

**HEALTH AND HUMAN SERVICES COMMITTEE**  
**OF THE**  
**SUFFOLK COUNTY LEGISLATURE**

**Verbatim Transcript**

A regular meeting of the Health and Human Services Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Thursday, November 20, 2009 at 2:00 p.m.

**MEMBERS PRESENT:**

Legislator Kate Browning, Chairperson  
Legislator Tom Barraga  
Legislator Jack Eddington  
Legislator DuWayne Gregory

**MEMBERS NOT PRESENT:**

Legislator John Kennedy

**ALSO IN ATTENDANCE:**

George Nolan, Counsel to the Legislature  
Sarah Simpson, Assistant Counsel to the Legislature  
Barbara LoMoriello, Deputy Clerk of the Legislature  
Craig Freas, Budget Review Office  
Diane Dono, Budget Review Office  
Paul Perillie, Aide to Majority Caucus  
Linda Bay, Aide to Minority Caucus  
Robert Calarco, Aide to Legislator Eddington  
William Shilling, Aide to Presiding Officer Lindsay  
Skip Heaney, Commissioner of Economic Development  
Lynne Bizzarro, County Attorney's Office  
Greg Blass, Chief Deputy, SC Department of Social Services  
Linda O'Donohoe, Assistant to Commissioner of Dept. of Social Services  
Ken Knappe, Dept of Social Services  
Dr. Linda Mermelstein, Acting Commissioner, SC Department of Health Svcs. Matt Miner, Deputy Commissioner, SC Department of Health Services  
Dot Kerrigan, AME Legislative Director  
Other Interested Parties

**VERBATIM TRANSCRIPT TAKEN BY:**

Lucia Braaten, Court Stenographer

**[THE MEETING WAS CALLED TO ORDER AT 2:10 P.M.]**

**CHAIRPERSON BROWNING:**

Good afternoon. Please rise for the Pledge of Allegiance, led by Legislator Barraga.

**(\*Salutation\*)**

Good afternoon and welcome to Health and Human Services. No cards?

**MS. LOMORIELLO:**

No cards.

**CHAIRPERSON BROWNING:**

Excellent. I see we do have our Commissioners here, if -- do you have any reports or anything you'd like to comment on?

**COMMISSIONER BLASS:**

Madam Chairman, we were only here in case there's questions about the resolutions that affect the Department.

**CHAIRPERSON BROWNING:**

Okay. Anybody else? You want to hold off on the bills, just wait until the bills get here? Okay. No problem. Okay. We will start with Tabled Resolutions.

**TABLED RESOLUTIONS**

***1714 - Adopting a Local Law to prohibit the use of tanning facilities by minors  
(Viloria-Fisher)***

**LEG. EDDINGTON:**

Motion to table.

**CHAIRPERSON BROWNING:**

Motion to table, Legislator Eddington. Second?

**LEG. BARRAGA:**

Second.

**CHAIRPERSON BROWNING:**

Legislator Barraga. All in favor? Opposed? Abstentions? Okay, it's tabled. ***(Vote: Tabled  
4-0-0-1 Not Present: Leg. Kennedy)***

***1757 - Authorizing Resolution No. 348-2009 be rescinded which appropriated 100% State Aid from the New York State Office of Mental Health to the Brookhaven Memorial Hospital (Center) (Co. Exec.).*** Matt Miner is here.

**MR. MINER:**

We'd ask for that to be tabled, please.

**CHAIRPERSON BROWNING:**

Oh, you want it tabled? Oh, I thought we were going to pass it today.

**LEG. EDDINGTON:**

Through the Chair. I thought that Brookhaven Town has -- Brookhaven Hospital side had said that they found the alternative funding source.

**MR. MINER:**

They have, and they've had discussions with the State, but you had requested a letter and they had not gotten a letter from DOH. If you're okay, then we can go forward. But if you need a letter from DOH, that I'd have to ask for it to be tabled.

**LEG. EDDINGTON:**

No. You know what, I'm always trying to be a good partner with any of the branches of government. So I'm okay with that, yeah, sure.

**MR. MINER:**

Then we're fine.

**LEG. EDDINGTON:**

Your word is good enough for me.

**MR. MINER:**

Then we're fine. Please, proceed.

**LEG. EDDINGTON:**

Then I'll make a motion to approve.

**CHAIRPERSON BROWNING:**

Motion to approve, Legislator Eddington, I'll second. All in favor? Opposed? Abstentions? Okay. Motion is approved. **(Vote: Approved 4-0-0-1 Not Present: Leg. Kennedy)**

### **INTRODUCTORY RESOLUTIONS**

*Okay. 1928 - A Local Law to improve the safety of the youth sports programs in Suffolk County and increase awareness of the dangers of head injuries (Beedenbender).* Is this a new resolution.

**MR. NOLAN:**

This is public hearing.

**CHAIRPERSON BROWNING:**

Okay. Okay. So I'll make a motion to table for Public Hearing; second, Legislator Barraga. All in favor? Opposed? Abstentions? Okay. It's tabled for Public Hearing. **(Vote: Tabled 4-0-0-1 Not Present: Leg. Kennedy)**

*1966 - Appoint member to Teen Pregnancy Task Force, Marcia Spector (Viloria-Fisher).* I'll make a motion to approve.

**LEG. EDDINGTON:**

Second.

**CHAIRPERSON BROWNING:**

Second, Legislator Eddington. Okay. There was a motion and a second. I know she's not here, but I know that she's a Director for SNAP, the organization which will be very much involved in that. So we will pass it here at the Committee and maybe we'll have her come on Tuesday; is that okay with everybody?

### **[AFFIRMATIVE RESPONSE FROM LEGISLATORS]**

Okay. So there was a motion and a second. All in favor? Opposed? Abstentions? Okay. The motion's approved. **(Vote: Approved 4-0-0-1 Not Present: Leg. Kennedy)**.

Accepting -- **1971 - Accepting and appropriating 100% grant funding in the amount of \$600,000 from the New York State Office of Temporary and Disability Assistance to the Suffolk County Department of Social Services for Green Jobs Corps Program and authorizing the County Executive and the Commissioner of Social Services to execute a contract (Co. Exec.).** I guess I'll make a motion to approve and place on the Consent Calendar.

**LEG. BARRAGA:**

Second.

**CHAIRPERSON BROWNING:**

Second, Legislator Barraga. All in favor? Opposed? Abstentions? It's approved. **(Vote: Approved 4-0-0-1 Not Present: Leg. Kennedy).**

**1972 - Approving the Vector Control plan of the Department of Public Works Division of Vector Control pursuant to Section C8-4(B)(2) of the Suffolk County Charter (Co. Exec.).** I'll make a motion to approve.

**LEG. EDDINGTON:**

Second.

**CHAIRPERSON BROWNING:**

Second, Legislator Eddington. All in favor? Opposed? Abstentions? Approved. **(Vote: Approved 4-0-0-1 Not Present: Leg. Kennedy).**

**MS. LOMORIELLO:**

Excuse me. What was that?

**CHAIRPERSON BROWNING:**

17 -- 1972. Okay. You good?

**MS. LOMORIELLO:**

Yes.

**CHAIRPERSON BROWNING:**

Okay. **1984 - Directing the Department of Social Services to expend remaining 2009 funds for the Middle Income Home Energy Assistance Program (MI-HEAP) (Horsley).** Motion to approve, Legislator Gregory.

**LEG. GREGORY:**

I have it as a motion to table.

**CHAIRPERSON BROWNING:**

Really? Okay.

**LEG. GREGORY:**

Because the -- this was addressed through a CN at our last meeting.

**CHAIRPERSON BROWNING:**

Oh, yes, wasn't it?

**MR. NOLAN:**

The CN, not directly. I think the CN was to add \$50,000 for this year to what was already budgeted. This is -- this resolution is saying spend the money we've already put in the budget for this year.

**CHAIRPERSON BROWNING:**

Okay. You know, I think you're right, I think the sponsor did request a table on it, I believe so.

**COMMISSIONER BLASS:**

If we may, Madam Chairman?

**CHAIRPERSON BROWNING:**

Yes, please.

**COMMISSIONER BLASS:**

Thank you. I have with me Ken Knappe, who is in charge of the HEAP Program and MI-HEAP. And I just wanted him to speak, if he could, on the issue of this being a 2009 program for the Year 2009, but, yet, having a delay in its implementation given that we only have a few more weeks left in the year to carry this out, because what is unexpended by December 31st is then unexpended. So, if I could, Madam Chair, I'll turn it over to Ken.

**CHAIRPERSON BROWNING:**

Sure.

**MR. KNAPPE:**

It is my understanding that the resolution that was passed by a Certificate of Necessity the other evening is not -- it's part and parcel also of this resolution, or it could be viewed. One doesn't usurp the other one. The Certificate of Necessity the other night added 50,000 to the program. This gives the guidelines of how the Department can administer the MI-HEAP Program going forward in the last month of the 2009 calendar year, the first month of the HEAP winter season.

**CHAIRPERSON BROWNING:**

Any other questions? Yeah.

**COMMISSIONER BLASS:**

We have no -- the point is, this particular resolution, we have no problem with your tabling it.

**MR. NOLAN:**

Do you have any problems moving it?

**CHAIRPERSON BROWNING:**

But do you have a problem -- yeah, really. And -- okay. Because --

**MR. KNAPPE:**

We're going forward with the MI-HEAP Program, similar to how it was done last season, thirty-five percent above and beyond the regular heap standards. A \$500 benefit for 2009 would come out of that \$159,000 that was made available, the 109,000 plus the 50,000 added by the Certificate of Necessity. So the CN that night supplied 159,000, so we're planning on going ahead on November 30th with that.

**CHAIRPERSON BROWNING:**

Okay.

**COMMISSIONER BLASS:**

Right. November 30th is the starting date for the MI-HEAP in 2009 program.

**CHAIRPERSON BROWNING:**

But you do intend to spend the 109, right?

**MR. KNAPPE:**

Not only a -- the 159. The 109 original --

**CHAIRPERSON BROWNING:**

Plus the 50.

**MR. KNAPPE:**

-- plus the 150.

**CHAIRPERSON BROWNING:**

Okay. But why are we tabling this? I'm not sure why we're doing that, because this is to say to spend the money.

**MR. KNAPPE:**

I think the Department is fine either with this being tabled or it being approved. The \$159,000 is available, and we're going forth on November 30th with commencing the MI-HEAP Program until the funds are exhausted.

**CHAIRPERSON BROWNING:**

Okay. I'm not sure. Like I believe the sponsor was saying to table it, but what we will do, since I don't mind passing it out of committee, and if that's what he chooses to do next week, we can do that.

**LEG. GREGORY:**

Okay. Yeah, I think my understanding was that the sponsor had put this bill forward just in case his negotiations with the County Executive's Office didn't go through and this would kind of be as a backup. But since the CN passed, there's no longer a need for this particular bill. But we can -- we could pass it anyway as -- you know, and just table it.

**CHAIRPERSON BROWNING:**

Okay. So we'll pass it today and let the sponsor make the decision when it gets to the floor; okay? So I think there was --

**LEG. EDDINGTON:**

I'll second.

**CHAIRPERSON BROWNING:**

I made a motion or did you?

**LEG. EDDINGTON:**

I think you did.

**CHAIRPERSON BROWNING:**

I made the motion, Legislator Eddington made the second to approve. All in favor? Opposed? Abstentions? Okay, it's approved. So, I guess, if you want to -- we'll reach out to Legislator Horsley, find out what he wants to do by Tuesday, or whenever it is we meet.

**COMMISSIONER BLASS:**

Thanks.

**CHAIRPERSON BROWNING:**

Okay. *2021 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with the South Shore Regional Health Center (Co. Exec).* Motion to approve, Legislator Gregory.

**LEG. GREGORY:**

Uh-uh.

**CHAIRPERSON BROWNING:**

No?

**LEG. GREGORY:**

I have questions.

**CHAIRPERSON BROWNING:**

Oh, you have questions. Okay. Then we -- I guess, Matt, if you can come up and answer the questions he has. It's all yours.

**LEG. GREGORY:**

Have we heard from the State as far as -- because this bill would be to make the improvements at the Brentwood Center, correct?

**MR. MINER:**

No, sir.

**LEG. GREGORY:**

No?

**MR. MINER:**

This bill simply takes the 5 million dollars from the 2009 Operating Budget and places it into the Capital Budget, regardless of where we ultimately build the facility. The Operating Budget that was approved by the Legislature and the County Executive has that money out of the operating for next year and into Capital. It's strictly just a move, it doesn't say where we're building.

**LEG. GREGORY:**

But it says same 5 million dollar HEAL Grant, though.

**MR. MINER:**

It's the 5 million dollar HEAL Grant, yes, but the Space Committee has not ruled -- they met yesterday, but two of the members, because of I guess hearings, there was conflicts, did not meet. So the Space Committee has not made a final determination as to where to build a facility, whether at the current Brentwood facility or at a new facility. This is simply putting the money in Capital, preserving it, so that when a decision is made, we'll have it -- we'll have it available to us.

**LEG. GREGORY:**

So we have the money, but we have to move it to the Capital Budget.

**MR. MINER:**

It was in an Operating account for this year.

**LEG. GREGORY:**

Okay.

**MR. MINER:**

Next year's budget, it's not in next year's Operating account.

**LEG. GREGORY:**

Oh, okay.

**MR. MINER:**

So it's gone, unless we move it.

**LEG. GREGORY:**

Okay.

**MR. MINER:**

So, this, when you adopted the -- when you adopted the Operating Budget, this is almost like a companion to that.

**LEG. GREGORY:**

Okay.

**MR. MINER:**

All right? And it simply just moves it into the Capital accounts. So once the Space Committee makes a determination as to where and how to proceed with the regional center, we will have that money in a Capital line set up and ready to go.

**LEG. GREGORY:**

Okay. All right. Thank you.

**CHAIRPERSON BROWNING:**

Craig, no comment? Okay.

**MR. FREAS:**

The funding was originally accepted from the State in late 2008, and, as Matt said, it was accepted into the Operating Budget under an Operation Budget appropriation. Given the nature of the project, it's probably better to have it in the Capital Budget because it's a multi-year project. And the funding, it affects neither budget, because the funding has not been recognized, even though we know how much we're theoretically getting. We haven't gotten anything yet and we haven't spent anything yet, so.

**CHAIRPERSON BROWNING:**

George.

**MR. NOLAN:**

I just have a question for Budget Review. They don't know how they're going to spend the money on this, but I assume there's going to be a bonding resolution with this at our next meeting; correct?

**MR. FREAS:**

There would have -- I don't --

**MR. MINER:**

It's a grant.

**MR. FREAS:**

It's a grant.

**MR. NOLAN:**

Okay.

**MR. FREAS:**

It's a grant, so it's State funding.

**MR. NOLAN:**

It's going into the Capital Program as a grant, so there won't be any bonds.

**MR. FREAS:**

Right, there's no bond currently associated with the capital project.

**CHAIRPERSON BROWNING:**

You okay?

**LEG. GREGORY:**

Uh-huh.

**CHAIRPERSON BROWNING:**

Okay. You want to make a motion, yeah?

**LEG. GREGORY:**

I make a motion.

**CHAIRPERSON BROWNING:**

Okay. Motion, Legislator Gregory; second, Legislator Eddington. All in favor? Opposed? Abstentions? Okay. It's approved. **(Vote: Approved 4-0-0-1 Not Present: Leg. Kennedy)**

Okay. **2022 - Creating a Suffolk County Health Center Financial Review Committee (Co. Exec.)**. I'll make a motion to approve.

**LEG. BARRAGA:**

Second.

**CHAIRPERSON BROWNING:**

Second, Legislator Barraga. Any questions on this? Okay. Matt, this is about the FQHC?

**MR. MINER:**

Yes. It's basically the resolution that I spoke about at the last meeting where we had the presentation, and I had a -- did have an opportunity to speak to many of you regarding this. And this simply forms a committee to discuss options.

**CHAIRPERSON BROWNING:**

Okay. So we had a motion and second. All in favor? Opposed? Abstentions? Motion carries. Matt, you might want to come back up again anyway.

The next one, **2044 - Directing the Department of Health Services to implement amendments to the Suffolk County Sanitary Code requiring the posting of caloric content on menus (D'Amaro)**. I know, Dr. Mermelstein, you had called me on this. I'll make a motion to table.

**LEG. EDDINGTON:**

Second.

**CHAIRPERSON BROWNING:**

Second, Legislator Eddington. And Dr. Mermelstein?

**DR. MERMELSTEIN:**

The reason that we had concerns with this resolution is that the Board of Health had gone through a review process and had held hearings and had heard from the community, from the businesses that were involved, and also from our staff. And in terms of implementing the standards that were outlined by the Board of Health, our Department feels that the best way to do that is to work with the businesses to help review their plans and get them in compliance before they actually make the expense of purchasing the signage. There are about 100 franchises that would be involved, which represents about 900 different locations, and the average cost of the signage at each of those places is about fifteen hundred to \$2,000. So we had felt that the best methodology would be to work with the agencies in advance, make sure that their interpretation of the regulation is correct before they

go out and make the expenses of the signage. So those were really our thoughts on this.

**CHAIRPERSON BROWNING:**

I was at all of those meetings also and I do remember some of the business owners requesting that they get more time than what we're actually giving them. I've spoken with an owner of McDonalds in my District and he was concerned about he's going to have to change his signs, make new signs, and what if Federal or State laws change within the year, that now he's going to have to make more new signs. And, you know, that was my concern was the economy and forcing these business owners to spend money where it may not necessarily need to be done. So I don't know if anybody has any questions.

**LEG. GREGORY:**

Madam Chair, thank you. The -- New York City has this, has imposed this, this display of the caloric content. Have we spoken to them? And how long did it take them to go through this process and --

**DR. MERMELSTEIN:**

Our staff and the Board of Health in drafting the standards actually reached out to New York City and modeled our -- the standard after theirs. Nassau County, I believe I spoke with their Commissioner and she is doing this, her staff has done the same thing. So it really pretty much mirrors New York City, except for the things that don't apply to us in Suffolk; it's basically the same.

**LEG. GREGORY:**

I mean, once New York City decided to go forward, did it take them six months, did it take them a year, 18 months; how long did that process --

**DR. MERMELSTEIN:**

I don't know the answer. I could find that out, unless if Legislator Browning remembers from the hearings.

**CHAIRPERSON BROWNING:**

Sorry. You know what, I don't remember the time frame. But again, you know, Dr. Mermelstein says about the staff and the capability to implement it in that time frame, there's a concern.

**DR. MERMELSTEIN:**

We had additional concerns of, you know, any legal issues because the Board of Health went through a whole review process here, public hearings to sort of just -- you know, just to go away from that process, we felt there might be some legal challenges as well.

**LEG. GREGORY:**

Okay.

**CHAIRPERSON BROWNING:**

Anyone else? Okay. So with that, there was a motion to table and a second. All in favor? Opposed? Abstentions? Okay, it's tabled. **(Vote: Tabled 4-0-0-1 Not Present: Leg. Kennedy)**

And with that, no more business. I guess we're adjourned.

***[THE MEETING WAS ADJOURNED AT 2:28 P.M.]***