

HEALTH AND 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 Friday, November 12, 2010 at 2:00 p.m.

MEMBERS PRESENT:

Legislator Kate Browning, Chairperson
Legislator Vioria Fisher, Vice-Chair
Legislator John Kennedy
Legislator Tom Muratore

MEMBERS NOT PRESENT:

Legislator Jack Eddington - Excused

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Alicia Howard, Clerk's Office
Dr. James Tomarken, Commissioner, Suffolk County Department of Health
Janet DeMarzo, Deputy Commissioner, Suffolk County Department of Health
Theresa Saunders, Suffolk County Department of Health
Dr. Shaheda Iftikhar, Suffolk County Department of Health
Rajit Iftikhar, Half Hollow Hills West High School
Greg Blass, Commissioner, Suffolk County Department of Social Services
Ed Hernandez, Deputy Commissioner, SC Department of Social Services
Linda O'Donohoe, Suffolk County Department of Social Services
Dennis Brown, County Attorney's Office
Paul Perillie, Aide to Majority Caucus
Mike Pitcher, Aide to Presiding Officer Lindsay
Kara Hahn, Aide to Presiding Officer Lindsay
Stefanie Fisher, Aide to Legislator Vioria-Fisher
Steve Tricarico, County Executive's Office
Linda Lynch, AME
Chris Destio, John J. Foley Skilled Nursing Home
Robert DeBona, Village Clerk M.B. - President MBPOA
George Barnes, Suffolk County Resident
Andrea Spilka, Southampton Town Civic Coalition
Rick Brand, Newsday
Other Interested Parties

MINUTES TAKEN BY:

Alison Mahoney, Court Stenographer

MINUTES TRANSCRIBED BY:

Kim Castiglione, Legislative Secretary

(The meeting was called to order at 3:17 P.M.)

CHAIRPERSON BROWNING:

We'll begin our Health and Human Services Committee meeting -- yeah, we do have a quorum. We'll start with the Pledge of Allegiance led by Legislator Muratore.

Salutation

CHAIRPERSON BROWNING:

I only have one card. What I will do is we'll do the public portion and Dr. Iftikhar, it is nice to see. I see you have your son here for the presentation, but we will start, we have George Barnes.

MR. BARNES:

Does that work?

CHAIRPERSON BROWNING:

Keep your finger on the button.

MR. BARNES:

Good afternoon, ladies and gentlemen. Thank you for the opportunity to speak. I have been privileged to speak once before. Many of you probably remember I was here several months ago. My name is George Barnes. I'm a disabled Vietnam Veteran and a lifelong resident of Mastic Beach. I have a son, Christopher Barnes, a U.S. citizen born in St. Charles Hospital, March 2, 1973, who I am pleased to say is currently a resident at J.J. Foley Skilled Nursing Facility in Yaphank, having been transferred there from Sawbridgeworth, England, on the 26th of October.

Several weeks ago I was privileged to discuss Chris's case with you folks here in Hauppauge. On April 21, 2005, five and a half years ago, Chris sustained an anoxic brain injury following cardiac arrest while jogging in central London. He has tetraplegia, he has cortical blindness, and he has severe cognitive and communicative disabilities. He is doubly incontinent and he is fully dependent on all his carers for all his needs. Chris is mobile using a specially adapted wheelchair.

I would like to share with you now, I could if somebody would take them up, I have several pictures of when Chris arrived in the U.S. at JFK Airport, the first time he's reached U.S. soil in six years. He was picked up at JFK by four AMT's from Mastic Beach Ambulance Company. We were able to have him taken by Mastic Beach Ambulance to J.J. Foley, where he was received at J.J. Foley by I guess 24 people, including the Honorable Madam Chairman, Kate Browning, who was there also. I think you can see from these pictures, his look on his face when he first touched U.S. soil in six years by his pictures and the smile on his face. The bald guy is obviously me, the one with the long blond hair was his mother, and it's the first time he touched U.S. soil.

Chris was a male model for Ford agency. He was perfectly fit. He was a male athlete, he was a stellar basketball player. He graduated scholar/athlete from SUNY Albany. No cause was ever determined for his heart failure. He was featured in several magazines including Men's Health Magazine three months before his tragedy. Coincidentally, this tragedy occurred when his step mom and I landed at Heathrow Airport for a vacation with him, his wife and his one and a half year old son. We never got to see him. He never picked us up. He never showed up and I just said, "Well, this is typical, Dad always has to wait, no change." Well, he never showed up because he was in the hospital in a coma, and his wife picked us up. So that was the first setback and that was the first time we had seen him. We went to London and he was in Charing Cross Hospital.

In trying to find a home for Chris in the U.S. we were turned down by five facilities from Queens to Montauk before we were welcomed and received at J.J. Foley. Why? A combination of things I suppose. Money was probably number one. They didn't out and out tell me that, I mean, they

didn't out and out flatly say no, you know, they were kind, they were polite, but everything is about money. Everything is money. Money, money, money, money. Everything in the world is money. I mean, today we build drug stores 30 feet apart, we have medical centers that are like a Macy's store on 34th Street. We have doctors -- it's all about money today. Everything is money, you know, it's not about health care. You know, health care should be somebody that is second to nothing, you know, yet we seem to be pushing health care down to a priority ten. I don't understand that. You know, health care should be priority one, not priority ten. Anyway -- I mean we have supermarkets and super marts and they all have drugs, they all have drug stores. You can shop all over for drug stores now. They build them all over. It's all about money.

And since, you know, in our case, you know, Chris would be Medicaid, we're working towards it, it's a little bit of a hurdle. Well, it's kind of like a high hurdle, but we're trying to get there. And I guess also the combination of Chris's magnitude for his needs.

(Legislator Kennedy entered)

He is extremely needy. He's high maintenance. He requires a lot of care. He requires a hundred percent care. The length of his injury, his age, the facility's ability to provide his care, I guess all of these things probably contributed to his, you know, unable to be accepted at other facilities. But I think it really falls back on number one, which is money.

I would like to address some issues at J.J. Foley because I really need to share with everybody and this is really important. Foley works, Foley works, and I need to share this. You know, on the 26th of October we moved Chris from JFK into Foley and I have to share with you that from what I found thus far, I mean, what is it, two or three weeks now I guess, it's unparalleled in the industry. It's the only public benefit Skilled Nursing Facility we have in Suffolk County. The only one. He was picked up at JFK by four skilled, professional EMT's from Mastic Beach Ambulance. He was greeted by 12 family members at JFK, including nephews and nieces he's never seen before. We then went to Foley and he was greeted by I guess two dozen probably, other family members and friends. His flight was delayed for an hour-and-a-half where he flew around in a circle over the top of JFK. Fortunately they weren't practicing touch and goes, you know, just a delayed landing a little bit. He was calm, he smiled broadly, made all sorts of sounds when he was greeted by his family. He was transported to Foley. We finally let him rest about nine o'clock that evening.

Since Chris's arrival at Foley, with the exception of one day, I have been there every single day, which has afforded me an opportunity to meet with the entire team at that facility and become their friend. Permit me to share I cannot commend the Foley staff more highly. Dietary, we worked through, we finally got him into a menu that works. We've changed his menu a few times. A lot of things he couldn't chew and swallow. We worked on that. OT, he gets treatment every day with the exception of weekends. A social worker, we've been working with him for approved activities.

Doctors -- this is an incredible story, I cannot overemphasize this. Chris's doctor spent an hour talking to his mother and I, an hour, just about Chris. Then he called my home and he left me a message at my home on my answering machine. He left me a message, not to please see him or to please call him or please arrange to make an appointment to talk about Chris. He left me a message for about five minutes telling me about all the adjustments he made in his medications, about all the improvements he made in his future OT appointments and he was going to work on trying to get a switch for him to move his head back and forth and all the new developments that he was implementing and all the new orders. I had to play the thing ten times to understand what he was saying to me. What doctor, what doctor I ask you, does this? What doctor calls you at home without charging you a thousand dollars and leaves you a message? What doctor?

Following this, Chris had a bad hair day the other day, and he has a lot more hair than me, and he had a bad hair the other day and I spoke to the nurse about it. And he was in a lot of pain and I

really didn't know what it was related to, but I suspected it was related to his OT that day. He was in a lot of pain in his right arm or that he hadn't had a bowel movement. So I mentioned it to the nurse and she said I'll call you at 10, 10:30 tonight after I speak with the doctor. I said, "10, 10:30, oh my God". I said to myself, I didn't tell her. But anyway, she called me at 10 o'clock that night, I said, "Oh my God", 10:00 she called me to tell me that the doctor adjusted his back thing and that they gave him a treatment through a syringe and that he was resting comfortably.

CHAIRPERSON BROWNING:

George, I hate to bug you but I --

MR. BARNES:

All right. I'm done.

CHAIRPERSON BROWNING:

I forgot to set the timer on you and I think we went over our time.

MR. BARNES:

Okay.

CHAIRPERSON BROWNING:

However, I mean, I will say, you know, I went to the hospital when he came home, too, and it was very emotional because I know all of those family members that were there haven't seen him in six years and I could see the smiles on his face, I could see excitement. And I do want to say thank you to the Foley workers who accommodated you and went out of their way to make things -- to make it a nice transition for you.

I don't know if there's any questions for you, but I know the bill is up today. I don't know where it's going to go today. I have no intention of supporting the sale of John J. Foley as do my colleagues here.

But with that, we appreciate you coming in and telling us everything about Chris. I know we've been back and forth for two years on this and I'm happy to see that he's back home where he belongs.

MR. BARNES:

Thanks, Kate. Thank you. I just want to say one thing in closing. Personally the closure or the sale of J.J. Foley in my opinion is not a recipe for prosperity in Suffolk County. Thank you.

CHAIRPERSON BROWNING:

Thank you, George. And next we have Andrea Spilka.

MS. SPILKA:

Good afternoon. Thank you so much for your time today. I'm here representing the Southampton Town Civic Coalition as well as the entire community of Southampton in a sense, as well as I would think Riverhead. Once again we're still battling, and I know you have -- I believe you have a bill in front of you or two of them, from Jay Schneiderman to close those trailers that are now housing the homeless sex offenders.

First of all, let me thank all of you who were kind enough to overturn Steve Levy's veto of the earlier bill that you had approved coming up with the plan that I think makes the most sense for the homeless sex offenders. As we all know, there isn't any perfect solution to this at all, but sadly the communities that I represent have been bearing the burden by themselves for the homeless sex offenders for the last three years. And what I'm asking you today, if you would, is to please move forward on Jay's bill. Let it move forward in the process. I do understand that on Tuesday Ed

Romaine has said that he will be presenting a bill as well that will mandate that -- or will ask for the plan to be voted on by the full Legislature. And again, I ask that you support that as well.

It's unfortunate that one community has, you know, been battling this all of this time. What we're asking for is some fairness in this. The bill that had been brought up has been the -- the bill that includes the plan is probably the best alternative from the standpoint of the homeless sex offenders themselves but regardless, there's no reason that the communities in Southampton and Riverhead should be bearing the burden for the safety of their community for the -- that all of the taxpayers should have to bear the burden of all the expenses from moving these people around, or that any homeless sex offenders should be housed in one location which to me makes it more of an unsafe situation.

So, again, I'm asking that you move Jay's legislation forward. I'm surprised he's not here, I thought he would be, that you move his legislation forward and at the same time when Ed's comes up please to move that forward as well. Frankly, we have -- we've never said no to the -- you know, that we won't take our fair share, but the fact that every one of the homeless sex offenders is housed in one location is frankly unacceptable and I'm asking that you continue with the political will you have shown before to keep moving it forward and to correct that. Thank you very much.

D.P.O. VILORIA-FISHER:

Thank you.

CHAIRPERSON BROWNING:

Thank you, Andrea. And we have Chris Destio.

MR. DESTIO:

Good afternoon, Honorable Legislators. I don't have a speech here today. I'm just a little lost on this resolution, on 2054, that has to do with what, the sale of the facility? I'm a little lost what this is here. Is that exactly what this is?

CHAIRPERSON BROWNING:

I believe that's what it says.

D.P.O. VILORIA-FISHER:

You know, it's still in public hearing.

CHAIRPERSON BROWNING:

Yeah, that's the one still in public hearing.

MR. DESTIO:

Okay, I'm sorry. I would just like to -- the last speaker before this lady here was Mr. Barnes. He was saying how, you know, Foley took his son in and everything. I had the opportunity to speak to Mr. Levy at one of the Chamber of Commerce meetings and I asked him a few questions, and he is in his firm belief that he says that out of the 40 nursing homes in New York State that are county run, he says they're all losing money. I actually -- to that point I agree with him, but I says to him, I says do you know why they're losing money? The majority of the County nursing homes didn't accept Medicaid residents and that's the majority of their residents in there, where the private sector does everything possible to get Medicare residents in there such as bariatrics, pediatrics people, residents that draw revenue for their nursing home. That's exactly what county nursing homes are not about.

The county nursing homes are there to serve the public and not all the county nursing homes in New York State are getting out of the business. There's actually two, I believe, Upstate that are still -- renovating and going to be opening up new county nursing homes. So not everyone is

getting out of the nursing home business.

I would just like to ask all the Legislators that are up here because we have some key voting coming up soon with John J. Foley. Once again we would like to get all your support, as much as possible, and seeing that this is the health care committee I think everyone up here is actually doing what you are supposed to be doing, looking out for the residents of Suffolk County. You are doing a very good job. We just hope you continue supporting us, each and every one of the members up here. Thank you.

D.P.O. VILORIA-FISHER:

Thanks, Chris.

LEG. BROWNING:

Thank you, Chris. With that, there are no more cards. Do we have any more speakers? Anyone else who would like to speak? You want to come up front and you have to identify who you are for the stenographer. I think I know who you are.

MR. DEBONO:

Good afternoon. My name is Robert DeBono. I'm the President of the Mastic Beach Property Owners Association and also the first Clerk of Mastic Beach. When the nursing facility, when the word finally came out that the nursing facility was -- looked like it was up for sale, the property owners had received dozens and dozens of phone calls and letters which we had passed on. The facility, which we've said and spoke on several different meetings, we thought of its importance. I didn't realize that today I would be here supporting one of my friends, George Barnes, and the fact that his son was taken into the facility, which we think is a great thing.

We have to do something to stop the closure and to keep this facility open. We have a bad habit here in America of constantly closing and discarding things and closing facilities and plants and just turning things over to other people. This facility is extremely important to this area as the nurses have made it perfectly clear. I know they're fighting for their jobs, but we need a facility care center in this area. So think very hard about this. It could be any one of your relatives that ends up in that facility and we need to really take care of our people. So I want to thank you for letting me speak and, again, we really need -- we need to keep this open and somehow I think with all of you behind us we can do so. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

CHAIRPERSON BROWNING:

Thank you, Bob. Okay. Do we have any other speakers? With that, we will begin our presentation. Today we have -- let me get my glasses. We have Rajit Iftikhar, I should know that name, an eleventh grade student from Half Hollow Hills presenting a project on infection control and reducing the spread of germs that was done in collaboration with our Health Department. I believe, Dr. Tomarken, this is something that Rajit worked with you on; correct?

COMMISSIONER TOMARKEN:

Actually we worked with Dr. Chaudry.

CHAIRPERSON BROWNING:

With which doctor? I don't think we heard that. Dr. Chaudry, okay. So anyway, Dr. Iftikhar, do you want to come up and join your son?

MR. IFTIKHAR:

Good afternoon. My name is Rajit Iftikhar. As you heard, I'm an eleventh grade student from Half

Hollows High School West. First off, I would like to thank all of you for giving your time and allowing me to present, and I would like to give special thanks to Legislator Stern, who made it possible for me to present this to all of you.

This project, I first started around when H1N1 was becoming an epidemic and the news media was talking about it very frequently. At the time I noticed everyone wanted to know how to avoid getting any diseases, how to stop spreading it. I also noticed that whenever people coughed or sneezed, a lot of people just coughed and sneezed into their hands. And what happens then is that germs get on to your hands, you touch something else, like a telephone or doorknob, and then the next person comes along and they touch it and they get the germs on their hands, and then that's how all these diseases spread.

I wanted to help raise awareness about the proper technique in covering your coughs and sneezes. At first I was thinking flyers would work, but I realized that flyers -- a lot of people just ignore them. Some people will look at them for a couple of minutes and then forget about them soon afterwards. I encountered this video, which I believe shows the proper technique to cover your coughs and sneezes, and it does it in a humorous way which leaves a lasting impression on you.

I first started with relatives and friends, and all of them agreed that this method changed their habits and they always remembered how to cover their coughs and sneezes whenever it occurred. So I expanded this project by contacting the Suffolk County Department of Health and I distributed DVD's to many different health centers where a vast majority of their workers there watched the video and agreed that it helped them change their habits.

So far I have educated over 1,000 Suffolk County residents and I would like for all of you to -- I actually had this published in the annual meeting of the national -- National Association of County and City Health Officials. And I would like for all of you to watch the video which I have been showing to many people.

(Video Presentation)

Thank you all for watching this video. And so far I have shown over 1,000 County residents and am looking for new ways to expand. I'm looking to maybe go to the schools, for the health curriculum. I do that in my high school. I am looking to expand it to other schools maybe. I have been looking to maybe buy a permit on-line so I can put the video on-line for all County residents to see, and any ways that you can help me, I'd really appreciate it.

D.P.O. VILORIA-FISHER:

Can I just say something?

CHAIRPERSON BROWNING:

If you can hold on a minute, Legislator Viloría-Fisher, I think --

D.P.O. VILORIA-FISHER:

I'm sorry, I didn't mean to interrupt you. Finish.

CHAIRPERSON BROWNING:

Do you want to finish up and then we'll pass to her question.

MR. IFTIKHAR:

I left all of you my information, my contact information, and also I have DVD's available. I have ten right now available if any of you want to distribute it to your staff or your family. And I thank all of you for listening.

CHAIRPERSON BROWNING:

Thank you, Rajit. I have to say you definitely brought some good humor today. We could certainly use it. Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Well, Rajit, that was really wonderful. And I have to tell you, before the meeting began we saw somewhere it said an entertaining way and we said, "Oh, yeah, entertaining, how is that going to be entertaining", but it was a home run. Because it's so short, it's only five minutes, the message really gets through, I think most schools would be very happy to see this. It wouldn't hurt to have -- you know, my grandchildren automatically sneeze into their elbows. They learn that in preschool. It's the adults we have to get to, right?

MR. IFTIKHAR:

Yeah.

D.P.O. VILORIA-FISHER:

I think we have all those bad habits that you mentioned. So thank you, that was really good.

MR. IFTIKHAR:

Thank you.

CHAIRPERSON BROWNING:

Do we have televisions in our health centers? I think it would be perfect to put them in the health centers.

MR. IFTIKHAR:

That was one thing I was discussing with Legislator Stern before. A lot of the health centers, they have the televisions, but no one is really watching. Sometimes they're just turned off. So if we could maybe show this video through those televisions people might watch and learn something.

CHAIRPERSON BROWNING:

I think it would be very good to put them in the health centers. It would be entertaining them when they're sitting waiting for -- they're learning something but they would be entertained while they're waiting for their appointments.

D.P.O. VILORIA-FISHER:

You know, Kate, most doctor's offices, to my annoyance, have televisions in their waiting rooms.

CHAIRPERSON BROWNING:

Mine doesn't.

D.P.O. VILORIA-FISHER:

It's just so much noise. But I bet many doctors would be willing to pop it into their TV's in their waiting rooms. And people are bored, they'll watch. This is really terrific. They can just have it in a loop, you know, have people watch it over and over again. So maybe the Long Island, you know, Medical Association.

CHAIRPERSON BROWNING:

It would be worth reaching out to them. So we can work on getting them in our health centers and having it on there?

COMMISSIONER TOMARKEN:

Yes, certainly. Dr. Iftikhar, she's in charge of our health centers, so -- she has a vested interest in getting them placed there.

CHAIRPERSON BROWNING:

I think it would be very good. With that, any other questions? No? Rajit, thank you very much. Very good job.

MR. IFTIKHAR:

Thank you for giving me your time.

D.P.O. VILORIA-FISHER:

Rajit, we're just saying, it's such a wonderful production. Where did you -- who produced this and where are the actors from and everything?

MR. IFTIKHAR:

It says Otorhinolounsburgology Productions. It doesn't say the actors.

D.P.O. VILORIA-FISHER:

Oh, so you had just found the video.

MR. IFTIKHAR:

Yeah, we found it from somewhere.

D.P.O. VILORIA-FISHER:

Oh, I thought you had someone help you to produce this video because it is a very high level production.

MR. IFTIKHAR:

We bought copies of the video at like -- we fundraised using -- selling food to our relatives and friends, and then we bought our first ten copies and then we bought an additional 17. And we have been fundraising to buy more videos.

D.P.O. VILORIA-FISHER:

Oh, okay. See, I thought you were ready to go to Hollywood with this because it is such a -- the sense of humor is terrific, I love that posturing guy in the gym. That's really good stuff. Okay. Thanks.

COMMISSIONER TOMARKEN:

It's produced by an ENT specialist who has a website called coughsafe.com.

CHAIRPERSON BROWNING:

We do have our Commissioners here. I know we have Commissioner Blass and Dr. Tomarken are here. Do you have anything you'd like to come up and report? Next, the agenda.

Tabled Resolutions

1634, Establishing community safeguards from registered sex offenders placed in emergency housing. (Schneiderman)

I'll make a motion table. Do we have a second?

LEG. KENNEDY:

Second.

CHAIRPERSON BROWNING:

Second, Legislator Kennedy. All in favor? Opposed? Abstentions? It's ***tabled.*** ***(VOTE: 4-0-0-1 Not Present: Legislator Eddington)***

1820, Appropriating funds in connection with the Stony Brook University Hospital Comprehensive Psychiatric Emergency Program (CP 4018). (Kennedy)

LEG. KENNEDY:

Motion to table.

CHAIRPERSON BROWNING:

I'll second that. All in favor? Opposed? Abstentions? It's ***tabled.*** (VOTE: 4-0-0-1 Not Present: Legislator Eddington)

1886, Authorizing a contract amendment to the Youth Development Delinquency Prevention Contract with the Suffolk Y Jewish Community Center. (Co. Exec.) I will make a motion to table.

LEG. KENNEDY:

Second.

CHAIRPERSON BROWNING:

Second, Legislator Kennedy. All in favor? Opposed? Abstentions? It's ***tabled.*** (VOTE: 4-0-0-1 Not Present: Legislator Eddington)

1949, Adopting Local Law -2010, A Local Law to protect children from cadmium poisoning. (Co. Exec.)

Was that closed?

MR. NOLAN:

Closed.

CHAIRPERSON BROWNING:

Okay. So I will make a motion to approve. Second, Legislator Kennedy. All in favor? Opposed? Abstentions? It's ***approved.*** (VOTE: 4-0-0-1 Not Present: Legislator Eddington)

Introductory Resolutions

1992, Accepting and appropriating 100% funding from the New York State Office of Temporary and Disability Assistance (OTDA) to the Suffolk County Department of Social Services for Additional Food Stamp/Supplemental Nutrition Assistance Program (SNAP) Administrative Funding provided under the Department of Defense Appropriations Act of 2010 (Defense Bill). (Co. Exec.)

I'll make a motion to approve and place on the consent calendar.

D.P.O. VILORIA-FISHER:

Second.

CHAIRPERSON BROWNING:

Second, Legislator Kennedy. All in favor? Opposed? Abstentions? It is ***approved and placed on consent calendar.*** (VOTE: 4-0-0-1 Not Present: Legislator Eddington)

2015, Directing the Department of Social Services to close the sex offender trailer in Westhampton, Town of Southampton. (Schneiderman)

CHAIRPERSON BROWNING:

Commissioner Blass, could you please join us? I'm looking at the legislation and it, you know, clearly it says October 15th has come and gone which was the deadline that was requested by the Legislature to come up with an alternative for housing. And I guess, Vivian, do you have a question?

D.P.O. VILORIA-FISHER:

Basically you started it. You know, the way I was going to begin the question, which is what's the status now, Commissioner?

COMMISSIONER BLASS:

The status of the initiative to proceed with the multiple sites rests with the request of the one provider to have a further vote before the plan is launched. That request has been submitted in writing to the Legislature. And when that happens we intend then to enter into a contract. We have other bills that have been introduced. One relates to not using facilities that would be -- or sites that would be near a residential area. We have to coordinate all of the addition of bills that have come in and then we will proceed from there.

D.P.O. VILORIA-FISHER:

Commissioner, wasn't -- I'm working from memory and not from notes here. But wasn't there a request from the Presiding Officer to have -- if there was going to be a directive, to move ahead with the bid, that it come from the County Executive's Office? Or to have so that it's the County Executive's Office sending us that request and then we would vote on it?

COMMISSIONER BLASS:

I understand there's been several requests as to where the additional vote would come from. But I don't know whether it will be legislate -- I don't believe that we are held up because of that issue. Given the fact that a Legislatively sponsored resolution has been -- was about to be submitted, I understand, from Legislator Romaine.

D.P.O. VILORIA-FISHER:

Okay. So he has -- there is a bill laid on the table by Legislator Romaine, Counsel?

CHAIRPERSON BROWNING:

Well, there's one here, I don't know about --

D.P.O. VILORIA-FISHER:

But that's different, isn't it?

CHAIRPERSON BROWNING:

-- Legislator Romaine's, but again, what it is is the directing DSS to come up with the alternative housing. So that we, you know, maybe could pass this one, if George would like to jump in.

D.P.O. VILORIA-FISHER:

Yeah, I'd like to ask Counsel because I'm not sure that's exactly what was asked for in that memo, was it? But I'll let Counsel answer.

MR. NOLAN:

Legislator Viloría-Fisher, you know, we kind of went through this in a circular fashion at the last meeting. You know, the Presiding Officer has taken the position, and I believe he's correct, that the Department of Social Services could move ahead without further legislative action. The Department of Social Services is basically saying, and this, I guess, is what the vendor is saying, is that they want the Legislature to pass another resolution saying go ahead. Legislator Romaine on Tuesday is going to be -- there will be a bill laid on the table which basically states that the department issued

an RFP, a vendor came back, the department has represented that is the department's plan that the Legislature called for, and then authorizes and directs the department to move ahead with that contract. So that is where it -- that's where it is right now.

D.P.O. VILORIA-FISHER:

Okay. So then that bill by Legislator Romaine is a response to that request. That was basically where --

MR. NOLAN:

I think it's a response to what the department has been saying, that nothing's going to move forward without another resolution.

D.P.O. VILORIA-FISHER:

Okay. Thank you. So that was laid on the table and --

MR. NOLAN:

It will be laid on table Tuesday.

D.P.O. VILORIA-FISHER:

Okay. All right. Okay. In the meantime, Commissioner, we can't close the trailers because there's no -- there's nothing else you can do with the people who are living in the trailers right now.

COMMISSIONER BLASS:

That's correct. Unless we reintroduced or revive the voucher system we have nowhere to put them.

D.P.O. VILORIA-FISHER:

But right now that voucher system hasn't been revived. So right now there's no place to put them.

COMMISSIONER BLASS:

That's correct.

D.P.O. VILORIA-FISHER:

Okay, that was my understanding. Okay. Thank you, Commissioner.

CHAIRPERSON BROWNING:

Okay. I would like, because I know we have two bills here. One is the Westhampton one and the other one is the Riverhead one at the jail. Are we at capacity at the Riverhead Jail homeless sex offender trailer?

COMMISSIONER BLASS:

We have for a number of weeks been at capacity at the 18 bed facility that's located at the correctional facility. We had been using the Westhampton facility pursuant to a temporary restraining order as it always has been used, as an overflow. There are eight beds in that one. Unfortunately, we have been using that one regularly for the past several weeks as well. That has -- therefore means that we are just about at capacity. We haven't had the winter weather onslaught yet which means the numbers will rise, so we are at the brink of some very important timing as to whether things start moving with alternatives.

CHAIRPERSON BROWNING:

But if we were to move the Westhampton, the 2015 forward, you know, then the reality is is that we need to move forward with the other plan. I mean, Riverhead Jail, I'm not objecting to keeping them at the jail, but the Westhampton trailer I know we have had a lot of people, senior citizens. It's next to where they live, that concerns them and there's really no security or, you know, safeguards in between their residence and where this trailer is located. I don't know if anyone else

would object to discharging without recommendation at least. I think we have to move forward with the other plan. Like it or not, we're going to have to do something. Does anybody else have any opinion?

COMMISSIONER BLASS:

Madam Chair, when you mentioned that we have to move forward with the other resolution, I don't know which one you meant.

CHAIRPERSON BROWNING:

Well, the plan that Legislator Lindsay, the bill that he put in place for DSS to provide and, you know, it's non-residential communities. It would be in industrial sites. It's probably the perfect locations. And again, it's going to have strict supervision. It's going to do everything that's right rather than having them at a trailer in Westhampton where there's really no supervision and they're free to go and do whatever they want.

LEG. KENNEDY:

Mr. Commissioner, thank you. We've talked about a number of these issues and I recall the last time when you were here with us we had an extended conversation about the vendor that had submitted a proposal. I do also recall that the Presiding Officer spoke about a second vendor that sent a letter of intent or something to develop a proposal and it might have been -- there was some reason that that didn't develop. Was it a time bar or was it a procedural? What -- why didn't we get that second vendor in?

COMMISSIONER BLASS:

The second vendor is not a singles provider, and since we have been able to conform to the RFP bidding requirements by only soliciting existing providers, that's the important point, if we went to providers who were not single providers we would have to go to all non-singles or multiple family -- or family providers and that would require a bidding process to be reopened. So the alternative to that, given the time frames we're dealing with, is to solicit proposals from existing singles providers, of which the second proposer was not a member of that category. The second proposal is not a singles provider. Therefore, we were not able to accept a solicitation from that provider unless we opened it up to all family providers.

LEG. KENNEDY:

Okay. So they didn't meet one of the essential terms associated with being a viable bidder.

COMMISSIONER BLASS:

Right.

LEG. KENNEDY:

That's it.

COMMISSIONER BLASS:

That's correct.

LEG. KENNEDY:

Okay. Nevertheless, I have to say I'm somewhat disinclined to support directing you to close at this point where the -- these people are staying. And tell me some of the specifics about the trailers at this point. How many people do we have in there, what's the occupy today?

COMMISSIONER BLASS:

Both the Westhampton and the Riverhead correctional facility sites, which respectively house eight and 18, have full security, at least two security guards, when they are in use overnight.

LEG. KENNEDY:

Okay, but I -- that's fine. So that's security status but --

COMMISSIONER BLASS:

And that's the capacity.

LEG. KENNEDY:

Okay. How many people are going to be in there tonight, or how many people were there last night?

COMMISSIONER BLASS:

Last night we had 26, 25 -- 23.

LEG. KENNEDY:

We had 23?

COMMISSIONER BLASS:

Yes, 23 last night. Last week it went up to as many as 25, 26. We're just about at capacity as it is going now.

LEG. KENNEDY:

Twenty-six is your capacity?

COMMISSIONER BLASS:

Right, 18 and eight.

LEG. KENNEDY:

Okay. And if the department got a resolution directing that those trailers be closed by December 15th, on December 16th where would those 23 or 24 people go?

COMMISSIONER BLASS:

Given that everything else remains the same, status quo of today?

LEG. KENNEDY:

Yeah.

COMMISSIONER BLASS:

We would have nowhere to put them.

LEG. KENNEDY:

Well, now you know and I know that's something that they say is actually a nullity because you have the -- I shouldn't say you, we, the County, have a legal responsibility to furnish these people with someplace to stay besides what, a laundromat or a bus station.

COMMISSIONER BLASS:

The problem is, and I urge you to accept this remark of mine in the spirit that it is presented, it is not suggested in a pejorative way, but the homeless sex offender issue has been the subject of extensive micromanagement. Not merely by the County, but by the courts, by the communities, by so many, that everything has come to a standstill. And by coming to a standstill, for instance, if we were to seek the alternative of motels, lo and behold we have the motel owners who are required to post public notice of the occupancy by registered sex offenders so the obvious effect of that is to not accept them.

Everywhere we turn we can't move. That's why this proposal by Legislator Lindsay and the plan itself hangs by a string, because the one vendor who came forward does so reluctantly. The others who were solicited in the singles provider category, there were about five or six others, they all met and worked together and one by one dropped out because of the various controversies that surround this issue. So we therefore have no viable alternatives. Yet we have that mandate and the risk here is that if we are compelled to proceed with some alternative that's not legally available to us given the background of the Local Law environment, we may well find ourselves in court where a court might well invalidate much of what's been adopted.

And that's why the Executive's plan, and I have to mention this, the Executive's plan remains the voucher system, which actually does work, in our neighboring county and in 14 other counties in New York without incident. And that's why we are concerned that it's been micromanaged to the point, not deliberately, I think it's been unwittingly the combination of resolutions and court actions and opposition and everything else has caused the trailers to become -- to be at a standstill. And yet we have not been able to move from them. Our intention was to make them a temporary measure but that has not worked because of that micromanagement that I have alluded to. And, again, I repeat, not in a pejorative sense I call it micromanagement.

LEG. KENNEDY:

I understand. I understand and all I will say is I respectfully disagree with you about the voucher program as far as it being a tolerable alternative. As a matter of fact, in this area I think that's probably the most irresponsible policy to advocate. But again, that is -- we are on different sides of this horseshoe at this point.

I appreciate your concrete assessment of what an action with these resolutions might be and I think that any resolution put forward in this area has to be examined about what the immediate implications will be, notwithstanding what the broader policy of protections and safety in the community and all the other issues that are around this.

I'm going to make a motion to table because I think until there's some other type of an opportunity to go forward I do not want to be somebody who puts us in a position in the middle of December of having these individuals cast about the County. So thank you.

CHAIRPERSON BROWNING:

Curiosity, do you know exactly, I mean, we're looking at the Parents for Megan's Law website right now. Do you know how many of them, the sex offenders, are on parole at the Riverhead Jail?

COMMISSIONER BLASS:

It usually varies between one-third and one-half, sometimes more. That's the fraction that we're usually dealing with with the parolees, State parole supervised, because they're -- don't forget, they're released from the correctional system of the State usually into homelessness. And those are the ones who are on parole. Our other source of homeless sex offenders arises from the enforcement of local laws. We just had four more come into our system because they were living in a rooming house where six of them resided, and the code enforcement of that particular town told the landlord that four had to leave right away, so they became homeless because they don't allow more than two in any one residence.

CHAIRPERSON BROWNING:

And how many of them can you tell me that possibly came from elsewhere where they basically got sent out here from parole. I mean, because I know when you do your intake you try and figure out where they came from originally.

COMMISSIONER BLASS:

We find that the -- only -- it's been the exception rather than the rule that they would come

originally before they're sentenced from out of state. It is a -- they are predominantly a Suffolk County original population. Predominantly, but not exclusively. And again, that comes from the point of what -- suppose we find and are confronted with that issue, there's not very much that we can do about it if they are Suffolk County residents after their release, even if they weren't beforehand.

CHAIRPERSON BROWNING:

Right, but if they're not Suffolk County residents before they went to jail and say they came from somewhere upstate or another state and they're homeless and they have nowhere else to do, can't you offer them a bus ticket to go back home?

COMMISSIONER BLASS:

We have no statutory authority to offer transportation costs to somebody just so that they will leave the County. I will explore that but I don't think we have that. I will point out that just the other day we were given notice that a sex offender, who was from the County, was referred to the Riverhead area because he had substance abuse issues and he was there for Seafield, and they referred him to Seafield and therefore we concluded we had to house him so that we would not interfere with the State arranged care and treatment. This happens frequently, and since the trailers are on the east end, these referrals to treatment are made on the East End or in central or in Brookhaven Town.

CHAIRPERSON BROWNING:

We can't win. Nobody wants to touch them with a ten foot pole, that's the problem. I did make a suggestion. I think you made a motion to table. I made a suggestion at least to put this one on the floor for next week and discharge without recommendation. I guess tabling takes precedence.

MR. NOLAN:

Do you have a second?

CHAIRPERSON BROWNING:

Do we have a second on the table?

LEG. MURATORE:

Second.

CHAIRPERSON BROWNING:

Did I get a second on discharge?

D.P.O. VILORIA-FISHER:

I'll second the discharge. On the motion I have a question.

CHAIRPERSON BROWNING:

Go ahead.

D.P.O. VILORIA-FISHER:

Okay. Again, if this were by some chance passed at the full -- at the meeting of the Legislature and signed by the County Executive, you would then have eight folks for whom you would have to find a home.

COMMISSIONER BLASS:

We would only have a capacity for 18 rather than eight. I assume the resolution you allude to is the one that would shut down --

D.P.O. VILORIA-FISHER:
2015, which is Westhampton.

COMMISSIONER BLASS:
Which is only Westhampton, right. That has a capacity of eight.

D.P.O. VILORIA-FISHER:
That's why I'm using the number eight.

COMMISSIONER BLASS:
Right. I would respectfully invite to the committee's attention that any action by the County with respect to the Westhampton site has been enjoined by the Supreme Court. I would --

D.P.O. VILORIA-FISHER:
Thank you. That was my next question. I wanted to ask about the legal status. I don't know how much you can tell us, but can you explain exactly where we are legally?

COMMISSIONER BLASS:
I will defer of course to Counsel, but my understanding is that the Supreme Court has issued a temporary restraining order that mandates that the use of the Westhampton site be exactly as it has been prior to the installation of the enhanced facility trailer, which is also at that site. So the question is will that mandate be violated? I don't know. It's an interesting question because the court did enjoin us from doing anything of any kind that would change the use of the facility.

CHAIRPERSON BROWNING:
Mr. Brown, could we have you come up and comment on that?

MR. BROWN:
The litigation is handled in a different department, but my understanding of the injunction is the way Commissioner Blass explained also, basically that it stayed.

D.P.O. VILORIA-FISHER:
Okay. Then, Madam Chair, it doesn't seem that we have any choice but to table it.

CHAIRPERSON BROWNING:
Okay. Any more questions? I think we're done with that. I guess we did have a motion to table and a second, I guess. All in favor? Opposed? Abstentions? It's **tabled**. **(VOTE: 4-0-0-1 Not Present: Legislator Eddington)**

2016, Directing the Department of Social Services to close the sex offender trailer in Riverside, Town of Southampton. (Schneiderman)

I will make a motion to table that one.

LEG. KENNEDY:
Second.

CHAIRPERSON BROWNING:
Second, Legislator Kennedy. All in favor? Opposed? Abstentions? It's **tabled**. **(VOTE: 4-0-0-1 Not Present: Legislator Eddington)**

2025, Amending the Adopted 2010 Capital Budget and Program and appropriating additional funds for an electronic Medical Record System at the jail Medical Units in both the Riverhead and Yaphank Correctional Facilities (CP 3024). (Co. Exec.)

I'll make a motion to approve.

D.P.O. VILORIA-FISHER:

Second.

CHAIRPERSON BROWNING:

Second, Legislator Viloría-Fisher. You have a question?

LEG. KENNEDY:

I do.

CHAIRPERSON BROWNING:

Dr. Tomarken maybe?

LEG. KENNEDY:

Do we have any grant support on this, Doctor? I know for our health systems, our health clinics in 2011 we're going to go forward and implement our imaging and as matter of fact, not only are we going to have -- I think I recall in a budget presentation we've got grant funds that are coming by way of a Federal grant and then we also have Medicare funding. So in essence it's a wash for us for the software and for -- how about with these?

COMMISSIONER TOMARKEN:

This one doesn't have that kind of funding.

LEG. KENNEDY:

Okay. So then I'll going to BRO. What's the cost with this, Craig?

MR. FREAS:

I'm loud enough to be heard and I forget it's not on. The additional funding is \$84,000. What this bill is requesting is \$84,000 for additional funding to the jail EMR. That would be -- it's going -- the total cost to the County would be probably about 125 over the 18 year period, assuming it's an 18 year bond period, which is typical, although the Exec tends to send over five year bond periods. So it would be slightly less on a five year bond period, more like 100, 105,000.

D.P.O. VILORIA-FISHER:

Madam Chair, if I may?

CHAIRPERSON BROWNING:

Sure, go ahead.

D.P.O. VILORIA-FISHER:

When we were deliberating on budget issues we looked at electronic medical records for the health clinics and the reimbursement coming from the Federal government on those and that, in fact, because we had not acted earlier we may have risked some of those revenues. Now, is there any way that this -- that these medical records, that this program could be linked with the other medical records program so that we can take advantage of Federal grant monies?

MR. FREAS:

I'm afraid not. One of the reasons we have three different EMR's that we have been talking about for the past two years is because we're doing -- we have three different functions that we're working on. We have a primary care function and that's the money that we'll receive, the pretty substantial reimbursement and grant funding for. We have the nursing home EMR, which we received State funds for and which was paid for a hundred percent, and then we have the jail which is -- has a separate -- is a separate function. It has -- the requirements for recordkeeping are different, the

requirements for the fiscal functioning of it are slightly different because the jails are a different place than the health centers. And the cost is, as far as I know, completely to the County.

D.P.O. VILORIA-FISHER:

Thank you, Craig.

LEG. KENNEDY:

This system is being contemplated for the existing facility in Riverhead or our new facility in Yaphank.

COMMISSIONER TOMARKEN:

Both.

LEG. KENNEDY:

Both? Well, the existing facility in Riverhead presumably is going to be decommissioned in about 24 months, isn't it?

COMMISSIONER DEMARZO:

No. Not my understanding on that. We have been working with the transition team and the jail Medical Unit. There will be the need to continue jail medical services at the current Riverhead facility because it will continue to operate, and there will also be inmates at Yaphank, and we have a very extensive jail medical program there. The model for the two programs are slightly different. In the new jail Medical Unit we will have services brought right to the pods in the jail structure as opposed to having them come to us. So both will continue to operate and they are both slightly different models of operation. And this system will be able to be used in both those different, you know, tiered models and pod models of correctional facilities.

LEG. KENNEDY:

I would like to speak to the Sheriff's Office about this. I'm going to make a motion to table on this one. I mean, I appreciate the fact that you are bringing it forward.

D.P.O. VILORIA-FISHER:

I'll make a motion to approve.

DEPUTY COMMISSIONER DEMARZO:

Can I give just some general background so we -- there is -- this is an additional \$84,000 to already appropriated dollars. The jail Medical Unit when it was originally envisioned to go to Yaphank, the EMR was part of the overall capital project. There was an interest in trying to get the system out of the overall capital project so that we could move forward and get it done in advance. So we have some dollars appropriated now, but this is the final piece that will make it both appropriate for Riverhead and Yaphank. And there's been some developments that that's why we're here before you today, because there has been some new developments in jail EMR's that the jail medical people, Dr. Geraci as well as the transition team, feel will be very critical to the delivery of services in the new Yaphank model. So we have general approval for the -- for the system. This is to make the system more compatible for the two unique models we have.

LEG. KENNEDY:

Doctor, let me -- we just had a little table chatter here. I've seen the jail medical facility out in Yaphank and in Riverhead. Yaphank I think it's got like a 21 or 22 bay capacity, and it looks to me much more like -- almost like clinic based services and you can go to a much greater degree of treatment for inmates in various settings. In Riverhead, I've been in there, it's like a large utility closet.

Laughter

There's not much going on there besides shipping them out to Mather or Peconic or anyplace else.

COMMISSIONER TOMARKEN:

Not quite. I mean, the physical description is accurate, but after that --

Laughter

LEG. KENNEDY:

That's not to denigrate staff. No, the staff work very hard there and as a matter of fact, the inmate population has complex issues. Look, I'll withdraw my motion to table. I will offer a motion to discharge without recommendation. I would like the opportunity to speak with the Sheriff's IT people and we'll have it before us on Tuesday.

COMMISSIONER TOMARKEN:

Let me just give you one quick bit of information. What this does is it allows services to be delivered in the pods where the inmates are and the health care provider does not have to run back and enter the data into --

LEG. KENNEDY:

Good. Okay.

COMMISSIONER TOMARKEN:

They do it right on site.

LEG. KENNEDY:

Makes sense, it's safer, and it's more efficient. No, I like that, I'd still nevertheless I'd like to speak with the Sheriff.

COMMISSIONER TOMARKEN:

Thank you.

CHAIRPERSON BROWNING:

Okay. So I guess we do have a motion to discharge -- Vivian?

D.P.O. VILORIA-FISHER:

Well, I'm going to amend my motion to approve to a motion to discharge without recommendation so that it can be before the floor -- before the full meeting.

MR. NOLAN:

And the second.

CHAIRPERSON BROWNING:

Okay. So the motion to discharge without recommendation was Legislator Viloría-Fisher, second by Legislator Kennedy. I guess we'll reach out, maybe have the Sheriff's Office come next week.

LEG. KENNEDY:

I will.

CHAIRPERSON BROWNING:

Okay. All in favor? Opposed? Abstentions? It is *discharged without recommendation*.
(VOTE: 4-0-0-1 Not Present: Legislator Eddington)

Okay, next is 2026. *2026, Appropriating funds for the purchase of equipment for Medical, Legal Investigations and Forensic Sciences (CP 1132) and approving the purchase of two*

replacement vehicles in accordance with Section 186-2(B)(6) of the Suffolk County Code and in accordance with the County Vehicle Standard. (Co. Exec.)

Motion to approve, Legislator Kennedy.

D.P.O. VILORIA-FISHER:

Second.

CHAIRPERSON BROWNING:

Second, Legislator Viloría-Fisher. All in favor? Opposed? Abstentions? It is *approved*. (VOTE: 4-0-0-1 Not Present: Legislator Eddington)

2034, Adopting Local Law No. -2010, A Local Law establishing a Food Policy Council for Suffolk County. (Viloría-Fisher)

I believe table for public hearing.

D.P.O. VILORIA-FISHER:

Yes, it needs to be tabled for public hearing.

CHAIRPERSON BROWNING:

Legislator Viloría-Fisher, I'll second. All in favor? Opposed? Abstentions? It's *tabled for public hearing*. (VOTE: 4-0-0-1 Not Present: Legislator Eddington)

D.P.O. VILORIA-FISHER:

And may I just put on the record that I brought this particular resolution to the Regional Planning Council and they were very happy to see it and they passed a resolution in support of the Food Policy Council.

CHAIRPERSON BROWNING:

Good. Okay. *2054, Adopting Local Law No. -2010, A Local Law authorizing the County Executive to execute agreements for the sale of the John J. Foley Skilled Nursing Facility. (Co. Exec.)* It's still in public hearing so I will make a motion to table for public hearing.

LEG. KENNEDY:

Second.

CHAIRPERSON BROWNING:

Second, Legislator Kennedy. All in favor? Opposed? Abstentions? It's *tabled*. (VOTE: 4-0-0-1 Not Present: Legislator Eddington)

With that, we have no more business. I'll make a motion to adjourn.

LEG. KENNEDY:

Second.

CHAIRPERSON BROWNING:

Legislator Kennedy seconds and we are adjourned.

(The meeting was adjourned at 3:26 P.M.)