICE-CHAIRMAN EDDINGTON:

Okay. Thank you very much.

MR. GILRAIN:

Okay, thank you.

VICE-CHAIRMAN EDDINGTON:

Okay. We have a motion and a second to table. All those in favor? Opposed? Abstentions?

LEG. KENNEDY:

I'll abstain.

VICE-CHAIRMAN EDDINGTON:

One abstention, Legislator Kennedy. **(Vote: 4-0-1-1 Abstention: Legislator Kennedy; Not Present: Chairman Mystal. Presiding Officer Lindsay included in the vote).**

IR 1182, Establishing a policy requiring the use of single-use syringes and the phasing out of multi-dose medication vials at County health centers. (Losquadro)

P.O. LINDSAY:

If I might. I thought that there was a discussion between the sponsor and the Health Commissioner on this.

VICE-CHAIRMAN EDDINGTON:

I was just going to ask the Health Commissioner to come up to address that.

COMMISSIONER CHAUDHRY:

Yes, good afternoon. Legislator Losquadro and I have continued to be in touch and we're formulating language and we hope to in the near future come up with compromised language that we can move forward on, but not at this time.

P.O. LINDSAY:

Motion to table.

VICE-CHAIRMAN EDDINGTON:

Second. All those in favor? Opposed? Abstentions? **(Vote: 5-0-0-1 Not Present: Chairman Mystal. Presiding Officer Lindsay included in the vote).**

IR 1214, Requiring that the Suffolk Health Centers remain part of the Suffolk Health Plan

Network. (Romaine).

LEG. BROWNING:

I make a motion to table.

VICE-CHAIRMAN EDDINGTON:

Motion to table by Legislator Browning. I'll second that.

P.O. LINDSAY:

Which one are we on?

VICE-CHAIRMAN EDDINGTON:

1214.

LEG. ROMAINE:

Is this my bill?

VICE-CHAIRMAN EDDINGTON:

Yes.

LEG. ROMAINE:

Could I discuss that?

VICE-CHAIRMAN EDDINGTON:

Okay. On the motion, Legislator Romaine.

LEG. ROMAINE:

I assume there's a motion to table it.

VICE-CHAIRMAN EDDINGTON:

Correct.

LEG. ROMAINE:

Okay. This is a very simple thing. As we know, maybe you don't know, the plan regarding the sale of Suffolk Health Plan is so far been kept confidential, and the details of which have not been discussed with the Budget Review Committee. And I believe the Chairman of that committee has a request in to the State regarding the degree of confidentiality.

My biggest concern, and this is why this resolution sits here, and it's something we will all have to address, there's about 14,000 members on Medicaid in the Suffolk Health Plan. Those members all use Suffolk County health centers. If we have this plan sold and we have another HMO that purchases it, HMO ABC let's say, and one of the requirements in the sale of that plan is that after a period of time that plan would have to ensure that those 14,000 members only use AMC HMO facilities. That would take 14,000 people out of the health centers and it would by necessity result in the closure of at least two to three health centers in Suffolk County. I'm told that that isn't the intention. Well, that's fine, that's why this bill is here.

This bill says you want to sell the Suffolk Health Plan, okay. That sale is approved, there has to be an agreement that those 14,000 people for the next ten years can still use Suffolk health centers, because I am concerned that the plan may be a trojan horse for not only selling the plan, but for closing health centers. I want to say that clearly on the record because that's the issue we confront here and that's why this bill was introduced.

I believe we do ourselves no harm and we do provide benefit to our health centers in the health center system that was established in this County by ensuring that the plan to sell Suffolk HMO does not imperil the very existence of several health centers in this County and that's what this bill is all

about. Thank you.

VICE-CHAIRMAN EDDINGTON:

Mr. Zwirn, did you want to comment on that?

MR. ZWIRN:

Any deal with the Suffolk Health Plan has to come back before the Legislature. It will be discussed, it will be debated. I'm sure it will be debated at length. This bill is, again, premature. Let's wait to see what the facts are, let's see what comes back, and you'll have -- you have the last word. We've discussed this going back to the time when the budget was adopted. It became an issue of the debate and it was made very clear at that time, because it was in the budget, the sale of the health plan was in the budget for about \$16 million. The budget was approved with that. But even with that, that sale has to come back to the Legislature for their approval. The County Executive cannot do this on his own, so I would just say that this is just premature at this time.

VICE-CHAIRMAN EDDINGTON:

Okay. Because I do definitely agree with Legislator Romaine's sentiments and the security of our health centers but -- okay.
Legislator Kennedy.

LEG. KENNEDY:

With all due respect, Mr. Zwirn, what I would suggest to you at this point is just earlier this week we took steps to go forward on a major revision of the '08 Operating Budget in authorizing a variety of different steps to be taken, a reduction of, you know, several funding categories, and we did that because we all agree that we need a sufficient amount of time to ferret out what, in fact, we're actually going to select to implement the reductions we have to have. By not knowing some of the particulars associated with how the plan is being marketed we may very well be faced with not enough time to make any kind of further suggestions or choices as to the terms of the deal when it's presented to us. If, in fact, we see a buyer who's willing to participate with County health centers for a maximum of maybe 12 months presented to us in September or October and we resist that deal, we'll have no time or alternative to come up with an alternative to the \$16 million. So, yes, we have a choice, but the question is do we have the time to make the choice? And that's some of what this is trying to help us with now.

Now, maybe the terms of the deal aren't inked out yet, we don't know. It's all supposition on our part. That's what it's to get at.

MR. ZWIRN:

When it comes back to the Legislature, the Legislature will decide it in its own due time. And if they're not satisfied the questions have not been sufficiently answered or they are not happy with the deal, they will either vote no or they will ask additional questions. You will not be driven by the clock. If the deal runs past, the money would be in the following years budget, but it would be credit. I mean, if you're not happy with it, hopefully the deal will come back and it will be such a good deal and so transparent that you'll say this is a terrific thing for the County and you'll support it. If not --

LEG. KENNEDY:

Do you have any idea as to the timeframe at this point? Has there been --

MR. ZWIRN:

I don't know. I think it's sooner than later, but it's not --

LEG. KENNEDY:

Does Mr. Brown know?

MR. BROWN:

Sooner rather than later would be the better answer. I can tell you --

MR. ZWIRN:

That's legalese.

MR. BROWN:

I can tell you that negotiations are going on presently.

LEG. KENNEDY:

You're in good hands, huh?

MR. ZWIRN:

You already knew that.

LEG. KENNEDY:

Yeah, I knew that.

VICE-CHAIRMAN EDDINGTON:

Legislator Romaine.

LEG. ROMAINE:

Just one very quick comment with all due respect. The Executive isn't the only one in power to set up the conditions for this deal. We have the power as a Legislature to say this is one condition of the deal we want to see in that deal. We don't want to go back and get a deal that doesn't have that and then have to reject it and then have a budget problem. We need to send a very clear signal that our health centers will be saved. We need to send that signal now. We need to say as part of this deal now that a ten year agreement should be negotiated and if there isn't a ten year agreement, then no deal. And we can do that with this resolution. If we don't do it now, if we do not say it now, you know what's going to come over. We all know what's going to come over.

MR. ZWIRN:

I don't know.

LEG. ROMAINE:

There'll be a temporary moment that they can stay in the health plan -- in the health centers, and then they'll be drawn back into the services and under the financial control of whatever the HMO that buys this does, and we will take 14,000 people or more out of our health centers and we will collapse the health center system in this County. This is a very simple bill. It allows this Legislature to set a condition for approval. If we do not do this now, we will confront this problem in a much bigger and unmanageable way much later. Thank you.

VICE-CHAIRMAN EDDINGTON:

Mr. Zwirn, have you gotten the signal? I think he's verbalized -- I think the signal has been set whether it's Legislative or verbal you're hearing what the intent is here, so.

MR. ZWIRN:

Oh, we understand. Again, nothing is going to be done without the approval of the majority of the Legislature, and it's going to be an open -- and I'm sure there'll be a very spirited debate about it and a lot of questions will be asked, and then at the appropriate time they will all be answered.

VICE-CHAIRMAN EDDINGTON:

Okay. Thank you. We have a motion and second to table. All those in favor? Opposed? Abstentions?

LEG. KENNEDY:

I'll abstain.

VICE-CHAIRMAN EDDINGTON:

One abstention, Legislator Kennedy. **(Vote: 3-0-1-1 Abstention: Legislator Kennedy; Not Present: Chairman Mystal).**

IR 1229, To ensure taxpayer money is used only to house Department of Social Services recipients in housing accommodations that meet applicable building codes. (Romaine)

P.O. LINDSAY:

I'll make a motion to table.

VICE-CHAIRMAN EDDINGTON:

Motion to table by Legislator Lindsay. Did you want to make a second? Is there a second?

LEG. BROWNING:

Yeah, I'll second.

VICE-CHAIRMAN EDDINGTON:

Legislator Browning seconds it and she'd like to address the issue.

LEG. BROWNING:

You know, I am a cosponsor on this bill, and I appreciate that Mr. Romaine is trying to resolve some of our problems that we have. However, you know, I'm looking at what we can and can't do within that bill. I'm looking at what the State laws are. Roland Hampson can tell you how many days and how many times in one day he gets calls from me on problem homes in the community. I understand that, you know, these DSS clients have a right to privacy and that you cannot, you know, if they're paying their rent does the landlord necessarily know that he's a DSS client? Maybe not. And they have that right to that confidentiality.

I have been working on a bill. I've worked on this with the County Executive and with Christine Malafi to have something that will actually work and that is doable. We did meet with some of the civic leaders in the William Floyd School District last night with the County Executive, and we discussed this bill and what we were trying to do. We have reached out to town supervisors to get their cooperation because, truly, we can't go to them and give them the names of these clients, but they can hand us the names and the addresses of homes that are problems.

So we need to do -- it needs to be a coordinated effort between the towns and the County, and, again, to make sure that we're not violating any State laws. So I do have a bill that we are going to be laying on the table on Tuesday, and for that reason is why I want to table this bill and, you know, hopefully, you can agree that this is more doable, it will work, and that's about it.

VICE-CHAIRMAN EDDINGTON:

Thank you. Legislator Romaine.

LEG. ROMAINE:

While I would have appreciated a call prior to the meeting today, Legislator Browning, I clearly would be happy to take a look at your bill. This bill has been revised. There was some objections in the past by Mr. Cooper and others, and I've revised the bill to meet every one of those objections. Let me ask Counsel before I make any further statements. Is there anything in this bill that is illegal or contradicts State law, Counsel?

MR. NOLAN:

Well, I -- the part about removing people from their homes as a strict policy may be problematic from the State DSS point of view.

LEG. ROMAINE:

Does it conflict with State law?

MR. NOLAN:

I don't believe it's a statute, but it may be a rule and regulation of the State Department of Social Services.

LEG. ROMAINE:

Okay. This law was introduced and everyone understands the reason why. We are spending taxpayers dollars to fund landlords of homes that have substandard conditions, that have code violations, that don't have CO's, that don't have rental permits, that have major code violations. We are spending taxpayers dollars to subsidize slum landlords. We are spending taxpayers dollars to create slum conditions that further devalue the properties surrounding them of hard working taxpayers. We are using this government and it's funding to do exactly that.

This bill is an attempt to put an end to that. This says that taxpayers dollars should only be used to house Social Service clients in housing accommodations that meet applicable building codes. We revised this so a minor building code would not create a problem. We're talking about major substantial building code violations. We're talking about slum conditions. We're talking about enriching slum landlords. We're talking about creating slum conditions in neighborhoods. We're talking about devaluating the properties of those who live around these homes.

I would hope, because I can see this committee wants to table many of the bills before it today, I would hope that Legislator Browning's bill is more effective. Something, if it is, I certainly will be happy to join with you as you have joined with me in cosponsoring. But the goal remains unchanged. And I will come back to this time and time again. A government should not use its funds to destabilize neighborhoods. It's wrong and, in fact, in my view, it's immoral. Thank you.

MR. BROWN:

Mr. Chair, may I just add, please?

VICE-CHAIRMAN EDDINGTON:

Sure.

MR. BROWN:

Just in support of what Legislator Browning said and also with respect to what Mr. Nolan said. He's absolutely correct with respect to the regulations. It's also in the State statute as well, and it is an area that's heavily preempted by the New York State Social Services Law. There are some remedies that the Department of Social Services has, but unfortunately they don't go to the extent that is reflected in this bill.

VICE-CHAIRMAN EDDINGTON:

Legislator Browning, do you have a question?

LEG. BROWNING:

So there is I believe the fourth whereas clause where it's saying that the -- am I on the right clause? Sorry. I'm going to have to get glasses. That the landlord should be notified. Now that's my understanding is that State law, the landlord cannot be notified.

MR. ZWIRN:

That's the other one.

MR. BROWN:

Yeah, that's 1270 with the notification to the landlords, but you are correct in that respect also.

LEG. BROWNING:

Okay. Sorry.

MR. BROWN:

That would be viewed as an unauthorized disclosure according to the opinion of Office of Legal Counsel for the Office of Temporary and Disability Assistance.

LEG. BROWNING:

And, you know, I know what Legislator Romaine's getting at. In fact, his son is my Councilman. You can ask your son how many letters he has received from my office since January -- probably about an inch thick of problem homes in the community, and I want to work with him on that problem. And like I said, you know, the problem is is we have so many of them that there are, you know, again, it's how many can we do in one shot. And I can tell you, again, I'll say it again, Roland Hampson gets numerous calls from my office, I'm sorry, Rowland, but he does every single day, for more than one home at a time. So, you know, I know that this bill that I'm going to be introducing with the County Executive is going to work because we do have the cooperation of the towns.

VICE-CHAIRMAN EDDINGTON:

Okay. Then we have a motion and a second. All those in favor? Opposed?

LEG. BARRAGA:

Opposed.

VICE-CHAIRMAN EDDINGTON:

One opposed. Okay. No abstentions. **(Vote: 4-1-0-1 Opposed: Legislator Barraga; Not Present: Chairman Mystal. Presiding Officer Lindsay included in the vote).**

INTRODUCTORY RESOLUTIONS

IR 1268, Amending the 2008 adopted Operating Budget to accept and appropriate 100% additional state aid from the New York State Office of Alcoholism and Substance Abuse Services (NYS OASAS) and to transfer funding from current appropriations for Outreach Development Corporation (Project Outreach ICM). (Co. Exec.). I'll make a motion to approve.

LEG. BROWNING:

Second.

VICE-CHAIRMAN EDDINGTON:

Second by Legislator Browning. Put it on the Consent Calendar. All those in favor? Opposed? Abstentions? **(Vote: 4-0-0-1 Not Present: Chairman Mystal)**

IR 1270, Requiring the Department of Social Services to notify landlords when a tenant is denied further benefits. (Romaine). Do I have a motion?

LEG. BROWNING:

Motion to table.

VICE-CHAIRMAN EDDINGTON:

Motion to table. I'll second that. You look like you wanted to say something.

MR. ZWIRN:

This is just we asked the State to take a look at this and they came back with a letter saying that it

was not appropriate, it was illegal. It would be conflict with their State mandate.

VICE-CHAIRMAN EDDINGTON:

Legislator Romaine.

LEG. ROMAINE:

I would appreciate in the future if you could send that correspondence to me since I'm the sponsor of this. That would have been nice to share and not take up the committee's time if it was unnecessary.

Let me tell you why this resolution is forthcoming. Most of our resolutions don't come from great ideas, they come from small and simple acts. I have a lady that cleans my office. She's a County employee. She's a widow, her husband died ten years ago. She's got four children, two of them are in college. One of the people that she came in contact with was a pregnant woman that was homeless, living on someone's couch. She went -- the pregnant woman went to Social Services and said if I rent a room from this cleaning woman, will I be eligible? She was told by someone at Social Services, absolutely. Based on that, this widow went out, fixed up that room, got food, and so forth. The woman lived there for several months and her Social Service payments weren't coming.

What happened was the pregnant woman had an appointment with Social Services and didn't make it, and as a result under their rules was disqualified from assistance. However, she never found out about it and she had to incur these expenses when she could least afford it. Came to my office, I wrote the Commissioner about it. I got no response from the Commissioner until I made a huge stink because several weeks later they responded to the client and not to myself, and then I got a response because the Commissioner heard of my displeasure with that. But clearly there was something wrong in Social Service policy when someone was given a commitment to do this and then never got notified that the person they had taken in became ineligible.

So whether this law is legal or not and I'll wait, and by the way, for this committee if I get that letter I will withdraw it because I had spoke to Counsel, none of these ideas are original in terms of legal drafting. I asked Counsel for assistance and he did not indicate at that time that there was a legal problem. If there is I will withdraw it. But clearly I'm mentioning this because something should be done regarding the rules and regulations of Social Service because it has in its application devastating affects on people who can less afford to have those effects visited on them. Thank you very much, Mr. Chairman.

VICE-CHAIRMAN EDDINGTON:

Okay. I have a motion and a second. All those in favor? Opposed? Abstentions?

LEG. BARRAGA:

Negative against the tabling.

VICE-CHAIRMAN EDDINGTON:

Okay. One negative. **(Vote: 3-1-0-1 Opposed: Legislator Barraga; Not Present: Chairman Mystal)**

IR 1280, Amending the 2008 adopted Operating Budget to accept and appropriate 100% additional federal and state aid from the New York State Office of Alcoholism and Substance Abuse Services (NYS OASAS) to various contract agencies for a cost of living adjustment (COLA). (Co. Exec.).

I'll make a motion to approve. Legislator Browning will second it, to put it on the Consent Calendar. All those in favor? Opposed? Abstentions? **(Vote: 4-0-0-1 Not Present: Chairman Mystal)**

IR 1281, Amending the 2008 adopted Operating Budget to accept and appropriate 100% additional federal and state aid from the New York State Office of Alcoholism and

Substance Abuse Services (NYS OASAS) for Pederson-Krag Center. (Co. Exec).

I'll make the same motion, same second. All those in favor? Opposed? Abstentions? **(Vote: 4-0-0-1 Not Present: Chairman Mystal).**

IR 1282, Amending the 2008 adopted Operating Budget to accept and appropriate 100% additional federal and state aid from the New York State Office of Alcoholism and Substance Abuse Services (NYS OASAS) for various chemical dependency agencies. (Co. Exec.)

Same motion, same second. All those in favor? Opposed? Abstentions? **(Vote: 4-0-0-1 Not Present: Chairman Mystal).**

I have a motion to adjourn from Legislator Kennedy, and second by Legislator Barraga. Thank you very much.

[THE MEETING WAS ADJOURNED AT 3:21 P.M.]