

HUMAN SERVICES COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE
MINUTES

A meeting of the 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 November 8, 2013.

MEMBERS PRESENT:

Leg. DuWayne Gregory, Chairman
Leg. Kate M. Browning, Vice Chair
Leg. Thomas F. Barraga
Leg. Albert Krupski, Jr.

ALSO IN ATTENDANCE:

Leg. John M. Kennedy, Jr., 12th Legislative District
Leg. Thomas Cilmi, 10th Legislative District
Leg. Steven H. Stern, 16th Legislative District
George M. Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel to the Legislature
Timothy Laube, Clerk of the Legislature
Renee Ortiz, Chief Deputy Clerk of the Legislature
Thomas Vaughn, County Executive's Office
Dennis Brown, County Attorney
John O'Neill, Acting Commissioner/Department of Social Services
Linda O'Donohoe, DSS
John Nieves, DSS.

Public Portion Speakers:

John Allegato
Thomas Gilfeather
Geraldine Covino
Natalie Allegato
Lawrence Crata
Keria Dresbach
Maria Torqvato
Jennifer Reidy
Laurie Egbert
Nancy Nunziata
Eric McAlister

Public Portion Speakers (continued on next page)

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Public Portion Speakers (continued from previous page)

Lisa Lalli
Eric Baum
Daniel Egbert
Janine Winiarz
Deborah Getz
Maria Lambros
Jennifer Galarza
Dawn Lissenden
Lisa M. Ballas
And all other interested parties

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

MINUTES TRANSCRIBED BY:

Diana Flesher, Court Stenographer
Alison Mahoney, Court Stenographer
Kim Castiglione, Legislative Aide

MINUTES PROOFED BY:

AnneMarie Farrell, Legislative Aide

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(THE MEETING WAS CALLED TO ORDER AT 10:03 AM)

CHAIRMAN GREGORY:

Good morning, everyone. Welcome to today's Human Services Committee. We're going to start off with the Pledge of Allegiance; if I could ask my colleague, Legislator Krupski, to do the honors.

SALUTATION

My name is DuWayne Gregory. I am the Chairman of the Committee. We will go through the agenda. We have two letters of correspondence that I will read into the record.

It says, "Dear Chairman Gregory, unfortunately I have another commitment and so I will not be able to attend tomorrow's Human Services Committee meeting regarding my support for Introductory Resolution 1817, to terminate the existing contract between Suffolk County and Community Housing Innovations CHI to provide homeless shelter services. My understanding of Suffolk County Law Section 438-3 paragraph four is, quote, "a facility shall not be occupied by more than 12 families receiving services" end quote.

I understand that certainly 96 families reside in the homeless shelter located in the Hauppauge Industrial Park, exceeding the limit of 12 families. On so many levels this is wrong and the contract should be immediately terminated. One, against the code; two, I am sure a health violation; three, unfair that the excess burden is on the Hauppauge residents and the school district with out of state transfers not New York State reimbursable; number four, unfair impact of Hauppauge taxpayers that have a 2% tax cap of existing services and programs that they reside in Hauppauge for may be forced to be discontinued; number five, existing taxpayer residents may choose to relocate if inequity continues.

Federal, State, County, Town and school districts officials need to appropriately and openly discuss and resolve this concerning situation in collaboration with community communication, disclosure and input. Please air my comments to the record, 11-8-13 10 a.m. meeting. Thank you. Sincerely, Paul E. Borowski, Hauppauge resident, taxpayer and community member." Excuse me.

I also have a letter from Greta Guarton. She is from Homeless -- Homeless -- she's the Director of a homeless organization, it doesn't say. I don't recall the name of the organization, but she is the Director of one of the larger homeless organizations in Long Island.

"The resolution before you is aimed at 96 families, 96 families with children who have nowhere else to go. This resolution, if passed, will result in 96 families with children ending up on the streets. The economy and then the Superstorm Sandy devastated our region and left many Long Islanders with next to nothing. This resolution rather than attempting to address the needs of the families in question, attempts only to take away the one thing they have left, a roof over their heads.

We as a community and as a region have a moral obligation to ensure that no one has to live on the streets. We have a moral obligation to treat others with dignity and respect. The community has already attempted to strip these families of their dignity. The resolution before you puts children in jeopardy of losing the safety of a warm bed. We cannot allow this resolution to pass."

That is all that we have by way of correspondence.

PUBLIC PORTION

We will go to the Public Portion. Each member who has filled out a yellow card will have three

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minutes to speak. We'll start off with Mr. John Allegato, and on deck is Thomas Gilfeather.

MR. ALLEGATO:

Alright. John Allegato, 342 Hubbs Avenue, Hauppauge. I have a statement here I'd just like to hand in on the resolution. I just hand this in?

MS. ORTIZ:

Yes.

MR. ALLEGATO:

That's it. Thank you.

CHAIRMAN GREGORY:

Mr. Gilfeather.

MR. GILFEATHER:

Yeah, good morning. I'm a resident of North Brentwood. In the past year Suffolk County has put two homeless shelters in my community: One's on Crooked Hill Road, and the second one is on {Marlin} Drive. And now the rumor in the neighborhood is that Suffolk County intends to open a third one on Motor Parkway within a mile from the {Marlin} Avenue. I don't know if that's true or not. It's the old Olympic Motel. Okay. That's what I've been hearing. I can't seem to substantiate that.

If that's the case, these three -- these two shelters are within walking distance, a mile and-a-half. I think it's unfair to the community why these shelters are flooding this area. I understand there's a need for shelters, but a tremendous amount of rooms and beds in both of these. And when I say it's less than a mile and-a-half, the {Marlin} facility and the {Marlin} Drive facility.

And I think it's unfair to the taxpayers and the neighborhood. It's going to affect everything -- the school system. And just -- it's -- I'm just very baffled about why -- just -- why -- I can see houses in certain areas in the neighborhood, but why this area within a mile and-a-half? I don't think it's right. And I'm sure the people that are making these decisions, my question is are they being put in their neighborhoods? You know, I'm just curious. Thank you.

(APPLAUSE)

CHAIRMAN GREGORY:

Thank you, Mr. Gilfeather. Next, Geraldine Covino. And on deck, Natalie Allegato.

MS. COVINO:

Hi, I have a statement that I'd like to submit.

MS. ORTIZ:

Thank you.

MS. COVINO:

Thank you.

CHAIRMAN GREGORY:

Okay. Thank you. Natalie?

MS. ALLEGATO:

Natalie Allegato, 342 Hubbs Avenue, Hauppauge. And I also have a statement for the record supporting the resolution.

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MS. ORTIZ:

Thank you.

CHAIRMAN GREGORY:

Thank you. Okay, I can't read the last name so Lawrence Crea? Is that correct? And on deck Keria Dreisbach. Dreisbach.

MR. CRAFA:

Lawrence Crafa. I'm a Hauppauge resident. Well, I actually live in Smithtown/Hauppauge School District.

Mr. Gregory, you were here at the last meeting we had back on October 9th. We had a list of questions that we posed and the County had the nerve to send a letter back to us. It was the same letter that was sent to the school district several weeks prior. We have not had any of our questions answered. So my first request is that all those questions be answered.

The second thing is several of us would love to have a Town Hall meeting with Steve Bellone and his representatives. I know today is not a dialogue. We need a dialogue. We're not getting answers. When we don't get answers, we feel like there are things that are being hidden from us.

The biggest concern we do have, I'm going to reiterate what the first gentleman said, was the disproportionate burden on our community. If you could provide us with some of our answers and also add to that the number of homeless families we have in Suffolk County, and then explain to us why it's fair that a disproportionate number are housed within a mile and-a-half of each other.

No one in this room is asking you to close any legal shelters. We're asking you to reconsider what you did with shelters that don't meet your own County codes. We would love an explanation as to why Suffolk County violated their own code. I was told in a phone call after the last meeting the answer to my question was this is a Tier II Shelter. I have since found out that is not true. I have been told the application was put through to the State and that it is now on hold. So this was opened up without the proper Tier II status. So according to what I have researched, it should still be bound by our local County code.

You mentioned before that first letter -- or the second letter, rather, was to treat all these people with dignity and respect. What I think we should do is also treat all the community members with dignity and respect. We pay the taxes. We are not asking to not help the homeless. We are asking to do our fair share. And there are a disproportionate number of homeless shelters -- families in the area.

With that said, we would like to know if our contract is terminated, these families, if they would be provided shelters that are meeting County code. We know they're not going to be put on the street. We know that they would be provided shelter somewhere and we would hope that it would be in accordance with your own County code.

(APPLAUSE)

CHAIRMAN GREGORY:

Okay. Ms. Dreisbach. Did I pronounce your name right?

MS. DREISBACH:

It's Dreisbach.

CHAIRMAN GREGORY:

Pretty good. All right. Maria Torquato is on deck. Okay, I'm sorry. Go ahead.

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MS. DREISBACH:

Good morning, everyone. I just want to address the fact that I am not for passing the resolution, mainly because being a displaced family in that shelter with the 96 families, we don't know what's going to happen to us. And you don't know if we're going to be on the streets. And I am for the residents of Hauppauge getting the proper notification so that they will know what's to come and what provisions they have to make or prepare for their own future as well. But what specifically -- we want to know what specifically is out of compliance and can the resolution be exercised before any termination of any contracts.

And also, what really is the gain from terminating that contract? What will happen with many families? The shelter that we live in is -- used to be a hotel, so it's logically really big. And I'm pretty sure if they have a contract and they use that shelter they're going to want to put as many families that they legally can.

So we just want to know what's going to happen to us. And we respect the residents of Hauppauge. If I can become a permanent resident of Hauppauge, that would be wonderful, but we're kind of in a tight place right now. So we also want to know why pass this resolution if it's going to affect all these families in a negative way? What is the positive possibilities of passing this resolution? Thank you.

CHAIRMAN GREGORY:

Thank you. On deck is Jennifer Reidy.

MS. TORQUATO:

Hi. Maria Torquato. I also respect all the residents and the children of the homeless shelter and I want them to have a good place to stay and I am happy to give them a good education. My children are friends with many of the new children that are at their school. However, we do want our fair -- to do our fair share. And I don't understand how the Suffolk County Department of Social Services selected the Hauppauge site and I would like an answer to that question. Thank you.

CHAIRMAN GREGORY:

Thank you. Just so that -- the speakers that are coming up, we will have the Commissioner -- Acting Commissioner, excuse me, John O'Neill. He will be making a presentation after the public portion, I'm sure of which he will be able to address some of your questions.

On deck is Laurie Egbert.

MS. REIDY:

Yes, I'm Jennifer Reidy. I am a Hauppauge resident. We were here at the last meeting. We are upset. We have no answers to our questions and concerns. And again, a lot of people put us in the wrong light, that we're not looking to help. And I think that's really sad because Hauppauge is a great community. We do want to help; it's just not fair that Hauppauge and even Brentwood, our neighboring community, has been burdened with the entire homeless issue of Suffolk County. It was even stated that Bellone was looking to move them all to Western Suffolk. Does that mean that it's Brentwood and Hauppauge because we have the most hotels and we have those facilities that can house this amount of homelessness?

My biggest concern is are these people from New York? New York is one of the ten states that has that Safety Net Program. If we are one of the largest states who have that, why are we taking on the burden for all these other homeless people from other states? That's number one. That's my main question.

We would like to have you furnish copies of the letters required for prior notice to the localities as identified with County Administrative Code Provision 438. And how does the location of the shelter

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in South Hauppauge comport with Resolution 273 of 2013, requiring Social Services to place children in emergency shelters closest to their home district? That's the biggest question all of Hauppauge has to ask, is are these people from Hauppauge or the local neighboring areas? Or are we just going to become the burden of the entire homelessness issue? Thank you.

(APPLAUSE)

CHAIRMAN GREGORY:

On deck, Nancy Nunziata.

MS. EGBERT:

Hello. My name is Laurie Egbert. I think there are many great things that can come from this resolution, some for the community, which should be your first priority. These people in the community have chosen to live here for certain elements, for our schools and whatever. You did not notify us for this. You did not let us know, we did not have a say in this community. That should be your first priority, your voters.

Second of all, even for the people themselves, they don't even have kitchens themselves and they are well known where this address is. This is not fair to them. They should be in the 12 family shelters. They should also be spread out throughout Suffolk County. Also, if they are not from Suffolk County, why are they in a Suffolk County facility? That should be another major question.

According to the data we have, we are only getting about 20% financial aid for the students that are in school from New York. We are getting no financial aid for people out of school. This is a great burden, and since we cannot raise the tax caps, what's going to be cut and eliminated from our school districts to help pay for it? Are we going to start losing our business teachers, our technology teachers, our art teachers? What's going to happen to our community that we chose to be in and not have some of these elements there? Please let us know.

(APPLAUSE)

CHAIRMAN GREGORY:

Thank you. On deck, Eric McAlister.

MS. NUNZIATA:

Good morning, everyone. My name is Nancy Nunziata and I'm Executive Director of Help Suffolk. Help Suffolk is a Tier II shelter licensed by the State of New York in Bellport. We have been in existence for over 20 years. We have 76 families that live at Help Suffolk. And what I'm here to talk about a little bit today, understanding the Hauppauge community's concerns, is really the merits of the Tier II system.

One of the things that we're able to do and do well at Help Suffolk is provide almost a one-stop shopping for the families in terms of service delivery. So you have someone who comes into the system, who's lost their housing and perhaps lost their jobs and other things. And we've certainly seen -- just as an aside, more and more families entering the homeless system are really not different than you and I. They're people who've lost their jobs, they're people who have been impacted by Sandy, etcetera, etcetera.

So one of the things that we're able to do when they enter Help Suffolk is really provide them with a full range of services to really help to get them back on their feet. So here are some of the services that we provide at Help Suffolk: We have a full -- full range of case management staff. So the minute they enter our facility, we do a complete assessment to determine what they need help with. We have an on-site health clinic so that everybody is screened, given a health exam, so that we know that there's no concerns about any kind of communicable disease or people very ill. We have

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housing specialists that work with them to provide permanent housing.

We have a school district liaison and she works with every school district in Suffolk County to ensure that all the kids are properly enrolled in school. And I should just say as an aside, only 30% of our children at Help Suffolk go to the school district that we're in, which is South Country. Most of our children are spread throughout the County in terms of school because homeless families have a right to keep their children either in their own school district or in the shelter's school district. Many families want to retain their children in their own school district because that is one of the constants in the children's lives if the family is indeed moving around.

The other thing we provide, after school programs. We have recreation services, we have a Homework Help Program. We also have an on-site Child Care Program so that if families are going out looking for jobs or they're working or they're looking for housing, their children can be cared for while they tend to the business that they need to.

And we have an employment program. So we do employment readiness training, job training. This past year we put 100 families into permanent housing. Over the -- in 1995 we established our employment program. And since that time we've placed over 500 people in jobs throughout Suffolk County. And since our inception, Help Suffolk has seen almost 5200 of Suffolk County's homeless families.

So, you know, we're an entity that's been in existence. We're well known. Anybody is certainly welcome to come and visit us and to see how the Tier II model works. We believe in the model. We think it's helped the citizens of Suffolk County and we just want to support that model going forward. So, thank you.

CHAIRMAN GREGORY:

Thank you. All right. Mr. McAlister, and Lisa Lalli is on deck.

MR. McALISTER:

How you doing? My name is Mr. McAlister. One of the major problems is we don't want to just take anybody out of their homes. We need to find out who's paying these bills for these kids going to the schools? Out of state -- how many out-of-state kids are coming to the Hauppauge School District? And are they screened? Criminal records, drugs, child -- sex offenders, we want to know this stuff before. Are they or are they not screened through the police system, finger print? You know, nothing against anybody. Every child, every person has a right to live, but it shouldn't be a burden of Hauppauge people. Taxes paid; who's paying all the stuff for the schools? You know? And I also have something to leave with you.

CHAIRMAN GREGORY:

Thank you.

(APPLAUSE)

MS. LALLI:

Hi, my name is Lisa Lalli. My question is could you please indicate what was the basis for the closure of the facility in Westhampton?

And I also understand there is a law that there are four shelters per two square miles and are we violating that law if another shelter goes up in the area in Brentwood?

CHAIRMAN GREGORY:

Okay, thank you.

(APPLAUSE)

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Eric Baum. And on deck, Daniel Egbert.

MR. BAUM:

Can I request not to be on Channel 12?

CHAIRMAN GREGORY:

The media has a right to be here to record. It's an open meeting.

MR. BAUM:

All right, whatever. All right, thanks for having me. A few issues. First, this shelter came into this town in violation of many, many town codes. It's zoned to be a hotel. It is no longer operating as a hotel but it's not been rezoned. It's paying taxes as if it's a hotel. It is no longer a hotel. It is more of a condominium housing 97 families and 97 units. It needs to be reassessed and re-taxed as such. There's no waste management to handle the quantity of people being housed in this facility. It's designed for 80% occupancy at two to three people per room. It's now four to five people per room at 100% occupancy.

There are many issues. You know, this was just brought in, Bellone unilaterally brought this into this town quietly thinking he could just, you know, wamboozle over the townsfolk here. It's a great town, everybody's involved in the community. It has nothing to with that, but it's a burden on this community. The numbers I was given was there's a thousand homeless children in Suffolk County and 90 school districts. That translates into eleven students per school district if it was balanced out fairly.

This school district has 27, approximately, which is two-and-a-half times that quantity of students. If you take into account the size of this district, which is the lower half, that becomes four to five times the amount of children if it was fairly divided that this school has to take upon itself. It has nothing to do with the reimbursement. People keep bringing up the reimbursement, but the reimbursement, whatever it is, is not adequate. Kids come in and out, services can't be added and adjusted throughout the year.

So financially, whatever the reimbursement is, which is not enough, is extremely not enough because these kids come in requiring a multitude of services, remedial teaching, you know, speech language behavior, all this sort of stuff, guidance counselors. The reason they're put into this one school supposedly is because they needed so much help and this school had the lowest -- but the point being that they needed the most help more than the average student. So it's a very big burden on the school that it should not be forced to undertake without compensation or forced to undertake, period. And it's just, like I said, in violation of a lot of town codes. Thank you.

CHAIRMAN GREGORY:

Thank you, sir.

(APPLAUSE)

Daniel Egbert. And then on deck, Janine Winiarz.

MR. EGBERT:

Hello. My name is Daniel Egbert and I'm a Hauppauge resident, longtime. And my concerns largely are with the facility itself. Obviously, as the gentleman prior to me said, this structure was initially built as a motel, so it's not -- it's not suitable for long-term residents. To include -- and I know some of these have been said prior. There are no fixed cooking facilities for the people there. So, yes, it's important for people to have a roof over their head, but if they are actually going to be living in a place, to be able to provide food for themselves is one of the most basic needs that a

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family is going to have to have.

Considering that, from what we understand, food -- families are being given food vouchers which are really only good for places like McDonald's, 7-Eleven, Applebee's, some of the, you know, nearby fast food locations. Even to get to those, you're now asking families, including children, to be crossing Motor Parkway, which is a very dangerous road to get to those. And previously with some of the smaller shelters that had, you know, 10 to 12 families, the people that lived in those families -- in the communities that they were in, they were able to remain somewhat anonymous. Now that you have a large group of people, you know, to include all the children that we're discussing, it's obviously known who they are, what their situation is and where they are living. All right? So I don't know how that necessarily helps the children because, you know, probably some of them are not obviously happy with the situation that they're in. And now, essentially, they are very well known to everyone in the community.

Okay. Also, I would say that probably one of the most important things that we would do for any child, whether they are homeless or not, is provide a location that is safe for them. Okay? I don't know how possibly putting 96 families or 93 families in a location next to a gentlemen's club is possibly in the best interest of the children. There are many other motels throughout Long Island that possibly could be subsidized or used as permanent or semi-permanent, temporary, whatever you'd like to call it, housing for families. Putting one there really is not in the best interest of anyone.

And I'm also curious in terms of the people being there, because how much services they need, the children that are coming in, you know, to provide these services requires some time. To make some kind of impact positively on a child's life is not something that can be done overnight. So I think it's important for everybody in this room to know how long are the families entitled to live in these facilities? And if it is, you know, in a long term, then there might actually be a positive impact on the children's lives. But if it is in the long-term, what is being done to the facility to enable families to live there longer? And if they're not there very long, then, you know, there is an increase burden upon Hauppauge residents and the school district to provide services for students that are essentially transient.

So I think all of these issues have to be addressed. And I think it's only fair that the residents of Hauppauge are better informed about the number of people that are there, the number of students that are being, you know, schooled by our district and what is being done to provide for those students. And really, I think that the County has to rethink the location itself. And I think a lot of the residents here, we're okay with and we're supportive of people who are homeless, and we would like to see them get back on their feet; it's good for Hauppauge, it's good for Suffolk County, it's good for everyone. But we are obviously shouldering an unfair and disproportionate burden. And I think we -- you know, we need to have some answers to the questions that had been asked previously.

CHAIRMAN GREGORY:

Thank you for your comments.

(APPLAUSE)

Janine? On deck is Deborah Getz.

MS. WINIARZ:

Good morning. Thank you for the opportunity to speak today. And I'd like to say, my comments are not only my own but on behalf of many people who unfortunately couldn't be here today because they either have children at home or their work schedule would not allow them to be here. There are many other people who are very interested in the outcome of today's meeting and then

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hopefully the vote when it goes to the full Legislature.

Obviously, the Administrative Code 438 which states that no facility should be occupied by more than 12 families, this facility is in clear violation of. In addition to stating that, the same code says that proximity to other facilities should be taken into account so that no more than four emergency facilities should be within a two-square mile radius, therefore implying that there shouldn't be more than 48 families in two-square miles. You currently have two facilities housing up to 100 families each in less than a mile from each other. And in that code it states, "Having more than four facilities in a two-square mile radius, which would substantially alter the nature and character of the area," and I think that's part of the concerns that people have here.

Additionally, the McKinney-Vento Act states that the homeless children have the choice to either continue to go to the school district that they had been displaced from or to attend the district that they're currently zoned for. Well, I think the majority of Hauppauge residents don't have an issue having 20 something kids, maybe even 30 something kids. To potentially have 200 kids coming into our district tomorrow would be a huge burden on the district and I don't know if they're equipped to handle that. You're talking about adding classes, increasing class size, taking services away from the kids who are already there.

Additionally, one of the concerns that I have is the added stress that's placed on the fire department, the ambulance corps. I happened to speak to somebody who is a volunteer with the ambulance Corps in Commack, Commack vol -- all of them volunteers you probably know. That ambulance corps services the facility in Hauppauge, it services the facility on Jericho Turnpike in Smithtown, and it also shares responsibility for the Brentwood location. In speaking to some of the people who are in the ambulance corps, they're uncomfortable going in there without a police escort because of the sheer volume of people that are in there. I don't think first responders who are volunteering their time should be uncomfortable going to a location to help people.

And lastly, I know, Legislator Gregory, you had sponsored a bill, I believe earlier this year, to keep students close to their home district. Everybody on the Legislature, except for one person who I believe was not at that meeting, voted for that bill to pass, because it makes sense to have people stay in their own community where they have their own support systems and their families and their schools. It doesn't make sense to be bussing these kids for potentially hours a day back to their home district. It doesn't make sense to be moving them to a new district where they don't know anybody and they don't have these support services. And I think that we need to take that into consideration.

You know, in closing these smaller facilities and moving these people to these huge facilities, that's no longer an option. These may be the closest facilities because you're closing all the smaller ones that are out in the other communities and moving them here to save a few dollars, is what I believe the County's main goal is, but nobody has actually seen proof of that. And I think a lot of people would like to see proof of how much the County's actually saving by housing these people here and providing transportation and providing food vouchers and that kind of stuff. So I thank you for your time today.

(APPLAUSE)

CHAIRMAN GREGORY:

Thank you. Ms. Getz? Maria Lambros on deck.

MS. GETZ:

Yes, hi. Deborah Getz. I wrote my statement on the card and I support the resolution. Thank you.

CHAIRMAN GREGORY:

Okay, thank you.

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(APPLAUSE)

On deck, Jennifer Galaraza? Galarza, excuse me.

MS. LAMBROS:

Hi. Maria Lambros. If you just turn the card over, I wrote a written statement.

CHAIRMAN GREGORY:

Yes, I see it.

MS. LAMBROS:

Thank you.

CHAIRMAN GREGORY:

All right, thank you.

MS. GALARZA:

My name is Jennifer Galarza and I'm here in support of the proposed amendment today. I think that the contract should be nullified on its face as the Legislator (sic) provision 438 clearly states that there should only be 12 families and this facility has 96. And also I'm concerned that the cost benefit analysis of the impact of housing 96 families has on our school district, the fire districts, the ambulance corps that was already spoken about, what are they being reimbursed for the additional cost that these facilities are spending? You know, the school district is being reimbursed, but is the fire district and the ambulance corps being reimbursed any money, any additional taxes that are being spent on the higher call rates now? Thank you.

(APPLAUSE)

CHAIRMAN GREGORY:

Thank you. Dawn Lisserden? Lissenden, I'm sorry.

MS. LISSENDEN:

Thank you for allowing me to speak today. I am a resident at 450 Moreland at CHI. My daughter, she's only five years old, she goes to Forest Brook Elementary.

Due to tragedy, we ended up in the shelter system. My daughter's school is only ten minutes from the residence of where we reside. I have been there since July due to the fact of not enough affordable housing. They pay \$8,000 a family, a month, to live in the shelter, but they will not give a family above \$1200 a month for housing.

I pay taxes. I've paid taxes my entire life. Unfortunately, I got into an accident in September and I am no longer able to work. That doesn't stop me from raising my children with morals and values. My daughter is up to par with her grade level. She went from not being able to read at all to a 2nd grade reading level during her time at Forest Brook Elementary, which is just going into the second semester of the year.

We're talking about children; children that need the education. Whether you get it from this County or that county or this community or that community; in the end, does it really matter? What really matters is building more affordable housing. What matters is building more residential living places that are not high crime rate and high drug rate for the families that are living in shelters to be able to afford on their own instead of asking the system for help. Do I want to be on the system? No. Am I forced? Yes, due to natural disasters, yes.

Am I happy with my situation? Definitely not. Am I doing everything in my power to make it better? I definitely am. Are the workers at CHI doing everything that they can? Yes, they are. If it

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wasn't for the housing specialist, if it wasn't for the vocational specialist, if it wasn't for my case manager, I wouldn't be where I'm at today within myself. I was born in East Hampton. And to make the comment about a men something near my shelter? What's next door to my shelter is a Girl Scout. It's a Girl Scout building. I believe I got my point across.

(APPLAUSE)

CHAIRMAN GREGORY:

Thank you. That is all the cards that I have. Is there anyone else that hadn't filled out a card and would like to come forward and speak? I see your hand, ma'am, with the red top. Please come forward, state your name for the record. Reddish-pink.

MS. BALLAS:

Thanks. My name is Lisa Ballas. I'm a Hauppauge resident. My brother worked for the organization CHI. It is not a well-run organization, by any means. The people in the houses fight. The people in the houses aren't all upstanding like the woman that just spoke. I'm not happy about this being in my community. I bought my house, I paid more than half a million dollars for my house. And in addition to that, I pay taxes. I don't -- I sent my daughter to school; fortunately I can send my daughter to private school. Why should I? This is our community, okay? We have rights. Right now I own a rental property. I have a drug addict in my rental property that I cannot even get out because I have no rights as a law abiding, tax-paying citizen of Long Island.

I think really people should speak the truth and just say *We don't want it here*. There's nothing wrong with being honest. Why do we have to be so PC? We don't want it here, okay? Thank you.

(APPLAUSE)

CHAIRMAN GREGORY:

Thank you. Anyone else? No. Okay. We will go to the -- we have with us today -- excuse me -- Acting Commissioner John O'Neill who is scheduled to make a presentation to the Committee, which I think you will find beneficial, I hope, or informative. But first before we get into it -- I'm sorry -- excuse my allergies -- I attended a meeting on October 9th, 8th, whatever it was. There were numerous questions that were presented. Sammy Chu was here, Tom Greco was here, Mary Porter was here. I think there might have been some others. There were questions. There was a gentleman who alluded to -- or several that said that there was a letter that was sent out in response to those questions. I guess, Mr. Vaughn, maybe you can give some feedback on to what that letter was about; and did it, in fact, address the questions put before that meeting?

MR. VAUGHN:

Legislator Gregory, thank you very much. I'd be happy to follow up on that. I don't have that answer for you at this moment.

CHAIRMAN GREGORY:

Mr. O'Neill, do you have any information regarding that?

ACTING COMMISSIONER O'NEILL:

I do not have any information regarding that. Any questions that came into my office through the County Executive's Office or the Legislator's office, whoever it was, there were few a Legislators that had called my office, we responded in a timely fashion with the information.

CHAIRMAN GREGORY:

Was that in a letter format?

ACTING COMMISSIONER O'NEILL:

I believe the information I provided was included in that letter, yes.

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CHAIRMAN GREGORY:

Okay. Well, do we know how that -- one of the questions and concerns was how would that information be communicated to the people that asked the questions?

ACTING COMMISSIONER O'NEILL:

I was not here for that evening, but my recollection was that a couple of individuals said they would get back to the community. That was my understanding.

CHAIRMAN GREGORY:

Yes. And the followup question was how do we communicate -- would it be through electronic means, would it be through a letter, to everyone, where they'd be collecting addresses or -- you know, how -- or would it be posted on the school website or the County website?

ACTING COMMISSIONER O'NEILL:

Again, I wasn't at the meeting. Tom Vaughn said he would follow up and get that answer.

CHAIRMAN GREGORY:

That's not --

ACTING COMMISSIONER O'NEILL:

In terms of what?

CHAIRMAN GREGORY:

I'm sorry, that's not good enough. I don't mean to be disrespectful. It's been a month. These people were promised something. They're obviously not satisfied what with they received. They're, you know, I don't agree with all the questions, but I certainly believe that some of their questions are legitimate. Maybe we can address them after your presentation, but I think that, you know, we should make a fair effort to get the information to them. I mean, this is something that obviously that they're concerned about. And it seems like they're dissatisfied for a legitimate reason. I haven't seen the letter so I can't respond on the contents of the letter.

ACTING COMMISSIONER O'NEILL:

Sure.

CHAIRMAN GREGORY:

But apparently they're saying that the letter was unsatisfactory to the questions that were posed. Again, I understand you weren't there.

ACTING COMMISSIONER O'NEILL:

Understood. But I also started off by saying any questions that came into my office from -- whether it was the Legislators calling my office, the County Executive's Office or constituents, my office responded to every question on a timely and accurate basis. So I don't want to lose sight of that fact.

CHAIRMAN GREGORY:

Yes. And you're always very professional and knowledgeable and your office is always cooperative. I'm just trying to figure out where the missing link is. So we're going -- yes, Tom?

MR. VAUGHN:

Legislator, I just want to make clear I think -- I absolutely agree with you and -- your thoughts on people getting responses. I unfortunately was also not here with Commissioner O'Neill that night, but I am more than happy to follow up and find out where -- you know, if there was something that was not responded to or if there was a question that has gone unanswered, we will do our best to

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make sure that it does get addressed.

CHAIRMAN GREGORY:

Okay. So what I would like to do is we'll go through your -- you have a prepared presentation, John -- and then afterwards I would like to today address some of the questions that were presented as best that we can, because I think you have that information.

ACTING COMMISSIONER O'NEILL:

Sure.

CHAIRMAN GREGORY:

So with that, go ahead.

ACTING COMMISSIONER O'NEILL:

Good morning, Human Services Committee and other Legislators who are attending. Thank you for giving me the time to give this presentation.

So just for quick background, housing is now part of the Client Benefits Administration area. The areas that Client Benefits covers is Temporary Assistance, TANF and Safety Net, SNAP, Employment, HEAP and Housing.

So housing strategy: We call it the three Ps. It's something that we've talked about over the last couple of months. It's prevention, placement and permanency, with permanency being the goal standard. So what does that mean? That means that housing should be temporary in nature for Suffolk County residents that enter into the housing unit. We would like to get them permanency. That is what we are trying to achieve. We're going to put an emphasis on that going forward. Again, not that it wasn't in the past; it always was. However, there's been a rapid increase in the number of homeless -- families and individuals in Suffolk County. I have the numbers later in the presentation.

We have to follow Social Services regulations. Those are state regs, not local county regulations. We have a mix of Tier II shelters with smaller shelters. We want the housing strategy to be proactive in finding suitable, permanent housing solutions for homeless families and individuals.

Okay, so the big question is why Tier II? To reduce, eliminate the need to use motels for emergency housing. Again, the idea was there was a large influx of homeless families in Suffolk County over the last seven or eight years. These families were getting placed in motels. At motels we cannot deliver casework services to homeless families or individuals in these motels. It's more costly as well. No smaller shelters have been closed due to the use of Tier II shelters. So, again, I want to repeat that: The Department has not closed or terminated any contracts. If any small provider closed, it was their own decision, not ours.

Finding a Tier II is a lengthy process. It requires more detail and longer planning timeframes, 12 to 24 months versus smaller shelters 3 to 6 months. Tier II certification is per OTDA regulations: Office of Temporary Disability Assistance regulations. Those are state regs. The County must provide enhanced services to homeless families such as employment, housing search, childcare services. Utilizing Tier II, the Department will be able to provide better services to Suffolk County residents at a lower cost to the taxpayers.

The Department is not currently searching for any new Tier II locations and does not intend to. So I want to repeat that point: The Department is not currently searching for any new Tier II locations and does not intend to. The Department is focused on expanding family shelters in eastern Suffolk for 2014. This does not preclude the Department from opening a family shelter in western Suffolk if an opportunity presents itself in western Suffolk. It's just not the focus.

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Okay, so it's important to cover the history of Tier II. Help Suffolk resolution 451 in 1989 authorized DSS to enter into a contract with Help Suffolk. That contract was then extended again in 2005. In 2004 and 2005, the Capital Budget included 3.2 million for construction of two additional County-owned Tier II facilities. Due to lack of appropriate County-owned property for the construction of the Tier II shelters, the projects never proceeded out of the planning stages. In the 2005 Capital Budget commentary from BRO recommended two additional Tier IIs. 2001 there was continued need for additional shelters. The Department prepared an RFQ for shelters in April 2011 advertised in October 2011; proposals by respective vendors received in November of 2001. The RFQ Evaluation Team met in March 2012. April 2012 the first successful award was announced. At this time contracts were prepared with vendors to operate Tier II shelters. So to answer the question, 2004 there was roughly 432 homeless families. 2011: 431. As of October 28th: 565.

So what are the differences? Just -- and I'll just go through the Tier II and a Tier I, what is commonly referred to as a congregate. The congregate: 10 or more families including at minimum a sleeping area, access to three nutritional meals a day, supervision, a preliminary needs assessment and healthcare. In a Tier II: 10 or more homeless families, including at minimum private rooms, three nutritional meals a days, supervision, assessment, permanent housing preparation, recreation, information and referral, healthcare and childcare services. Clearly Tier IIs provide enhanced services, again, at a reduced cost to the taxpayers. We also have shelters for pregnant women, domestic violent shelters and we use hotels and motels for overflow.

So what is DSS doing about this? A few months back I started a team called POET. It's something that we've utilized in the past: Partnering for Operational Efficiency Team. It ranges from the Acting Commissioner myself, additional senior executives in the DSS Division, as well as -- Department -- as well as other divisions and other folks throughout housing are incorporated into this.

The idea is to analysis multiple business processes aimed at improving and streamlining housing operations. The current sub-committees include the housing reports, contracts, housing packages and inspections. Some of the initial improvements include reducing paper work in the housing packages. Currently 17 pages to be filled out. We're hoping to get that -- the final package looks like it's going to be about 6 or 8 pages. Expediting the inspection process by utilizing existing New York State Building Codes so we're in compliance with New York State regulations; developing uniformity with regard to performance metrics for shelter providers so we can measure and understand which are our better providers, which ones are reducing length of stay, which are getting families to permanency.

In the early stages of POET, one thing that became apparent was that there was a lot of overlap between CVA and housing. So it made sense let's move housing under CVA, we can get better cross training. We can consolidate the emergency needs unit and (inaudible) housing workforce so we can place clients faster; resize management structure, which focuses on permanency and prevention versus placement. As I mentioned, and as the numbers reflected earlier, from 2011 to 2013 there was roughly 120, 30 families increase. DSS housing was focused on placing those families. Also as a result of this, there's increased career mobility for our workers.

So what are the future initiatives from the POET team? In an effort to serve various homeless populations with divergent needs the following strategies are in the process of being implemented: We have an expansion of female-only shelters and couple shelters. Previously females, or shelters if they came into emergency housing, would have to be placed in motels, which again, we can't provide services and it's typically more expensive.

Timothy Hills Ranch, there's a residential highly-structured program currently serving youthful offenders. DSS worked with the Sheriff to keep that program running, using a program called SS --

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SPB -- SSP. In OTDA regulations basically the high level is we can keep some of the monies that a resident -- excuse me -- a client is receiving at Timothy Hill. And then when they complete the program in 6 to 12 months, they have cash set aside so they can get permanency, they can secure their own apartment, buy a car to get to their job, whatever the case may be.

Timothy Hill Ranch and DSS, we started talking about how they could actually expand. And we came up with that they're going to look at serving male and female youthful non-offenders so to keep them out of the emergency shelter system and we could promote permanency.

Today the housing advisors their current role that's been mostly focused on is inspections. In the upcoming months housing advisors will have an expanded role which included proactively locating and inspecting potential properties for families residing in shelters as per their civil service specifications.

So what does that mean? It means we're not going to wait just for the clients to go out there and look, we are going to look independent of them to help them, to speed up their ability to get permanency and achieve permanency. The homeless case loads are currently being reviewed to identify any additional veteran in need of case management services. We are working with other areas on the consortium of care as well as the Veterans Agency here in Suffolk County.

You we don't stop there. Again, it's been mentioned about Safety Net, one of the residents mentioned. 71 percent local cost, that's correct, it's expensive. DSS will establish a housing case work team to focus on transitioning Safety Net families in emergency housing to permanent residences, again, to relieve the tax burden for Suffolk County taxpayers.

Project Homebound: This in accordance with New York State OTDA regulations. You have cross training staff to reduce placement of families and individuals from outside of Suffolk County; not just out of State, outside of Suffolk County. In addition, families and individuals who are seeking temporary housing assistance in Suffolk County will be offered transportation to relocate to their originating County or State as per regulations and depending whether Safety Net Family will be reimbursed a certain percentage.

Also, we've undertaken a fraud initiative where shelter providers will now be able to directly refer cases to DSS when they suspect fraudulent activity. Sober homes, I'm not going to go through this whole slide, but the bottom line is Senator Zeldin has introduced some legislation on a State level. Suffolk County DSS was a partner at the table with Senator Zeldin as well as other departments. Legislator Browning was there as well. We fully support Sober Home legislation that Senator Zeldin has put forth. Sober Homes do not fall under the purview of Department of Social Services.

In 2011 RFQ was issued and we actually entered into an agreement with Eastern Long Island Hospital to deal with folks that fall into this realm so that we can try to keep them out of illegal sober homes.

Okay, so family options that are out there, the types of families -- facilities: We have family shelters 36; we have 3 Tier IIs; Help Suffolk and two currently in process, hence the footnote; 19 motels; there's 4 domestic violence shelters and 3 for shelters for pregnant women.

Total number of persons in emergency housing as of 10/28: Total persons 2,322: 215 single males, 94 single females; 28 persons, 14 couples in essence. Total singles 337; 565 families. All of -- the number of persons and families is 1,985; hence the 2,322.

So I believe that answers most of the questions. Any specific questions, I'll answer any questions that I can. I just remind you that I cannot speak specifically about any location as per Social Services Reg 136. I can't disclose those locations; however, I can talk generically.

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CHAIRMAN GREGORY:

Thank you. Ma'am, we -- you're not allowed -- you spoke once. You had your three minutes. You're not allowed to speak again. But we'll try to -- we'll hopefully try to answer any concerns that you have.

AUDIENCE:

Can I ask one question?

CHAIRMAN GREGORY:

You cannot. You cannot.

Thank you, Acting Commissioner O'Neill for your presentation. I think it was informative. I have a question on page 4. And it's about the process of Tier II. You have an estimation of 12 to 24 months to --

ACTING COMMISSIONER O'NEILL:

That's from -- contract times. So from the time we send out an RFQ, Request for Qualifications, and then to actually go out, look at the site, enter into a contract, 12 to 24 months. Then there is a -- once a contract is executed, there's a -- you have to apply for a Tier II. There is a structure, New York State guidelines that DSS and the vendor must follow. We are currently in the process in two facilities of obtaining; one was submitted to the State, one will be submitted to the State in the next month.

Just to be clear, a lot of the requirements in the application is that the facility must follow local codes such as fire, electrical, safety, etcetera.

CHAIRMAN GREGORY:

Okay. So is there -- and I think one of the concerns here that has been mentioned is obviously this is a Tier, quote/unquote, Tier II shelter who's not certified by New York State as a Tier II shelter; why does this shelter exist if it doesn't have the certification? State law allows them to -- us, being the Department of Social Services, to contract with the provider with the proviso that they apply for that certification. Now, how long does that process take, you know, just for the State to come back --

ACTING COMMISSIONER O'NEILL:

We're all new to this. It's the State, so I'll be cautiously optimistic and say, you know, six months.

CHAIRMAN GREGORY:

Okay.

ACTING COMMISSIONER O'NEILL:

I'm hoping it's less than that.

CHAIRMAN GREGORY:

Okay.

ACTING COMMISSIONER O'NEILL:

But I think it's important when we talk about how or why can we do this right. So what we have there today would qualify as a Tier I. And again, there are legal implications here about why we can or can't do something, and I'll let, you know, the County Attorney's Office speak to that.

CHAIRMAN GREGORY:

Well, that goes to my next question, because it's not a quote/unquote, Tier II shelter; it's, in

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essence, a Tier I shelter.

ACTING COMMISSIONER O'NEILL:

Correct.

CHAIRMAN GREGORY:

There was a Local Law that was passed by my predecessor, cosponsored by others, that limits shelters to 12 families per site. So can you address -- uh, I see Dennis Brown, the County attorney.

ACTING COMMISSIONER O'NEILL:

That's a legal question, so --

CHAIRMAN GREGORY:

Right.

ACTING COMMISSIONER O'NEILL:

-- I will defer to the expert.

MR. BROWN:

Good morning.

CHAIRMAN GREGORY:

Good morning, Dennis. Go ahead.

MR. BROWN:

With respect to what Commissioner O'Neill was looking for, Acting Commissioner O'Neill was looking for, was referring to was our Local Law which sets forth various guidelines pertaining to the size of shelters as well as compliance with different types of local regulations.

That Local Law also contained a reverse preemption clause as well. And we did take a look closely at our Local Law, as well as the State law and the regulatory scheme under the New York Code of Rules and Regulations under Part 900 and under part -- I think it's 300 and 400 of the title. And while I wouldn't want to commit here as to what a court may or may not do if our Local Law was challenged, but a reasonable argument certainly could be made that our Local Law would found to be -- would be found in conflict with the State Regulatory scheme and possibly be not enforceable.

CHAIRMAN GREGORY:

Okay. So in plain language for the non-lawyers that are listening in the audience, you're saying that the County cannot enact or enforce a law because the State will say you don't have jurisdiction.

MR. BROWN:

Correct.

CHAIRMAN GREGORY:

Okay. And that has happened in the past. We attempted to, I think with Legislator Browning or another -- with the sober homes, we passed a law, the County Executive signed it, four months later we got a letter from the State, *You guys can't do this*, and then we had to back off.

MR. BROWN:

That's correct, with respect to the sober homes. Also, as I'm sure that the Committee is aware and certainly Acting Commissioner O'Neill could also verify, that many times over the course of years the County has enacted various types of resolutions and laws that impact the placement of people in emergency housing situations. And in many of those circumstances, I'm not going to say universally, but I'll go out on a limb and say a majority of those circumstances that the New York

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State governing agencies have issued letters suggesting that our laws were not enforceable.

CHAIRMAN GREGORY:

All right, thank you. Another prevalent question I think that is asked is the transportation, and you addressed it a little bit.

ACTING COMMISSIONER O'NEILL:

Sure.

CHAIRMAN GREGORY:

With those particularly out of County and out of state, the -- no, it would be more if they were out-of-state.

ACTING COMMISSIONER O'NEILL:

Right.

CHAIRMAN GREGORY:

Yes. So if I'm -- if I -- if I'm homeless, I have a child, similar to the lady sitting behind you, she's from New Jersey, if she comes to New York seeking assistance, we provide her a home because we want to house people, we don't want people in the streets, she has school-age children, she has the option to go to school in the district where the shelter is.

ACTING COMMISSIONER O'NEILL:

Yes. So I'll address kind of multiple questions that exist with that example. So first of all, transportation costs and how that gets reimbursed or how cost -- homeless children get handled is through New York State Education Law. So I'm not an expert on New York State Education Law, but obviously I've had to research things from time to time.

If somebody is from out-of-state, there is no reimbursement, okay, if that's the case. This is why: At the New York State level, New York State education level -- so, let me give this example. Client A is from Albany, they're in Suffolk County, they qualify for eligibility for homelessness to receive assistance. They're in District ABC; District ABC, school district, would fill out a form, it goes up to New York State Education and Albany then has to fill out their piece of the form as well, and there's a minus to Albany's school aid and a plus to School District ABC's aid.

Transportation costs go like this, a separate issue: If you're in -- if you're residing in a homeless shelter and that school district is within that homeless -- homeless shelter's district, so same district, same area, the school district is responsible for it. If the family chooses, under McKinney/Vento, to attend another school district, let's say their original school district, DSS is responsible for that and we get reimbursed for that cost. So if it's -- if somebody's in a homeless shelter and they're going to the school that's in that district of that homeless shelter, the school district is responsible.

CHAIRMAN GREGORY:

Right.

ACTING COMMISSIONER O'NEILL:

If it's outside, DSS is responsible, we get reimbursed.

CHAIRMAN GREGORY:

And that was pretty much the nexus of why I drafted the law that I had, because I was visiting one of my schools, the principal said, "We have these kids that are being -- that are homeless that are being shipped to a facility in the Commack area," and I had been meeting with some of the homeless providers in my community and I said, "Well, we're at 50% capacity." I said, "Well, this is ridiculous. Why are they going to Commack when they could be in their neighboring communities

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that have capacity to teach -- to take them?"

ACTING COMMISSIONER O'NEILL:

That's -- I recall that conversation and we spoke, we met with the providers and it was nowhere near 50, it was much higher than that, it was like 85 or 90.

CHAIRMAN GREGORY:

Right.

ACTING COMMISSIONER O'NEILL:

Agreed that -- we did look at and Social Services regulations say the school district, the closer school district, you know, is way to do it. It doesn't always work that way, right, because something may be filled up and, you know, practical application. But every summer, which we just did -- and I know I've shared this before with the Human Service Committee, we did go back in and move around homeless families so they can be closer to their school district. That happens every summer, quite frankly.

CHAIRMAN GREGORY:

Right.

ACTING COMMISSIONER O'NEILL:

So I won't take credit for it. My staff does a great job.

CHAIRMAN GREGORY:

So I have read -- I recall stories years ago, kids from western Suffolk being in motels in Southampton, being, you know, transported two, three hours a day back and forth to school, which is horrendous.

ACTING COMMISSIONER O'NEILL:

I absolutely agree it's horrendous.

CHAIRMAN GREGORY:

Of course --

ACTING COMMISSIONER O'NEILL:

And we've put a stop to that practice.

CHAIRMAN GREGORY:

Right, and that's why we try to move away from motels and we try to -- right.

So there lies the rut for, I think, a lot of people here and some of the concerns that I have, that fraction of the people that are out of state that don't get cost, which is an unexpected cost for a school district that budgets. How can we address that? Because I had faced that issue myself with kids that are going to private school and they come from wherever and the school district says, "Well, we didn't anticipate this. We can't take this kid to St. John's," or wherever.

ACTING COMMISSIONER O'NEILL:

I'll answer the question two ways. I'll answer from a DSS perspective and a school district perspective.

From the DSS perspective, there are clear laws -- regulations, if you will, on if somebody presents themselves homeless, how we need to handle that situation. So we are limited in what we can do. However, as I mentioned, we're retraining staff, when folks present themselves from out of state, so that we are following Social Services regulations.

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Now, again, from the school district's perspective, they need to lobby Albany, because that's where -- again, it falls under -- the reimbursement issues for transportation, reimbursement, that falls under New York State Education Law, not DSS/OTDA regulations.

CHAIRMAN GREGORY:

Right.

ACTING COMMISSIONER O'NEILL:

So that's where I would start. There needs to be a dialogue -- again, McKinney/Vento was a Federal Law that has been implemented here in New York State that they follow. So the ask really needs to go back to the Feds, the Federal level, and I know that there is some money available. Again, I don't know the details of that because it's out of my purview, but having researched issues I've come across this.

So I believe that would be the prudent course of action, would be for the school districts to work with their Federal counterparts to determine how they can receive more funding in a homelessness situation when it impacts a school district.

CHAIRMAN GREGORY:

Yes, and I agree.

ACTING COMMISSIONER O'NEILL:

And I should just mention that there's been lots of numbers thrown around, there are currently 21 homeless children attending Hauppauge schools. Last year there was 19. The school district Superintendent met with Legislator Kennedy and I, we had a very good conversation about this issue. As a matter of fact, the Superintendent stated that she put these children in the school that she did because that's where she did have all the extra remedial type of help and assistance and available space, so that she could keep costs down. So to her credit, you know, she was trying to find a way to make that happen without impacting the taxpayers in Hauppauge School District.

CHAIRMAN GREGORY:

Right. So, and I think that you addressed where I was going, I think we need to do something on our level to advocate and lobby our Federal officials. But from your office, if there is someone who presents themselves from out of state, you're proactively saying *If you have resources in North Carolina or wherever you're coming from, we'll pay for you to go back there to those resources.*

ACTING COMMISSIONER O'NEILL:

Correct. So Social Services regulations allow us, in most instances, to do that. So yes --

CHAIRMAN GREGORY:

Right.

ACTING COMMISSIONER O'NEILL:

-- we have been doing that.

CHAIRMAN GREGORY:

Okay. I hate to address it but I think it should be addressed, because I think it makes assumptions that homeless people are not stand-up people, but let's just -- I'm going to ask this: What safeguards are there, any vetting of people that go through the public system?

ACTING COMMISSIONER O'NEILL:

Yes, there is a vetting process, as Nancy Nunziatta for Help Suffolk articulated, they do a medical

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assessment as well. There are no homeless sex offenders in family shelters in Suffolk County.

CHAIRMAN GREGORY:

Right.

ACTING COMMISSIONER O'NEILL:

That is a DSS rule as well, we follow that to the letter of the law. So, yes, we screen. There are no homeless sex offenders in family shelters.

CHAIRMAN GREGORY:

Right, okay. I think that's what I have for now. I know Legislator Kennedy's been chomping at the bit to get in, so I'm going to let him have the opportunity to speak now.

LEG. KENNEDY:

Thank you, Mr. Chair. And though I'm not a member of this Committee, I thank my colleagues actually for listening to this issue. And Legislator Cilmi is not a Committee member either, but he's come here as a cosponsor of this resolution.

The very first thing that I would say to you, Mr. Chair, is while we are speaking about a location that is here in Hauppauge -- and I will remind you of the request and I'm going to renew it here because at some point I believe we're going to have to do this, that I asked for an executive session with the Commissioner. The platform and the premise we start from is that there is multiple layers of confidentiality associated with the location of a homeless shelter, and anonymity, for good reason. Because I think we start from the premise that nobody is looking to work a hardship on a particular family.

In fact, I go back to what our predecessors did, as a matter of fact, someone who you knew very well, Legislator Postal, when she put Section 438 in place, along with Legislator Guldi and with Legislator Towle. And notwithstanding what the County Attorney has to say, and I'm going to pick up the dialogue in a second, let me just remind you and Legislative Counsel will concur, there is a presumption of validity with every resolution and amendment that we adopt and then we put on face. We do not have to sit, second-guess and try to come back to if what we did or what our predecessors did is law. As a matter of fact, it is law. And when we look at some of the actions that are taken here at this point about opining as to what the State may or may not do, quite frankly, we're bound by what's in the Administrative Code.

Let me go to for a second to the Commissioner, if I can.

ACTING COMMISSIONER O'NEILL:

Acting Commissioner.

LEG. KENNEDY:

Acting Commissioner; yes, Acting Commissioner. Some of the actions regarding this particular location predate when you came into the current position.

ACTING COMMISSIONER O'NEILL:

That's correct.

LEG. KENNEDY:

Okay. So I'm going to ask you a couple of questions which you may or may not have the answers to, but nevertheless they're important. The contract to -- with CHI to operate this facility, when did that actually get executed? More or less.

ACTING COMMISSIONER O'NEILL:

I believe around April, 2012.

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LEG. KENNEDY:

Ah, probably little bit later than that. It started -- as a matter of fact, the copy that I see that the County Attorney furnished to me -- which, by the way, is confidential, and I understand why -- I think the last signature which was the Chief Dep was probably around October; October of 2012. At that time, when the contract was being done, do you -- are you aware that there was any notification to the Town of Smithtown, to Hauppauge School District, to me or to anybody else, as it requires in 438?

ACTING COMMISSIONER O'NEILL:

I would say this: I don't know of any. I was here at that time.

LEG. KENNEDY:

Okay.

ACTING COMMISSIONER O'NEILL:

I don't recall any --

LEG. KENNEDY:

It's all right --

ACTING COMMISSIONER O'NEILL:

However --

LEG. KENNEDY:

I'm not asking you to go ahead and answer what you don't know, but in essence, basically had it been done, you probably would have been made aware of it. Are you familiar with the limitations on shelter size in 438?

ACTING COMMISSIONER O'NEILL:

Yes.

LEG. KENNEDY:

Okay. Are you familiar with the square-mile limitations that are here in 438?

ACTING COMMISSIONER O'NEILL:

Yes.

LEG. KENNEDY:

Okay. There are other locations that, in my opinion, are within that, and that's why I wanted the executive session. And I can't do it here right now, but I'm going to ask, through the Chair again, to go specifically to that executive session piece, because I need from you confirmation of what we generally know already. You've heard speakers talk about a serious and profound concern that there's been a policy on the part of the administration that's concentrating large homeless shelters in one area.

ACTING COMMISSIONER O'NEILL:

May I ask which administration you're referring to? Because I think I presented that this has been an ongoing issue across many years.

LEG. KENNEDY:

Well, John, I think that the County has had to deal with homelessness certainly ever since I first came into County government back in 1987.

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ACTING COMMISSIONER O'NEILL:

Yes.

LEG. KENNEDY:

I'm not trying to suggest that homelessness is something brand new, but the way that the County addresses that responsibility is actually based on what you just gave us, very new and quite frankly, nothing that ever came to me.

ACTING COMMISSIONER O'NEILL:

Actually, the reason why I was asking was not for that reason, but because of the fact that there was other DSS folks as well as Legislature/BRO that made recommendations in 2004 and 2005 about opening additional Tier IIs.

LEG. KENNEDY:

But, John, I was on the Legislature then.

ACTING COMMISSIONER O'NEILL:

Okay.

LEG. KENNEDY:

And you know what? You characterized it as a lack of County property; I'll tell you that was not the case at all.

ACTING COMMISSIONER O'NEILL:

Okay.

LEG. KENNEDY:

We, as the policy-making entity, soundly rejected that recommendation specifically because we didn't want to impact communities. So while it may have been put forward --

(APPLAUSE)

-- it was summarily dismissed. The policy was we would continue to support smaller, community-based shelters that didn't impact any of the 71 school districts. So I have to say to you, you presented it one way, but having been there and lived it, I'll tell you the facts.

ACTING COMMISSIONER O'NEILL:

Okay. I'm glad to hear you're aware of it; that's important to me, because I wasn't here then.

LEG. KENNEDY:

Okay. I don't want to make this, you know, extemporaneous, it's supposed to be a question and I'll come back to you in a second, but let me just go to Mr. Brown.

CHAIRMAN GREGORY:

John, do you want Legislative Counsel to address the executive session issue before you proceed?

LEG. KENNEDY:

Absolutely.

CHAIRMAN GREGORY:

Okay.

MR. NOLAN:

Yeah, this -- because this was discussed yesterday with the Chairman of the Committee. You know,

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we go into executive session when public -- the Open Meetings Law says we should go into executive session, and there's certain type of topics that justify going into executive session. Basically we came to the conclusion, we would do this in the open. And when the Commissioner came to a place where he thought there was confidential information he couldn't disclose in open meeting, at that point we would go into executive session, but not before then.

LEG. KENNEDY:

Well, and I'm not asking that because many of my -- you know, many of the folks that are here in the audience want to hear what the dialogue and the back and forth is. But I'll come back to and reserve that question specifically about the two square-mile radius. And as a matter of fact, if you check 136, it specifically says the administration will go into executive session to share with us specifically the particulars about what's going on with locations and the individuals in homeless housing shelters. So you've got to look at both Open Meetings and 136.

ACTING COMMISSIONER O'NEILL:

Uh-huh.

LEG. KENNEDY:

Dennis, 438 is a validly-adopted resolution, you agree?

MR. BROWN:

You're correct.

LEG. KENNEDY:

Okay. And is there a presumption of validity for the resolutions and the laws?

MR. BROWN:

You're correct in that representation as well.

LEG. KENNEDY:

Okay. So, therefore, when we operate, we operate under the fact that what we've adopted is legal.

MR. BROWN:

That's correct.

LEG. KENNEDY:

Okay. What prompted the County Executive to execute a contract, then, knowing that it was in violation of 438?

MR. BROWN:

Well, I don't think that the contract is in violation of 438. The contract with CHI is a contract to provide emergency shelters for the homeless population, and it covers -- if you look at that contract.

LEG. KENNEDY:

I did.

MR. BROWN:

That contract has various appendices or exhibits to it --

LEG. KENNEDY:

Yes.

MR. BROWN:

-- where there are various shelters listed. Some may be like the shelter that's the subject of this

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meeting, some may not be. So the contract in and of itself does not violate 438.

LEG. KENNEDY:

Well, okay. And again, this does nothing for everybody here, but as to that specific location, you and I can agree that there's more than 12 families in that location right now?

MR. BROWN:

Well, as to that specific location, as when the contract was originally executed, I don't recall, as we're sitting here right now, if the -- if the exhibit identified that particular shelter. I'm not correct about that. I'm not sure about that. That may have come after the actual execution date. I don't know if John knows the answer to that question. I'd need to go back and look at the contract and the actual documents forming it. But so -- but to answer your -- to answer your question, I can't -- well, I know you have Chapter 438. Chapter 438 sets forth, you know, various parameters. And you're a lawyer, John, you and I can talk about preemption and we can talk about the presumption of validity of the law. And, you know, we might have opinions about what the Legislature -- meaning the Law Department might have opinions about what the Legislature adopts or doesn't adopt. And if the Legislature adopts a bill, we're going to defend the bill. We may have opinions about the ultimate success of the litigation, but we're going to defend the bill as it was validly adopted.

LEG. KENNEDY:

My purpose isn't really to go ahead and talk about litigation, Dennis. As a matter of fact, my purpose is to talk about the process that was undertaken up to this point and what the impact is here.

Let me just go and shift gears, if I can, a little bit about the discussion with the Tier II homeless housing shelter. And I have a letter here today from our Town Attorney that I'll give a copy of to you.

MR. BROWN:

I've seen that, yes.

LEG. KENNEDY:

Okay. So you see that clearly he opines that this shelter in no way, shape or form conforms to local zoning requirements, as a special exception use, as a hotel/motel. As you know, under special exemption, very limited and you can't morph it out into other uses.

MR. BROWN:

With respect to that letter and with respect to local regulation of shelters in general --

LEG. KENNEDY:

Yes.

MR. BROWN:

-- the cases also hold -- and again, I know you don't want to discuss litigation, but it's important with respect to the point that you're raising, the cases also hold that local codes -- building, electric, whatever the case might be --

LEG. KENNEDY:

Yes.

MR. BROWN:

-- they can't be used as obstacles to shelters. They can be used for purposes of making sure that

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shelters are safe, but not as obstacles.

LEG. KENNEDY:

Well, again, it's not so much that it's being used as an obstacle. What it's being raised is, is that the town, when it entertained what an appropriate or proper use would be for a particular property, acted in one character. And the County, without notification to the town, without notification to the school district and, quite frankly, without notification to the local Legislator, elected to facilitate and promote a wildly different use. And, you know, if we go back to what a lot of people have talked about, about trying to assist and help individuals that have come upon hard times, I understand that as a County fiduciary. But I got to tell you something, you know, the shelter out in Westhampton that housed 34, that had cooking facilities in the shelter got closed and these people got moved up the Expressway, taken out of an area where the one young lady talked about, she was from East Hampton. They're stuck with a microwave now, Dennis. You know, I don't -- in my own opinion, with four kids I never raised them off a microwave. That's not something that's a -- you know, an appropriate or, quite frankly, a use that we want to promote.

Look, let me yield back here. I'm going to ask at some point that the Committee consider moving the bill. I'm not a member of the committee so I can't even make the motion, but I think it's very, very important for the Committee to realize that this is a radical policy shift undertaken by the Administration, never brought to us whatsoever.

And quite frankly, I'm very, very concerned. Thank you, Mr. Chair.

(APPLAUSE)

CHAIRMAN GREGORY:

Thank you. Yes, Mr. Vaughn.

MR. VAUGHN:

I would hope that, you know, Acting Commissioner O'Neill would jump in here if anything that I am about to say is wrong. But it's my understanding that this policy shift was begun under a Commissioner that was approved by this body many years before the Administration took office. It was a pol -- the RFP was sent out prior to this Administration taking office. The RFP Committee, which adopted this RFP, had a member, at least one, that was from this body. So if we're going to talk about this, it's been a shift in policy to provide people the best services possible, but it is a shift that has -- that began way before the Bellone Administration took office.

CHAIRMAN GREGORY:

(Laughter)

LEG. KENNEDY:

Mr. Chair, I'll go at it, or you can go at it. Unless I've got total amnesia, it never came before us. 438 was the way you change it.

CHAIRMAN GREGORY:

Yeah, I certainly wasn't aware of it. I'm a member of the Committee, I've been a member of the Committee. I'm the Chairman of the Committee. This is a policy shift that I wasn't aware of.

In fact, the story I related earlier, when I visited my school that's how I found out about it and I called Legislator Kennedy, "Did you know you have a Tier II shelter in your district?" He was like, "No." I mean, that shouldn't be the way things role out.

ACTING COMMISSIONER O'NEILL:

So I think -- let me just jump in for a minute, let me just clarify. An RFQ was sent out in 2011, I

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believe that's what Mr. Vaughn may be referring to, which is the process when he's saying there was somebody from the Legislature on that, you know, review. So just (inaudible) --

CHAIRMAN GREGORY:

Okay. Legislator Cilmi has a few questions.

LEG. CILMI:

Thank you very much. Just specifically with regard to this latest exchange which was started by Mr. Vaughn, blame is not the purpose of this, Tom. I know you're not suggesting that it is.

MR. VAUGHN:

No, sir, I'm not. But --

LEG. CILMI:

But, but, but we're faced with a situation. And what we do with it, you're either going -- the Administration's either going to embrace a policy that, as you say, may have begun prior to this Administration, or they're going to reject that policy and, in place, adhere to a policy that apparently this Legislature set many years ago. So I just wanted to make that -- make that clear.

I do have a number of questions for Mr. O'Neill. But before I ask those questions, I want to say something to the folks who are here today. And I really first wanted to commend all of the speakers for their bravery in coming forward. This is a very emotional topic. I particularly want to commend the couple of speakers who live in that shelter, because I know it takes a lot of guts to come here and say, you know, "this is my home and, you know, we want to fight for it."

I think the dissatisfaction that we see is a result of basically two issues: One is a lack of communication and understand -- understanding that some of that is a result of confidentially require -- confidentiality requirements from the State and Federal governments, but nevertheless, there's a lack of information. And secondly, questions surrounding the fairness of placement of homeless families within Suffolk County.

Now, as most of you know, certainly my colleagues know, as a result of redistricting and this year's elections, I am privileged to represent the good people of Hauppauge on the Islip side effective officially the beginning of next year. During the campaign process, I spent many an evening and many a weekend day walking around knocking on doors in the Hauppauge community. And I can say to my colleagues that the people of Hauppauge who I had the opportunity to meet are very caring and concerned and accept responsibility for providing for those less fortunate and those who have fallen on tragic circumstances and are homeless as a result. But it needs to be done in an open way and it needs to be done fairly. And it's apparent to me that that hasn't happened.

Let me go specifically to some questions for the Commissioner. In your presentation you talked about -- two of the points you made, one of which was there are two Tier -- there are two Tier II shelters in process.

ACTING COMMISSIONER O'NEILL:

Correct.

LEG. CILMI:

And one currently existing. The one that's currently existing is the one that we're discussing today.

ACTING COMMISSIONER O'NEIL:

No, no.

LEG. CILMI:

No? What do you mean by in process exactly?

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ACTING COMMISSIONER O'NEILL:

There's -- in order to be certified Tier II, it's a New York State designation. You have to submit paper work to the State to get certified as Tier II. That's what we referring to.

LEG. CILMI:

Okay.

ACTING COMMISSIONER O'NEILL:

An application, for lack of a better term.

LEG. CILMI:

Okay. So if those processes play out, we have three Tier II facilities -- we'll have three Tier II facilities, then, in Suffolk County. Where are they?

ACTING COMMISSIONER O'NEILL:

I can't disclose the locations.

LEG. CILMI:

Okay. That goes to the frustration that, you know, is bubbling over, boiling over today in this room. And, you know, most people are working. We could probably fill, you know, a small stadium with the folks in Hauppauge who are concerned about this, and in Brentwood, for that matter.

The second question I have is a much more general question, but I think it's worth asking. You said in your remarks that there has been a large influx of homeless families in Suffolk County. And we saw in part of your presentation an increase in the number of persons who are receiving housing.

ACTING COMMISSIONER O'NEILL:

It was at the bottom, yes.

LEG. CILMI:

What has caused that large influx?

ACTING COMMISSIONER O'NEILL:

Primarily the economy. And to -- to a lesser extent, Superstorm Sandy.

LEG. CILMI:

Well, let me ask, you said there was a large influx, which leads me to believe that folks are coming from other places. And while the --

ACTING COMMISSIONER O'NEILL:

No.

CHAIRPERSON NOWICK:

That's not the case?

ACTING COMMISSIONER O'NEIL:

No, not -- when I say influx, influx of homelessness, of people seeking --

LEG. CILMI:

Okay. So you mean an increase in homelessness --

ACTING COMMISSIONER O'NEIL:

Correct.

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LEG. CILMI:

-- not necessarily an influx of people from other areas.

ACTING COMMISSIONER O'NEILL:

Right, I mean influx into our centers. So, yes, that is correct what you're stating.

LEG. CILMI:

Okay. Are you able to speak to the issue of whether or not there has been a significant number of families coming to Suffolk County from other states?

ACTING COMMISSIONER O'NEILL:

No, we have no data collected over multiple years for me to do a comparison to; it just doesn't exist.

LEG. CILMI:

It doesn't exist.

ACTING COMMISSIONER O'NEIL:

No.

LEG. CILMI:

Does it not exist within the walls of County government, or does it not exist at all?

ACTING COMMISSIONER O'NEILL:

I would say this: We'd have to go to manual case records to cull through to find that information. It would be a manual process to do that, so there's no report. Again, DSS is operating off State systems, not County systems. So there's a record that is created by New York State; so the data that gets entered is driven by New York State. So they don't have a report that says, *okay, generate, you know, those folks that declare themselves homelessness in Suffolk County that are out of state.* That's no designation or filter, if you will, or field code.

LEG. CILMI:

Right. Well, I think that's -- I think that's something that's important to try and wrap our hands around, if at all possible. Because in the same way that the folks of Hauppauge feel overburdened with this facility in their community, impacting their school district, the people of New York State may be overburdened and the people in Suffolk County in general may be overburdened by folks taking advantage of our very generous public assistance programs here in New York State; do you agree with that? Maybe, I said maybe.

(APPLAUSE)

CHAIRMAN GREGORY:

Folks, folks, please keep your comments down. We're trying to --

ACTING COMMISSIONER O'NEILL:

As I mentioned during my presentation that's on the screen now, it was the first bullet, Safety Net. Significant cost containment, right, we're going to look at -- we're actually looking at it now, okay, we're going to look at this. So one of the things I did not put in my presentation, because I was trying to keep it brief, was we are actually working with our IT department to build a database to gather the statistics you're referring to so that we have measurable statistics and we're not talking anecdotally.

LEG. CILMI:

Well, I'd say that's a step in the right direction.

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One of the brave young women who spoke to us who lives in the shelter talked about the need for affordable housing in Suffolk County and on Long Island. The largest -- perhaps the largest factor in housing affordability is property taxes. And the largest impact on property taxes is possible education. And so to that person and to others who may be in the audience that, you know, are thinking about this, the fact is that part of the concern here is the cost that -- that the taxpayers, the property taxpayers of the Hauppauge School District will have to bear as a result of this Tier II facility in their community, in their school district.

So while affordable housing may be a goal or the issue here, the single most biggest driver -- the single largest driver of making housing affordable is the property taxes. And the property taxes in Hauppauge are going to rise significantly as a result of increased population in their school district, which may not be -- which population may not be contributing to the property taxes in that district. It is true that folks who live here obviously pay all kinds of different taxes: Sales taxes, etcetera. But specifically with the property taxes associated with the school district, there may be students that are attending Hauppauge School District that don't have a property tax revenue component to their attendance; correct?

ACTING COMMISSIONER O'NEILL:

So theoretically speaking, what you're saying absolutely makes sense; that would be accurate, that's correct. There are other factors. The property there currently does pay school taxes and always did. Again, I'm not trying to equate that, it covers it, I'm not making that statement. I'm just stating a fact that they do pay school taxes.

Having said that, the Hauppauge School District also benefits from --

(NEGATIVE COMMENTS FROM AUDIENCE)

CHAIRMAN GREGORY:

Please, please.

ACTING COMMISSIONER O'NEILL:

-- personal tax based there as well. There's a commercial zone I believe in the Hauppauge School District which they benefit from, which there's no -- any type of residence in those commercial areas. So, yes, there's always pluses and minus to it. Yes, this could become costly to the Hauppauge School District. There's no denying that. However, again, last year there was 19. There are currently 21 homeless students in that school district. There was 24 at the beginning of the year to be, you know, fair and accurate and honest.

LEG. CILMI:

And there could be more as time goes on.

ACTING COMMISSIONER O'NEILL:

The Census changes all the time. Yes, there could be more, there could be less, that is correct.

LEG. CILMI:

Some of the questions we heard from the audience today included whether or not there's a length of time that's associated, or a maximum length of time that's associated with somebody being in a particular facility. Questions with regard to the ability; financial ability of a school district to educate the students that are there, questions about the effectiveness, even, of that education when you have students that may be transient; questions about the distribution of homeless families in general throughout Suffolk County; and questions about the legality of this facility operating here.

You talked about the contract with CHI being legal. But I guess to Mr. Vaughn and to Mr. Brown, while the contract may be legal, if the agency that we're doing

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business with is operating in such a way to, let's say, skirt the law, then that's an agency that we shouldn't be doing business with.

(APPLAUSE)

MR. BROWN:

Is that a question or a statement? Because I can respond to it.

LEG. CILMI:

Do you agree?

MR. BROWN:

I would say that I would miss -- I would disagree respectfully with the way that you characterize it as far as skirting the law is concerned. And secondly, when all of our contracts, whether it be for shelters or some other types of services, if it was found to be that a contract was acting contrary to the terms of the contract, the terms and conditions of the contract, then the contract would be given the opportunity to cure and we would just automatically default the contractor to correct his error. Do you understand what I mean? I'll say it again.

So if we have a contract and you didn't perform the contract, I would say to you "Tom, you didn't perform the contract. Are you going to perform it?" And then you would have the opportunity to either say "Yes, I'm going to perform it according to the terms of the contract" or "Oh, you're right, I didn't perform it in terms of the contract, I'll correct my behavior." We wouldn't just automatically terminate our relationship.

LEG. CILMI:

Okay. So at this point, is it the County's position that CHI is operating within the confines of County law or outside the confines of County law?

MR. BROWN:

I don't know all of the details as far as the Moreland shelter is concerned.

LEG. CILMI:

Dennis, you're the County Attorney.

(LAUGHTER, APPLAUSE AND NEGATIVE COMMENTS FROM AUDIENCE)

LEG. CILMI:

With all due respect, what do you mean you don't know all the details?

CHAIRMAN GREGORY:

Folks, folks.

LEG. CILMI:

Folks, I appreciate your --

CHAIRMAN GREGORY:

Keep your comments down.

LEG. CILMI:

-- enthusiasm, but --

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MR. BROWN:

Chapter 438 contains numerous regulations, one of which is the -- one of which is the size of the shelter. Other regulations, as I stated before, relate to it being in conformity with local zoning and building regulations. So, for example, I don't know if it's in conformity with local building or zoning relations. There's an opinion from John {Zolo} that was just issued in the past couple of days or not. He says that it's not. I don't know if that's correct or not. He's not specifically referring to what it might be in violation of. But like I also said before, case law states that regulations can't be used to obstruct shelters; they could be used to regulate safety, but not to obstruct.

It also gets -- it also gets more complicated, because in evaluating the performance of any contractor in the context of the law, as Legislator Kennedy and I discussed, we could go back and forth about whether or not a case -- a law is preempted, whether or not it's enforceable under State regulation. But overall contractor's performance on any contract would be evaluated in the context of our Local Law as well.

LEG. CILMI:

Okay --

MR. BROWN:

And our opinion as to whether or not it's validly enforceable.

LEG. CILMI:

Well, I -- so I assume, then, based on your answer that the County has not notified CHI that they may be operating outside County law.

MR. BROWN:

We have not, no.

LEG. CILMI:

We have not.

MR. BROWN:

The Department of Law has not.

LEG. CILMI:

Okay. At some point in time, you have to come to a conclusion as to whether or not you believe that they are operating within or outside County law. How long do you expect it's going to take for you to come to that conclusion? And if you -- I mean, have you -- have you in your mind already come to a conclusion that they're operating within County law and that's why you haven't notified them yet, or is this something that you're actively pursuing?

MR. BROWN:

Well, first of all, nobody has asked the Department of Law to notify CHI or any other contractor whether or not they're operating within the confines of law. And --

LEG. CILMI:

Well, no, I'm asking the Department of Law today to review whether or not you believe CHI is operating within County law or outside County law.

MR. BROWN:

We could review that and get back to you on that, absolutely.

LEG. CILMI:

Terrific.

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(APPLAUSE)

Let me just -- John, can I just -- I have one more -- one more question and then I'll yield.

MR. BROWN:

And, Legislator Cilmi, we can talk about this -- we can talk about this more, you know, off the record, we can have a side-bar about it. But we're going to give an opinion on whether or not the contractor is acting within the scope of Chapter 438. And that opinion is going to include whether or not Chapter 438, whether in our opinion it's legally valid.

LEG. CILMI:

Well, I mean, listen, if your -- if your opinion --

MR. BROWN:

So we'll --

LEG. CILMI:

If you come to the conclusion as the County Attorney that Chapter 438 is not legally valid, then we would expect, then, a resolution coming from the County Executive's Office to repeal that section.

MR. BROWN:

Okay.

LEG. CILMI:

I would imagine.

MR. BROWN:

We'll certainly honor your request and give an opinion.

LEG. CILMI:

The last question that I have goes to something that Acting Commissioner O'Neill brought up in his -- either in his answers or his initial remarks. You said that the County is engaged in the practice of -- if folks who are homeless and who are here have resources that they could take advantage of in other places, that we will pay them to get to those other places. What safeguards do we have in place to ensure that we don't transport these folks back to Pennsylvania, North Carolina, wherever it is they are, only to welcome them back to our public assistance rolls a month later?

ACTING COMMISSIONER O'NEILL:

So just to be clear, there's ADM, 94-ADM20, 96-ADM20, issued by OTDA that speaks about these issues. But just layman speaking now, we have a case record of who applies when and we hold that information and store it. So if somebody does come back and apply, we could go back to the original application that we registered; and understand why we rejected that application. So we would have a record of it.

So if Johnny-bag-of-donuts comes in to the shelter, excuse me, into services -- one of our service centers, we would, you know, say okay, a month later, Johnny-bag-of-donuts, okay, *oh, wait a second here, we told him -- we spoke with his resource back in Pennsylvania* and we pay, you know, for that to go back and we would reject that application again, all things being equal.

LEG. CILMI:

Okay, so we do have the authority in certain cases to reject applications --

ACTING COMMISSIONER O'NEILL:

Yes.

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LEG. CILMI:

-- based on residency?

ACTING COMMISSIONER O'NEILL:

Yes, absolutely. It's not residency. It's resources and eligibility. So, yes, we do have the ability to reject an application.

LEG. CILMI:

Are you able to --

ACTING COMMISSIONER O'NEILL:

I'm not saying it's not residency. I'm just saying that --

LEG. CILMI:

I understand.

ACTING COMMISSIONER O'NEILL:

-- it's more than that.

LEG. CILMI:

I understand. Are you able to discuss how many cases there have been where we have done this; we've paid for folks to go back to other parts of the country?

ACTING COMMISSIONER O'NEILL:

I would have to look. I don't know off the top of my head, but I can get you that, Legislator.

LEG. CILMI:

Okay. Listen, I am -- as a cosponsor of this bill, I did so because I think there are significant and substantive questions here that need to be addressed with respect to the legality of this facility, with respect to the practicality of, I guess, the whole nature of a Tier II facility, and certainly with respect to the impact on the Hauppauge community. And it's my hope that we pass this resolution today so that we can get to the bottom of some of those questions. Because if we don't pass it today, or at least get it out onto the floor of the Legislature, it's my fear that some of those questions will go unanswered. I thank you very much for being here, for your time.

ACTING COMMISSIONER O'NEILL:

Thank you.

(APPLAUSE)

CHAIRMAN GREGORY:

Great. Legislator Krupski had some questions.

LEG. KRUPSKI:

I would like to thank Acting Commissioner O'Neill for his efforts here and for being here. And you've answered quite a few of my questions here that I wrote down. I listened to all the testimony of everyone who took the time to come today. And a lot of the questions that I had that I wrote down from your comments have been answered about the out-of-state people, about how many children are in -- are affecting your school district and about how -- how does the County pay the school -- or how does the school district, rather, get reimbursed? So then the question became, in my mind, is -- and one young woman got up and she said very honestly -- "to be honest about it, nobody wants this shelter in our community." Okay.

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Then I started to think about, well, in my district, my district goes from Orient to Wading River down to Center Moriches, and I started to think, well, how many shelters are there in my district? Is it in fact -- are these places -- are the sober homes, Maureen Haven, all those -- you know, the domestic violence shelters, are they evenly distributed throughout the County or all they all being concentrated in one area? We did have a big problem in Riverhead when half of the County's homeless sex offenders were concentrated in one area; and then they -- they had a severe impact on that community.

So if you look at that -- and then I did get some information from my staff on how, in fact, some of these places are distributed. And if look at the homelessness and the homeless problem, I think from my opinion -- from what I have here, it is fairly well distributed. There's also a lot of homelessness -- this is homelessness that we have on a chart here. So you say, okay, those are the people that the County's taxpayers' dollars are contributing to their support. You have a lot of homelessness that's off the grid.

In my community there's organizations all winter long that -- churches, they -- volunteers come in, they feed the homeless people, they volunteer to stay with them overnight. And so during the winter months when these people would be out in freezing weather, these homeless people who are not on any list here are actually being serviced by the community. So these numbers here only tell part of the picture and part of the problem.

I do really like Legislator Gregory's legislation this year to prioritize placement of homeless people within their own communities. Once those people are moved -- and mainly because of the children; because if the children stay in their own school districts, their lives are going to be disrupted a lot less. And people stay in their own communities, obviously they're going to be able to have relationships with family or friends, find work and mainstream out of the homeless situation.

So I think that's really important. I know haven spoken with Commissioner O'Neill, that that is his goal also to keep people in their own communities and not try to congregate them in one community or another.

So I'd just like to say this is a good forum. I appreciate everyone's comments here. These things -- you know, there was a lot of conversation about policy shift, about how the County moves people around, how the County basically services the people here; thousands of people who can't for lack of a better term house themselves. And some can't care for themselves at all. And I'm not just talking about the homeless shelters here; I'm talking about all the other places, the ADD homes that are scattered throughout -- certainly scattered throughout my community, all the sober homes who are scattered -- quite a few scattered throughout my community.

So going forward, public comment is very important. And I appreciate everyone's comments today. The policy shift, that's something that should be a public discussion. That's something that should be discussed here. And will it be addressed to everyone's satisfaction? Of course not. The legality of it, it's good that it's being discussed. I'm not a lawyer, you know, we have the County Attorney here. We have people asking -- Legislators asking very good questions about the legality. That's good that it's being discussed.

So you're not getting an answer today that you're going to be -- walk out of here and be happy with, I'm sure, but I think you should be happy that you are getting the attention that you deserve and that there's a process here that's being undertaken. And I appreciate everyone's comments here, whether you're on the Committee or not.

CHAIRMAN GREGORY:

Thank you, Legislator Krupski. Legislator Browning; then we have -- Legislator Barraga has questions.

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LEG. BROWNING:

You know, I look at the chart here and the number of families, 565 families. Now you said there's -- how many in the Hauppauge School District? Families?

ACTING COMMISSIONER O'NEILL:

Families off the top of my head, I'm not sure. In the Hauppauge School District I know there's currently 21 homeless children.

LEG. BROWNING:

Right, right. But families in that shelter?

ACTING COMMISSIONER O'NEILL:

If I had to do a quick -- the total on that shelter is roughly 96--

LEG. BROWNING:

96, okay.

ACTING COMMISSIONER O'NEILL:

Total in that shelter.

LEG. BROWNING:

Because I know that -- you know, and I'm hearing a lot of the comments here tonight -- today. And, you know, I know exactly what you're saying. One district shouldn't be overburdened over another. I absolutely agree. That is an argument that I've had in my district for a long time. The only existing Tier II shelter is in my district. And I know that there's been problems in the past with it. But Nancy Nunziata who was here today and spoke has done a great job and does run it very well. Is there issues now and again? Absolutely. Of course there's going to be some issues. But overall I think they have done a good job in helping the families who wind up in the Tier II homeless shelter in my district.

The South Country School District, where the children go, there is -- according to the school district administration, there's 37 children K through 12. And to assume that every single one of these children needs special services, I think, is unfair because that's not quite the truth. And I've had that conversation with Nancy. Not all of these children have special needs and have special services that need it in their education. Some of them do very well.

I believe there was -- a couple of years ago we had a young girl who was homeless who actually was recognized by the Presidents for her excellence in education. So to assume that all homeless kids need special services, let's try and get away from that.

One of the comments that I did hear, John, was about food vouchers and where they can be used. And I want to go back real quick because there was an assumption that there's people in your -- you know, that maybe you directly, you know, wouldn't have a homeless shelter in your -- in your community. One of -- one of John's top administrators who's actually in this room today is only blocks away from the Tier II shelter. So to assume that the administration does not have a Tier II shelter in their community, that's also incorrect. So I did want to mention that. I said in my district. And he's also one of the administration of the -- of Social Services. So the fact is there is one in their district.

AUDIENCE:

One in Babylon.

LEG. BROWNING:

The food vouchers, somebody made a comment about the only place that they can use food

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vouchers is McDonald's and the fast food places. Can you explain those food vouchers?

ACTING COMMISSIONER O'NEILL:

Because currently there is no provision kitchen, if you will, folks that are in a shelter that don't have any provision like that for -- to make food, they receive a meal allowance in lieu of that.

LEG. BROWNING:

Okay. And so basically that's --

ACTING COMMISSIONER O'NEILL:

They're referring to somebody going out and using a meal allowance; so that's what I could surmise from that.

LEG. BROWNING:

Okay, okay. And, you know, one of the things -- I know we have had many conversations and I have talked about the Safety Net and the fact that we offer the Cadillac of safety nets, and that we are seen -- you know, we do see out-of-state, I think it's more the singles that we're seeing coming from out of state than families. I believe in some information I've received in the past, and I appreciate the fact that you're looking into this, you know, and I know that you are looking to -- with the homeward bound program to offer the opportunity for families to go back, or singles. Now, how long can they live -- now these shelters, like the one in Hauppauge right now, what is the longest amount of time that they can stay?

ACTING COMMISSIONER O'NEILL:

In essence until they find permanency, I mean -- however, typically folks are there between six and nine months, typically. That's average again. There's multiple factors that -- you know, such as number of children, are they school-age or not school-age. A lot of times they'll try to put it off until after, you know, they're -- school's over, whatever the case maybe. So there are a lot of dependencies. But on average -- and especially now it's, you know, six to nine months. When the economy picks up, that will be much shorter.

LEG. BROWNING:

Now, another issue that we're looking at, too, here is we have a lot of homeless families who -- they're veterans and -- have you been able to -- do you have a number of how many homeless veterans -- families we have?

ACTING COMMISSIONER O'NEILL:

We do. We do have a few. We're actually coordinating. Actually we have a special project that's currently ongoing, the continuing care vendor, as well as with the Veterans Services here. And we have shelters, specifically for homeless veterans as well.

LEG. BROWNING:

And you can't disclose that location?

ACTING COMMISSIONER O'NEILL:

That's correct. Due to Social Service Reg 136, I am prohibited from disclosing actual locations, that's correct.

LEG. BROWNING:

Right, right. And, again, I've disclosed that the homeless shelter, the Tier II, the only one that exists is in my district. I know exactly where it is and Nancy was here to speak on that. You know, so I just -- you know, again, we'll debate the bill but, you know, I understand their concern about, you know, the number of families veteran, this shelter, is there an opportunity to maybe bring the number down a little bit, so?

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ACTING COMMISSIONER O'NEILL:

There are regulations that we must follow. So, again, I -- we, the Department of Social Services, we follow Social Services regulations. To the extent -- and we -- and there's a -- when the primary regulation state school district, right, so that's one of the first criteria to try to place homeless families within their school district.

One of the things we've tried to do is if somebody comes in that's not a -- as a family with no school-age children, we try to place them into one of these other larger facilities because we don't want to burden unfairly any community. And, quite frankly, I think we've done a very good job considering the size of the facility and the number of homeless children that are attending certain school districts.

LEG. BROWNING:

Okay.

ACTING COMMISSIONER O'NEILL:

A credit to my staff for that for being able to do that.

LEG. BROWNING:

Okay. Well, I don't think I have any more questions other than -- and when you're talking about the two other shelters, the two that you're currently -- I don't know if you can give it -- I'm not asking you specifically where, but what is the radius distance between the two?

ACTING COMMISSIONER O'NEILL:

To my understanding -- it's less than two miles is my understanding..

LEG. BROWNING:

But they're in two separate school districts?

ACTING COMMISSIONER O'NEILL:

Yes, that's correct.

LEG. BROWNING:

Okay. Thank you.

CHAIRMAN GREGORY:

Leg Barraga.

LEG. BARRAGA:

You know, certainly we can debate the whole question whether or not -- you know, we take take a look at the fiscal impact of these additional students on the Hauppauge School District. And, you know, the average daily attendance and combined wealth ratios, the school district is going to get some additional aid, but Hauppauge doesn't get a lot of state aid. So that would have to be picked up by the local residents. I'm not so sure now much of a fiscal impact 8 or 10 or 15 or 20 students have. And we can debate forever the question whether or not local law supersedes state law or vice versa.

The people of Hauppauge, as pointed out by one of the ladies who spoke toward the end, they really don't want a homeless shelter. No one wants a homeless shelter. But we have 1,500,000 people in the County and we have sober homes, we have areas where there's heavy concentrations of social services where people have been placed in certain areas, certain hamlets. We have a thousand sexual offenders spread throughout the County.

So the question of not having any shelter, I don't think, is feasible. My concern, and I address this

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to the Commissioner and the Administration is that they have a good case with reference to the size of this facility. You're talking, you know, 96 families. That's a huge number and it has an impact on this hamlet.

(APPLAUSE)

And as was pointed out -- as was pointed out, within a couple of miles there are two other facilities, I think, with 45 families. The question is this: You're seeking Tier II status. You already have two Tier II facilities. You have 96 families. To me the answer is -- and you just pointed this out in answer to the Legislator's question, if the average family is staying there 6 to nine months and then moves on for whatever reason, whether you place them or they find placement, why not have an overall goal that within a period of two, two-and-half-years you've reduced that number from, say, 96 down to something that's more reasonable; 40 or 35 families in that facility? As someone moves out, you do not replace. And then -- because up to two years ago, Commissioner, you used smaller facilities. You had like 30 facilities throughout the County. Each one of those facilities had roughly ten families. There's nothing that I can read here that prevents you from reducing that number and still qualifying for Tier II status.

ACTING COMMISSIONER O'NEILL:

So that is correct, we could do.

LEG. BARRAGA:

Well, why don't you do that?

ACTING COMMISSIONER O'NEILL:

As I mentioned earlier, we are looking to get permanency for our homeless families.

LEG. BARRAGA:

But your part -- you're looking for permanency -- alright, finish your statement.

ACTING COMMISSIONER O'NEILL:

I have also talked about trying to reduce the burden on local communities. Again, a lot of these issues --

LEG. BARRAGA:

I think if you reduce it in Hauppauge --

ACTING COMMISSIONER O'NEILL:

Understood. I will try to do that. Again -- but we have 565 homeless families. In 2011 we had 435 roughly.

LEG. BARRAGA:

Okay.

ACTING COMMISSIONER O'NEILL:

So, again, I have no issue with opening smaller shelters. I've said that. There'll be a mix. This is the hand I was dealt. I'm going to deal with it. I'm going to deal with the most --

LEG. BARRAGA:

But there's nothing that prevents, for example, someone in the Administration from changing the hand that you were dealt with and you conform into the new hand. Mr. Brown --

ACTING COMMISSIONER O'NEILL:

I'll say it this way --

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LEG. BARRAGA:

I would like to ask the Administration a question because your answers, you're going back to what you've been dealt with and whatever.

What about the feasibility of adopting a policy that says, look, you know, there's 96 families at this location. It's an inordinate number for a hamlet to absorb. Why don't we take the policy, you know, as a family moves out, our goal here is to reduce it to 40. And if we have to find additional facilities for new families, we do so, but at smaller shelters, something like we've pursued for many, many years in this County; or you get a smaller facility and you put ten families in. And you still qualify at the State level for certification as Tier II. They don't say you have to put 60 families, 80 families, 100 families. Go for 35 or 40. It's something that's much more doable for the community. They don't want any. But I think there's a big difference between 96 families and maybe 30 or 35. And adopting a policy as these families move out, like a policy of attrition, someone leaves a job, you just don't replace them. You get it down to a certain number. And have a goal of 30 or 35 families at the facility. I think that's much more amenable to the community than hitting them with 96 families and all the negative ramifications, whether valid or invalid that go with that. Because no community wants a shelter to begin with, much less one that that has 90 or 96 families. Mr. Brown?

MR. BROWN:

I understand. I understand your point. And I think that if the County adopted a policy that incorporated flexibility as opposed to mandates so that the Department can be responsive to the needs as needs arise, that would probably be more consistent with the regulatory scheme and the statutory scheme that exists for the State of New York.

LEG. BARRAGA:

Okay.

MR. BROWN:

Because it shouldn't be driven by a fixed number. It should be driven by need and the ability of the facility, the size of the physical plant, impact on the environment, things like that. That should be driving the size of the shelter; not a fixed number.

LEG. BARRAGA:

Okay. I disagree, only with reference to not including a fixed number. I think you could have a goal and it could be built into the legislation, it says, look our goal here is to bring this facility pretty much in line with having roughly 35 or 40 families. I don't think there's anything wrong with that.

MR. BROWN:

I understand your point.

LEG. BARRAGA:

And also include in that that -- and the policy will be, this Administration, is that as a family leaves, we will not replace because we are trying to achieve this goal or objective of 35 or 40.

MR. BROWN:

I understand your point.

LEG. BARRAGA:

Because all the rest is conjecture among lawyers and, you know, you can always go to court.

MR. BROWN:

Right.

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LEG. BARRAGA:

But I think this is doable. And you still qualify for Tier II status. And it's much more amenable to the community. If they have to put up with a shelter, let them put up with one eventually that's going to have 35 or 40 people versus 90 or a 100 families.

MR. BROWN:

Right.

LEG. BARRAGA:

All right. That's enough.

(APPLAUSE)

CHAIRMAN GREGORY:

Not to be combative or anything, but just there are -- you know, homelessness has ebbs and flows. And my understanding of it, I want to say I go back to the '90s or '80s, homelessness was at its peak. Then it decreased and we had -- we had all these -- well, to address the homelessness problem back then, all these organizations came about, they had facilities, homelessness went down. Then you had facilities that didn't have homeless people so that was an issue.

So the County even at some point were paying organizations so that they can keep their facilities open just in case they're -- you know, the need -- the need increased. Because if the need just suddenly appears, you know, it takes time to buy a home or a facility. It doesn't happen overnight. We're putting people -- paying them \$8,000 a month to stay in a motel and they were getting no service at all. It's the most horrendous placement that we can do. And it's the most costly.

So in the -- in the congregate shelters, there's services. Certainly in a Tier II there are more services. The only question, I guess, I would have is if you reduce the -- the benefit to Tier II shelters, let's be honest about it, you have more -- you have more services that are provided. And there's a reduced cost. You could put more people at a congregate shelter. It's probably a hundred dollars per family or something like that, for example, at a congregate -- at a Tier II shelter it's probably \$40 per person or \$60. It's significantly less.

So if you reduce the number, the operator's just going to increase the cost. So if you have 96 families down to 34, you're just going to increase the cost and it's not going to be -- it's going to be cost prohibitive. So that defeats one of the purposes for going towards as a Tier II shelter, I would think. Does anyone -- oh, the bulldog has a question.

LEG. BARRAGA:

Just one question before the bulldog steps in.

LEG. KENNEDY:

I'll yield.

LEG. BARRAGA:

If you achieve Tier II status, don't you get reimbursement from the State?

ACTING COMMISSIONER O'NEILL:

We get the same level whether it is or is not Tier II.

LEG. BARRAGA:

From the State?

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ACTING COMMISSIONER O'NEILL:

Correct.

LEG. BARRAGA:

And as far as the reduction, you know, as you're reducing at this particular shelter, you might have to come up with another shelter, but that's something you've been doing for the last 25 or 30 years. This is nothing new.

ACTING COMMISSIONER O'NEILL:

Legislator, correct. As I stated on my presentation, I will continue to do that.

LEG. BARRAGA:

Thank you.

CHAIRMAN GREGORY:

Legislator Kennedy.

LEG. KENNEDY:

Yeah, I don't want to take up the Committee's time anymore than we already have. I appreciate the Committee sitting here and debating what is something that we have that is a significant issue and in my opinion, as I tried to point out previously, Legislator Barraga kind of, you know, put it out there and stated it wisely so I think, this is an issue, we as an entity are compelled to address, but quite frankly has a potential to wreak a significant impact in any community. There's 71 school districts. All school districts that have to address -- education of homeless children come into play.

In 9 years, I couldn't begin to tell you what McKinney/Vento was about or what the rights of homeless families for education entail, about what the multiple years of responsibility that a district now does have even after a family does wind up leaving the shelter and becoming stabilized in another area, and what the district has to continue.

So as is at the essence of a lot of what we do most often, it does get down to money and it does get down to cost. And Legislator Barraga pointed out with the Fiscal Impact Statement, I just saw it there, it talks about what the difference is as far as if this shelter was closed, if families went into the smaller congregate shelters, what the expense would be short-term, long-term, things like that. But it doesn't say anything at all about what all of those people back there may bear based on their school education cost per pupil and the transportation and the special ed. So, in essence, we are doing here today the same thing we chronically complain about with the State. We are facilitating an unfunded or underfunded mandate impacting a particular area. And that's wrong.

(APPLAUSE)

We just saw Legislator Cilmi, as a matter of fact, brought forward on Tuesday a bill to specifically address some of those mandates that we bitterly complain about with the state and what we might do to help relieve here, but yet we're -- we're wrestling with a unilaterally adopted policy on the part of the Administration to go directly in opposition to what we've operated under for the last 13 years. And we're listening to the rationale and the reasons all which may be meritorious, but which never, ever came to us.

And, Dennis, you should respond to Legislator Cilmi with his question about your opinion. But I'll offer to you, you opined when your Deputy County Attorney signed off on a contract as to form. You chose to ignore 438. You signed it as to form. And there we go and now when the door is closed and the horse is out or the cat's out of the bag, we're wrestling about the legalities of something that even your office turned a blind eye to. Now, back then it wasn't your office, was it?

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MR. BROWN:

Well --

LEG. KENNEDY:

So we're dealing with the actions of prior actors but nevertheless here we are now.

MR. BROWN:

I can't let that go un-commented if I may, Mr. Chair?

CHAIRMAN GREGORY:

Yes.

MR. BROWN:

Thank you. A, is I disagree with you 100% that the contract was not properly procured; is acting in contravention of its terms and conditions; or in acting in contravention of the law. Now, with respect -- with respect to the law, if you and your fellow colleague, Legislator Cilmi, and the Committee is asking for an opinion on the law, there will be an opinion on the law as to whether or not that contract is in conformance with the law or not. But I disagree with your assertion wholeheartedly, Legislator Kennedy, with all due respect.

LEG. KENNEDY:

Well -- but, nevertheless, you and I agree you have an Assistant County Attorney's signature on there as to form.

MR. BROWN:

The contract was executed and the contract is proper. I agree with you, of course, there's -- of course there's a County Attorney's signature on the contract.

LEG. KENNEDY:

I don't want to beat this anymore. I think it's apparent. In relatively less than -- and you admitted it, John, relatively less than two miles, we have the potential to house 379 families. Your graphic showed 565. That's 67% of all of the homeless families in Suffolk County. Now I'm going to ask you a very specific question. You may be able to answer it in range or not in range. How many children currently reside in that facility in Hauppauge?

ACTING COMMISSIONER O'NEILL:

Off the top of my head I don't know the exact number. If you'd want me to venture a guess, I will.

LEG. KENNEDY:

It's certainly more than the 21 that are presently enrolled in Hauppauge?

ACTING COMMISSIONER O'NEILL:

Absolutely. Like I said, those were 20 --

LEG. KENNEDY:

Forty, sixty, eighty? One of the predicates in order to go to live in that facility is that it must be an adult and what, one children, two children?

ACTING COMMISSIONER O'NEILL:

At least one.

LEG. KENNEDY:

At least one child.

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ACTING COMMISSIONER O'NEILL:

So I mean I would say a couple hundred children.

LEG. KENNEDY:

Couple of hundred children. What do you think a couple hundred of children would do to a school district? It would send it right over the edge.

So my point goes to, again, no matter what the Department looks at as far as methodology or better cost comparison this way or the other way, there is a federal right, an un-vetted federal right for residents at that facility to elect to enroll their children where they choose. So it looms as a specter hanging over this district that at any given time, they could have a massive influx. That goes to Legislator Barraga's point, and the fact that, you know, we're in unchartered waters here, folks. I'd urge the Committee to pass this bill because it's just -- it is the wrong way to go.

(APPLAUSE)

CHAIRMAN GREGORY:

Legislator Browning, and then we're going to wrap up.

ACTING COMMISSIONER O'NEILL:

Mr. Chairman -- I'm sorry to interrupt, but I have a doctor's appointment at 12:40 in Bay Shore.

LEG. BROWNING:

Okay.

CHAIRMAN GREGORY:

We're going to wrap up right after this.

LEG. BROWNING:

Yeah, just real quick.

ACTING COMMISSIONER O'NEILL:

Yeah, we can go.

LEG. BROWNING:

I mean, John, I understand what you're saying because the 75 families that live in my district in a Tier II homeless shelter, like I said, at this point in time there's 37 K through 12. And that shelter's been there for -- since 1989, I believe.

ACTING COMMISSIONER O'NEILL:

Correct.

LEG. BROWNING:

And so over the years, I don't think the numbers have changed that much. It usually stays around that much. But to assume that they're all going to immediately move to -- and I can tell you that that's the one thing that these families want to do is have some kind of consistency for their kids. So to yank them out of the school district that they lived in and now put them in the school district where their homeless shelter is, which is not permanent, they clearly want to go back to where their kids went to school. So they're not going to all pull their kids out of school. I would like to ask --

CHAIRMAN GREGORY:

Let her finish.

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LEG. BROWNING:

I know, I know, you know, sometimes -- and I hate to say it, I don't want to hear the NIMBY mentality, because, you know, nobody wants this. And I'm telling you I have it, so don't tell me I don't know about it. I have it in my district.

AUDIENCE:

(Negative comments)

CHAIRMAN GREGORY:

Okay, okay.

LEG. BROWNING:

It's been there since before I've been in office. So stop -- stop with the attitude.

CHAIRMAN GREGORY:

(Inaudible)

LEG. BROWNING:

No, I'm tired of them.

AUDIENCE:

I'm your taxpayer. I pay your salary.

CHAIRMAN GREGORY:

All right, all right, all right, all right. Enough. Enough!

LEG. BROWNING:

John, I'd like to ask you a question about -- you have the McKinney/Vento Law. I don't -- and I know we have a lot of kids who are being transported to various school districts. Do you have the information as to how many homeless kids through the McKinney/Vento law are being sent -- what school districts?

ACTING COMMISSIONER O'NEILL:

Yes.

LEG. BROWNING:

You do. Okay. What I would like is that we look at our homeless shelters. And I know it probably is going to take you sometime to do this, but to look at our homeless shelters, whether they be the small congregate shelters, the Tier II shelter, the new one in Hauppauge, any of them to say -- to look at how many children in each school district have homeless children. I don't -- that's going to be a task. And whether it's through the McKinney/Vento law or whether they be from --

ACTING COMMISSIONER O'NEILL:

That's fine, Legislator. I can get that data.

LEG. BROWNING:

You can?

ACTING COMMISSIONER O'NEILL:

We can do a calculation, yes.

LEG. BROWNING:

Okay. Because I'd like to see what school districts are most impacted.

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ACTING COMMISSIONER O'NEILL:

That's fine.

LEG. BROWNING:

Okay.

ACTING COMMISSIONER O'NEILL:

I understand the question. Again, it would be manual in nature but I can provide the data at the time.

LEG. BROWNING:

Okay. You know, and I think this -- this -- there's some information I feel in order to -- to vote on this, I think there is a lot more information I'd like to get to find out what school districts are impacted the most. And so with that, thank you.

CHAIRMAN GREGORY:

Okay. With respect to the Acting Commissioner, he did reach out to me yesterday and said that he had an appointment. We weren't expecting to be here this long.

INTRODUCTORY RESOLUTIONS

I'm going to go to the agenda now. I'm going to make a motion to take 1962 out of order so we can vote on the good man's nomination to be the Commissioner. So **IR 1962, Approving the appointment of John O'Neill as Commissioner of the Suffolk County Department of Social Services. (Co. Exec.)** I make a motion to take out of order.

LEG. BROWNING:

I'll make a second.

CHAIRMAN GREGORY:

Second by Legislator Browning. All in favor? Opposed? Abstentions? The motion is before us. I will make a motion to approve IR 1962.

LEG. BROWNING:

I second.

CHAIRMAN GREGORY:

Second by Legislator Browning. Any questions, comments? Legislator Krupski?

LEG. KRUPSKI:

On the motion.

CHAIRMAN GREGORY:

Yup.

LEG. KRUPSKI:

I just -- in my short time here I've met Mr. O'Neill a number of times and I've been impressed by his attitude, impressed by his knowledge, and his ability to work not only within the system, but to have a good grasp of the system in order to help the County and to serve its many, many residents that seem to need all these services. So I would be very happy to -- I'm very happy to support this motion.

CHAIRMAN GREGORY:

Okay. Legislator Browning; then Legislator Cilmi.

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LEG. BROWNING:

Yeah, John, I think you know since you've come in, we've had a very good working relationship. When we talk about the issues, like the homeless shelters, the sober homes, I know the Department of Social Services, that department is probably the least liked department within Suffolk County. You have looked at my concerns, the Safety Net issues, the out-of-state residents, and you're enforcing the laws pertaining to our Social Services Department, State laws, and, you know.

So, all I can say is I'm very happy with the response from you and your office and your staff that's sitting behind you. I think you are doing what's best. You respect the fact that Suffolk County taxpayers can't afford to be taxed out of their homes, and that you are making sure that this Department is being run smoothly. You're making sure that all of our tax dollars are being spent appropriately. I know your attacking the fraud waste and abuse, and I want you to be able to continue to do that. So that's why you have my support.

ACTING COMMISSIONER O'NEILL:

Okay. Thank you.

CHAIRMAN GREGORY:

Quickly?

LEG. CILMI:

Yes, quickly. Not being a member of this Committee, I won't have a vote on whether or not your appointment, John, gets out onto the floor for our next meeting, but I wanted to say to you that you have been very responsive to my office as well. And not only you personally, in your responsiveness to me, but the way you're running the Department in such a way that you've been responsive as a department to my office and the many concerns that we go through day after day.

So I wanted to thank you -- thank you for that. And I am going to trust that to the maximum extent of your possible -- of your legal authority that, you know, you'll do your best to support the efforts of Legislator Kennedy and I and others and the wishes of this community in terms of making the burden of homelessness spread evenly across Suffolk County and across the school districts in Suffolk County.

With that said, I do have a couple of questions. I know that Legislator Browning has said that she's comfortable in your leadership in terms of pursuing waste, fraud and abuse. And I just want to ask you how committed you are to pushing the envelope of those issues?

As I stated the other day in -- during our budget discussions, your department enjoys the distinction of being the number one expense in the County, \$640 million of our 2.8 billion dollar budget is largely public assistance. So even the smallest of percentages of savings that we can -- that we would see from your efforts could mean a substantial ability for us to provide other services in this County, making our roads a little bit nicer, making the quality of life a little bit better for the taxpayers in our County and the residents in our County.

So I want to feel a level of comfort that you're going to push that envelope in terms of finding the waste, fraud and abuse and finding creative ways within the scope of the law that we can reduce the burden of public assistance on our taxpayers. Can you respond to that?

ACTING COMMISSIONER O'NEILL:

Absolutely. As I mentioned during my earlier presentation we've actually worked directly now with some providers to provide a fraud referral directly to us, created a form to expedite those items.

We also -- at the budget hearing we talked about somebody from my office, Traci Barnes talked about the million dollars of cost avoidance. And every year we hope to get more. We will not stop.

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We are looking at other ways that we can do that. So to answer your question specifically, yes, I will push the envelope. There's black areas and there's white areas, right? Then there's the gray. So I will not violate the black or the white areas. I'll absolutely explore the gray areas.

LEG. CILMI:

There's one other question I have which is of a technical nature. This is more appropriate, I think, for Counsel -- for our County Attorney rather, and for Mr. Vaughn, or ultimately if will get to them, but where do you -- where do you live, John?

ACTING COMMISSIONER O'NEILL:

I live in Massapequa Park, Nassau County.

LEG. CILMI:

Nassau County. We have a law here in Suffolk County which deals with residency requirements. You've been employed by the County for how long?

ACTING COMMISSIONER O'NEILL:

Since April of 2012.

LEG. CILMI:

Have we done -- have we adhered to that law, Dennis, in terms of his residency?

MR. BROWN:

Back in the beginning of 2012 we did adopt a law that allowed Nassau and Suffolk residents to be employed by Suffolk County. County Executive, I think, has to file a statement of need with the County Clerk.

LEG. CILMI:

So there's no waiver requirement?

MR. BROWN:

No, not for Nassau County.

LEG. CILMI:

Okay. All right, thank you very much. Good luck to you, John.

ACTING COMMISSIONER O'NEILL:

Thank you very much, Legislator. I appreciate the comments.

CHAIRMAN GREGORY:

Okay. For brevity purpose I will keep my comments short. It's been great working with you. We've met many times. And you have a lot of good ideas to cut costs and fight fraud and waste and abuse. And I support you. And I don't think 10 minutes is going be enough to get to Bay Shore but I will call the vote. I hope you're not offended. I will expand my comments on Tuesday.

So we have a motion, Madam Clerk? Motion and a second?

MS. ORTIZ:

Yes, we do.

CHAIRMAN GREGORY:

I'm going to call the vote. All in favor? Opposed? Abstentions? Okay, motion is approved. **(VOTE: 4-0-0-0)** Congratulations.

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LEG. KRUPSKI:

Can I be a co-sponsor on that, please.

CHAIRMAN GREGORY:

So we -- there will be a request for you to be at the Tuesday meeting -- the 19th meeting, excuse me.

ACTING COMMISSIONER O'NEILL:

Yes, understood.

CHAIRMAN GREGORY:

Okay. All right.

ACTING COMMISSIONER O'NEILL:

I thank everybody for their comments. I look forward to working with all of you -- continue working with all of you. Again, as far as I'm concerned nothing changes, the work ethic and the professionalism you continue to get from me. And any way that I can work with you to reduce costs, waste, fraud, abuse, as Legislator Cilmi and Legislator Gregory pointed out, I'm happy to do that. Thank you very much.

CHAIRMAN GREGORY:

Okay, thank you.

All right. We have **IR 1817**, we're going to call, **Terminating a certain contract with Community Housing Innovations to provide Homeless Shelter Services. (Kennedy)** Do we have a motion? I'm going to make a motion to table. Do we have a second? Another motion.

LEG. BROWNING:

I guess I'll make that second on the tabling motion, because -- being that I've asked for the information with regards to school districts, I really would like to get that information. I can sympathize with the Hauppauge residents as much as anybody because I know what it is to have that homeless shelter in my district. So I do want to see the results of, you know, with the McKinney/Vento and getting all of the information on the homeless children, what school districts are most impacted, what school districts are maybe not impacted. And I think going from there, we should be looking at every school district and every community from the West End to the East End to make sure that there is an equal distribution.

So for that reason I will support a tabling motion. I'm not going to say I'm not going to approve it or let it get out of Committee next month, but I'd like to at least get that information first.

LEG. BARRAGA:

Make a motion to discharge without recommendation.

CHAIRMAN GREGORY:

Motion to discharge without recommendation by Legislator Barraga.

LEG. BARRAGA:

I'm making the motion in the hopes that in the interim period the Administration, the new Commissioner and the County Attorney's office might be able to sit down and come to some sort of a modification on their original proposal, specifically to reduce the number of people at that facility and have some sort of a policy of attrition; as they are placed, the number continues to go down.

CHAIRMAN GREGORY:

Legislator Browning has a question.

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LEG. BROWNING:

Yeah, and I feel bad, John left, but I do agree, that, you know, 90-plus families is pretty excessive. I mean, I know in Help Suffolk you're talking 75 families, I'm pretty sure, around 70. And that's an extensive amount of kids in a school district. That's an extensive amount of families in one community. So I would like us to try and set up some kind of policy, like Tom said, as far as our homeless shelters to make sure that we're not exceeding a certain amount, which will probably help bridge the number of kids per school district.

So, you know, if there is an opportunity to have that discussion -- and, again, looking at elsewhere, you know, the one that's in the Hauppauge school district and the other one, they are close. And to consider another one that's going to be within two miles, that is a little excessive. I think we should be going as far west. And I hate to say it -- and I know Babylon's got a new shelter that's being built with about 70 families. So to say that Babylon's not getting it, that would be unfair. But on the East End, we should be looking also. Sorry, no offense but you got your share, too.

LEG. KRUPSKI:

On the motion.

CHAIRMAN GREGORY:

On the motion, Legislator Krupski.

LEG. KRUPSKI:

And not just to defend the East End, I've got a book at home, Cutchogue. It's about Cutchogue. It's called Southold's First colony. It goes back to the 1660's, 1680's period. And it talks about -- a lot of the town records talk about how they dealt with the homelessness at that time. So this is a debate that's gone on in communities for 300 years on the East End. And I've got the list here of homeless children in -- there's a big school district out east, over twice the amount of homeless children in that district than in Hauppauge school district.

So the East End does have its share also. Now I'm not saying the discussion should end here. And I'm not going to support the discharge motion because I don't think that cancelling a contract is really going to solve the problem today. If I did, I would support it. But I don't think that cancelling the contract -- I think further dialogue. And you want to work with the County's Attorney's Office to say is this legal? What's legal? And how do we distribute -- because these are people. So what do you do with all these people? And that dialogue should continue, but that's why I can't support it, because I don't think it's going to solve the problem. What's going to solve the problem? We have to keep working at it.

LEG. KENNEDY:

Mr. Chair?

CHAIRMAN GREGORY:

Legislator Kennedy.

LEG. BARRAGA:

I made a motion to discharge without recommendation. Do I have a second? Is there anyone in this Committee who wants to second it? No. Okay.

CHAIRMAN GREGORY:

Legislator Kennedy.

LEG. KENNEDY:

Okay, so just on the motions, both the discharge without recommendation and to table, I would

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encourage the Committee to do discharge without recommendation. And let me be very clear as to this resolution. This resolution would not terminate our county contract for operations with CHI. It would terminate the operations for that particular location in Hauppauge only.

As I had mentioned to the Committee just a short while ago, within the space of two miles, there are 379 families of the 565 that are countywide. And I am not trying to suggest that there are more children here in the Hauppauge school district than any place else, but, again, as you know, Legislator Krupski very well, school districts have many different factors that are involved in their funding. There's state aid and then there's property tax. And if, in fact, a child comes in to a heavily-dependent state-aided district, the impact to the residents that live in that district is far less than if, in fact, there's an additional expense through enrollment in a district that's dependent upon property tax levy.

That is the way Hauppauge is. Hauppauge gets relatively little state aid and is primarily functional only off of property tax levy. So once again I'll go back to the actions we've taken as an entity and where we select to place this service provision and what the impact is to the underlying school, library, fire department, ambulance corps and what have you.

I will take up the conversation. My position still stands, that regardless of whether or not this is large, moderate, small or in between, it was brought about in an improper and an illegal way. It was not -- did not comport with 438.

(APPLAUSE)

It was announced to us after the fact. And there was an effort to regularize it through the state with OTDA without ever doing any notification. Every one of us as Legislators would be outraged to find that the Administration had taken that action. So I thank the Committee for listening. I will continue to work with the issue. I'll take your suggestions and approach the Administration, but there is an underlying ongoing offense to process here that's got to be remedied. Thank you.

(APPLAUSE)

CHAIRMAN GREGORY:

Okay. Any more comments? If not, we're going to take the vote. Oh, Mr. Vaughn.

MR. VAUGHN:

Thank you very much, Legislator Gregory. I wanted to make you aware at the beginning of this conversation we had a question about a letter. I have provided the Clerk of this office with a copy of this letter. I would hope that it would be distributed to all the members currently sitting here. And in addition we have made, I believe, close to 100 copies for anybody who is attendance today. They are on the table outside.

CHAIRMAN GREGORY:

Great.

MR. VAUGHN:

If it does not address all of the concerns that the various members of the community have, I would certainly encourage them to use the mail address or the telephone numbers provided in the letter to try and follow up for additional clarification.

CHAIRMAN GREGORY:

Okay. Thank you very much. All right. Tabling motion. We only have one motion. Legislator Browning. All in favor? Opposed? Abstentions? Motion is tabled. **(VOTE: 4-0-0-0)**

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Okay, **IR 1828, Amending the 2013 Adopted Operating Budget to accept and appropriate 100% additional Federal Aid passed through the New York State Office of Mental Health to the Family Service League Incorporated for the purpose of expanding community health families support services and respite services for children and youth.** I'll make a motion to approve and place on the consent calendar.

LEG. BROWNING:

Second.

CHAIRMAN GREGORY:

Second by Legislator Browning. All in favor? Opposed? Abstentions? **(VOTE: 4-0-0-0)**

IR 1963, Adopting Local Law No. -2013, A Local Law to update the County's Child Protective Advisory Board. (Gregory) This has to be tabled for a public hearing. I'll make the motion; second by Legislator Browning. All in favor? Opposed? Abstentions? **(VOTE: 4-0-0-0)**

That is all that we have on the agenda and we stand adjourned. Thank you.

**THE MEETING CONCLUDED AT 1:41 PM
{ } DENOTES SPELLED PHONETICALLY**