

**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 25, 2013.

**MEMBERS PRESENT:**

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

**ALSO IN ATTENDANCE:**

Presiding Officer Wayne R. Horsley, 14th Legislative District  
Leg. Steven H. Stern, 16th Legislative District  
Leg. Thomas Cilmi, 10th Legislative District  
Leg. John M. Kennedy, Jr., 12th Legislative District  
George M. Nolan, Counsel to the Legislature  
Sarah Simpson, Assistant Counsel to the Legislature  
Terrence G. Pearsall, Chief of Staff  
Renee Ortiz, Chief Deputy Clerk of the Legislature  
Robert Lipp, Acting Director/Budget Review Office  
Joe Muncey, Budget Review Office  
Ali Nazir, Aide to Leg. Kennedy  
Rick Brand, Newsday  
Thomas Vaughn, County Executive's Office  
Marie Berkoski, Aide to County Executive  
John O'Neill, Commissioner/Department of Social Services  
Dennis Brown, County Attorney  
Linda O'Donohoe, DSS  
John Nieves, DSS  
Paul Perillie, Aide to Leg. Gregory  
Catherine Stark, Aide to Leg. Krupski  
Michael Pitcher, Aide to Presiding Officer  
Natalie Allegato,  
Paul Shea  
Thomas Gilfeather  
Dolores Riconda  
Laurie Egbert  
Eileen Barr  
Janice Winiarz  
Jennifer Reidy  
And all other interested parties

**MINUTES TAKEN BY:**

Diana Flesher, Court Stenographer

**THE MEETING WAS CALLED TO ORDER AT 10:06 AM**

**CHAIRMAN GREGORY:**

Good morning everyone. Welcome to today's Human Services Committee. We're going to start off with the Pledge of Allegiance led by Legislator Barraga.

**SALUTATION**

Okay. Thank you. Welcome to -- again, welcome to today's Human Services Committee. Before we get started, I would like to wish everyone a Happy Thanksgiving on Thursday.

**PUBLIC PORTION**

We're going to get started with the Public Portion. We have several people who filled out cards; and the first being Natalie Allegato.

**MS. ALLEGATO:**

I'm here to support Legislator Kennedy's resolution. And I have about 30 letter signatures from residents who couldn't be here because of the hour that you insist on having these meetings. These people have to work in order to pay their taxes. So I'd like to submit them.

**MS. ORTIZ:**

Thank you.

**CHAIRMAN GREGORY:**

Thank you. Next person is Paul Shea.

**MR. SHEA:**

Thank you. I can also say the same thing the previous lady said. I'm concerned about -- I don't know if you got a copy of this, the information, it says on the top corner, Hauppauge, Smithtown are being beleaguered by Suffolk County -- did you get a copy of that?

**CHAIRMAN GREGORY:**

I'm sorry. What was that?

**MR. SHEA:**

Did you get a copy of this particular --

**CHAIRMAN GREGORY:**

Is that from the school district?

**MR. SHEA:**

Yeah -- no, no. This is Suffolk United, it says on the top.

**CHAIRMAN GREGORY:**

No.

**MR. SHEA:**

You didn't get a copy of that.

**CHAIRMAN GREGORY:**

I got several e-mails from people with United -- you know, Alex-at-united.com or something, but no letter.

11/25/13 Human Services Committee

**MR. SHEA:**

Because the concern is that we as taxpayers, the same as the lady said, why would we have the meeting in the morning rather than the evening where more people can come to voice their opinions?

**CHAIRMAN GREGORY:**

Is that a question?

**MR. SHEA:**

Yes.

**CHAIRMAN GREGORY:**

Okay. Well, we schedule our legislative meetings during the day. We do have evening meetings. It's just, you know, it's -- that's when our -- you know, we schedule our meetings. It's -- you know, it's posted. We post it at the beginning of the year. People have very ample time and ample notice to know when our meetings are so that they can schedule accordingly, but this is when we have our meetings.

**MR. SHEA:**

This particular thing says over 60% of Suffolk County's homeless families are being housed in two illegal mega-shelters. And you didn't get any of this information?

**CHAIRMAN GREGORY:**

I did not get a form letter. As I stated previously, I've gotten maybe three or four, five --

**MR. SHEA:**

Maybe I should give you mine and make copies so you get an idea of where I'm coming from.

**CHAIRMAN GREGORY:**

Sure, absolutely.

**MR. SHEA:**

If you have no information, then I can understand you're a little confused.

**CHAIRMAN GREGORY:**

Just hand it to the lady right there; right next to you. Thank you. Mr. Thomas Gilfeather.

**MR. GILFEATHER:**

Good morning everybody. Good morning to the audience and people in the legislative committees.

I live in Brentwood. I live near a shelter on Crooked Hill Road. It's in the northwest corner of Brentwood. It's got over 400 rooms in that shelter. I don't know the capacity, but it's got the potential of 400 rooms. A mile and a half from the road in Hauppauge on Moreland Drive, there's another shelter. And that's located in the southwest corner of Hauppauge of -- yeah, of Hauppauge. If you look at the map and you see where these shelters are located, one's in an industrial park and one's near Pilgrim State grounds. They're both in a residential community. And the people in the community were never told this by our either Legislators or by the Suffolk County Department of Social Services. I don't know if the -- I don't know if my County Legislator knew about it. He never told the community. You know, I find that like an insult to the people in the community on both sides.

And besides our neighborhood, with these two shelters being overflow -- I feel like the neighborhood's being over flooded with the homeless families. The Hauppauge shelter on Moreland Drive, you can actually throw a stone and it'll bounce in Brentwood. And Brentwood's getting a lot

11/25/13 Human Services Committee

of homeless people coming to the neighborhood to shop and everything, and likewise Hauppauge. I just find it so unfair, you know. And if you actually look at it, sit down, I find out that Social Service Department was kind of slick and deceptive doing this, they have this all in front of them on a schedule when they're doing it. And why isn't -- why isn't the community notified, Mr. Gregory? I would like -- you know, we have asked so many -- Mr. O'Neill in Social -- County Social Services.

**CHAIRMAN GREGORY:**

So your question -- you want to take your time up to ask me a question? I'll answer the question.

**MR. GILFEATHER:**

That's one of the questions you're going to address with Mr. O'Neill.

**CHAIRMAN GREGORY:**

Okay. From my understanding, and I can't cite the regulations or the code regarding this, but it's my understanding that there is no requirement -- state requirement. State law has precedence over local law on housing. And there is no citing or notification requirements.

**MR. GILFEATHER:**

Even in this --

**CHAIRMAN GREGORY:**

In fact -- in fact, it's actually confidential. We can't even disclose where those locations are.

**MR. GILFEATHER:**

Even in this case where the both shelters are Tier I shelters? And even though they have more than 12 families?

**CHAIRMAN GREGORY:**

All shelters are confidential.

**MR. GILFEATHER:**

Because I feel like the -- the ambulance service, the police department, the fire department the school libraries and the schools are going to get -- they're going to get taxed with more -- more people getting involved in these services. And as a taxpayer -- I don't want my property taxes to go up any further.

And the other question I have, my understanding -- is the legislative body going to be looking at a statistical analysis provided by the Social Service County? By Mr. O'Neill this morning?

**CHAIRMAN GREGORY:**

Okay, sir, your time is up. I'm sorry, your last question was fiscal analysis?

**MR. GILFEATHER:**

Yeah, is that being done by Mr. O'Neill?

**CHAIRMAN GREGORY:**

Of the shelter?

**MR. GILFEATHER:**

No. Are you having an analysis being put in front of you today, this morning? A fiscal analysis of --

**CHAIRMAN GREGORY:**

I believe Legislator Browning --

**MR. GILFEATHER:**

On how it's affecting the school systems?

**LEG. BROWNING:**

Yes. I made a request at the last meeting as to how many homeless children are in school districts. And I believe they have that information, which after the Public Portion, I would assume, they're going to give it to us.

**MR. GILFEATHER:**

Mrs. Browning, when you do get that information in front of you, can you keep in mind the Social Services Department had two numbers in front of --

**LEG. BROWNING:**

Actually he's -- I believe he has it for the meeting today. So you'll hear what his --

**MR. GILFEATHER:**

But he has two numbers in front of him at the time; the distance between the shelters, which was two miles -- I mean how can you overlook that? And the distance of the shelters with 12 families or less? And he overlooked both -- so I'm going to take this analysis with a grain of salt.

**LEG. BROWNING:**

Well, I think he's going to give what the impact is per school district.

**MR. GILFEATHER:**

Thank you.

**CHAIRMAN GREGORY:**

Thank you, sir. Next person Dolores Riconda.

**MS. RICONDA:**

Good morning. I'm here in support of --

**CHAIRMAN GREGORY:**

Excuse me, Ma'am. Ma'am? Press the button and pull the mic down. Is it green?

**MS. RICONDA:**

Green light's on.

**CHAIRMAN GREGORY:**

There you go.

**MS. RICONDA:**

Okay. Can you hear me now? Okay, I'm here in support of Legislator Kennedy's resolution. I agree with him. I'm going to speak from experience. I'm in Kings Park for 36 years. And I've seen the Kings Park Psychiatric Center close. It doesn't work, these big facilities. Orphanage homes in this country have all just about been closed. And homeless shelters -- large homeless shelters do not work.

My experience is this: In the past few years, I've taken in homeless people in my own home, my own money. And it does work. Because you give them a temporary fix for them to help them and guide them to make a life for themselves. My dad was in an orphanage. He got beat up all the time. He ran away. My girlfriend just told me last week her uncle lived in a homeless shelter and he died. He was killed.

## 11/25/13 Human Services Committee

So what I'm saying to you today, this is not a good fix for putting large amount of people -- homeless -- homeless -- home people -- the fix should be the community, which is our neighbors, churches and families are people who should be taking in homeless people. When Sandy came about last year, I took two -- I took an elderly person in my home for a week and a child in my home for a week. I fed them. I had neighbors coming in my home, plugging in all their devices for a week. I fed them for about -- about 12 people each night for a week; breakfast, dinner.

This is neighborhoods. This is as we should be doing. Not building bigger shelters in our home. (Sic) I would suggest you, sirs, and women take a week, spend a week in a homeless shelter and then come back here and ask -- tell me is this where you want to live? That's my question to each one of you.

Everybody is -- at one point has a hard time. And I did. And I pulled myself up very quickly. When things happen in my life, I went and I looked for a job each and everyday. Are you directing these homeless families, homeless people -- their new job is to get a job each and everyday. I want to know what you're doing to get them out of the homeless shelters; not putting them in there.

And what I hear is you want to put a big one -- a real big one in Kings Park. Do you plan on having people to continue to be homeless? That's my question to you. But my real question, it's the holiday season. Go over to the homeless shelters and take your family and live there and see how you feel. Do you feel safe living in these places? That's -- that's -- I know from experience -- and I can say whatever I want because I put my money where my mouth is. And when people I know in my church community need money, a few thousand dollars, just to get them off -- and get them going again, a car or something, I contributed to them. And they haven't paid me back and that's okay. Because I got a thank you from them. You take my taxes. And you never, never -- I never get a thank you for what I do for people. Not one person in here has gotten a thank you for me giving money through my taxes, giving food stamps to somebody. But when I personally dig in my pocket --

### **CHAIRMAN GREGORY:**

Miss Riconda, your time is up. Please wrap up.

**(APPLAUSE)**

### **MS. RICONDA:**

Okay. And one thing I'll tell you about this: Five minutes I used to get years ago. I get three minutes to talk now? In the future, you're not going to give me any minutes to speak.

**(APPLAUSE)**

### **CHAIRMAN GREGORY:**

Next is Laurie Egbert. Egbert. Sorry, if I mispronounced. And on deck is Eileen {Bear}?

### **MS. EGBERT:**

I definitely support Kennedy on this. I've also spoken to several teacher unions and they will support us. Teachers are getting concerned about this and they want to start doing something legally, too, with protests if we have to. If we have to, we will go to the {NYSET} level if this becomes a state issue. Teachers are getting concerned that are we going to lose our jobs being we are not getting any financial aid, are the high school elective teachers going to be cut? Are other positions in schools going to cut? If there's gotta be rallies like was outside for Common Core, they are getting prepared to do this, too.

In past comments have been made about affordable housing and that's what they're hoping for in here. There is no affordable housing on Long Island. There is not going to be because we have

## 11/25/13 Human Services Committee

such a small amount of space. Why are we bringing people from out-of-state and out of Suffolk County into a place that is so expensive? What service are you doing them? *Here we're going to help you get some basic job skills and then we're going to make you live in the most expensive place to live*, that to rent a house for a family is \$2000. Why not go Upstate or into an area that has affordable housing? Why -- you're doing a disservice to everybody. You're increasing our taxes, making it harder for us; and you're bringing people into an area that it's -- it's a disservice to them with the amount of rent and everything. They're not going to be able to get a good home in a good area with this.

The answers from our first meeting still have not been answered from the first time we met regarding this. This is now over a month. And we'd like to know when are we getting our answers; not just a letter that was posted before the meeting even happened. We're also curious about what type of environmental impact would this have? We talked about in the past with the fire department, the ambulance centers; what about nature concerns and environmental stuff or the drinking water? By bringing in more and more people, we're polluting our area to begin with. And where's all the environmentalists having concerns, saying we're bringing in more people in concentrated areas, not even spread out into houses. So these are more questions that we haven't -- still have not been answered. Thank you.

(APPLAUSE)

### **CHAIRMAN GREGORY:**

Thank you. Eileen {Bear}. And just for the record, I probably shouldn't do this, but I'll do it anyway, we don't ship people in. People come here. If they're of need, we provide services. That's our requirement by the law. So we don't pick people from Upstate, out-of-state or wherever. They come here and that's it.

### **AUDIENCE:**

Why aren't they -- can I ask a question?

### **CHAIRMAN GREGORY:**

No, you're not -- you were allowed your three minutes. You were very helpful, though. Miss {Bear}?

### **MS. BARR:**

Good morning. My name is Miss Barr.

### **CHAIRMAN GREGORY:**

Sorry.

### **MS. BARR:**

I'm here this morning just to voice my objection to this new homeless shelter that's located at the Old Howard Johnson's. I've been a resident of Hauppauge since 1970. I've attended and graduated the Hauppauge School District. And now my husband and I have decided to stay here and raise our four children, who are also now attending the Hauppauge School District.

I feel that the size of the shelter and the locations of the two shelters together violate many laws that Suffolk County has instituted. The influx of the students on a rotating basis can be very taxing on the school district and also changes the dynamics of each of the classes that these children enter and leave on a maybe more frequent basis than most people. If I were one of these residents, and I always think to myself there but for the Grace of God go I, that I would not want to be placed in this type of a facility. I feel that when you group similar socioeconomic people together, that historically it has proven that they're going to assimilate together.

## 11/25/13 Human Services Committee

Therefore, spreading them out and giving them placements in more diverse areas all over Suffolk County, that I feel that that would increase their odds at succeeding in life and becoming productive citizens of Suffolk County. And I believe that's what we all want for these people. And I support them to achieve that level and by no means am I against them and their situations, but I do feel that to tax -- put this on one certain area or two certain areas, Brentwood and Hauppauge, that it's very unfair. And I feel that it's a disservice to the people here that reside here. Thank you listening to me.

(APPLAUSE)

### **CHAIRMAN GREGORY:**

Thank you. I'm going to apologize first because I know I'm going to mess up this name. Janine Winiarz?

### **MS. WINIARZ:**

Good morning. A responsibility when shared by many is felt by few. The Commack facility has the ability to house a hundred families creating a huge impact on the surrounding communities as well as the school district that's it's zoned for. The McKinney-Vento Act clearly states that to the extent feasible, a district must educate homeless child or youth in his or her school of origin unless doing so is contrary to the wishes of the parent or the guardian. While our school district does not currently have a large number of students enrolled, according to this act, at the wishes of the parents, that may change at any time.

At the last meeting of this Committee we heard from a speaker from Help Suffolk located in North Bellport. While she spoke of the many great things that Help Suffolk has accomplished, I would like to point out a few key differences: Help Suffolk is a 76-unit facility housing a maximum of a hundred adults and 200 children at any given time. The complex sits on seven acres of property and consists of four residential buildings, a community building, two playgrounds and a baseball field. These are garden apartments with kitchens. It is not a motel that they are trying to use as a shelter.

At the last meeting Commissioner O'Neill gave us a presentation showing the need for increased housing and these large scale facilities; however, what he failed to mention is how many smaller facilities have been closed in favor of the County's new model of the mega-shelter. The number of homeless families had gone up by just over a hundred; however two facilities housing a hundred families each have opened.

Additionally the site selection process was not discussed or why there would be a need for two 400-bed facilities located less than a mile from each other.

The only potential benefit that I can see is the cost savings to the County. However, the Financial Impact Report furnished by the County does not take into account the cost of the school district, the increased bussing costs due to bussing children further to the home districts or the increased cost of providing food vouchers to the families as there are no cooking facilities. The cost is not going down. It is just being distributed differently.

The first year estimated tax impact to the average taxpayer is only \$1.17 for terminating the contract compared to what could be a much greater cost to this community, if there is increased enrollment in our school district and if property value should go down as an effect of having over 60% of Suffolk's homeless population right here. While all the things that I have mentioned are important, the truth of the matter is that they are irrelevant to the question before you. The only question that this body and the Legislature should be answering is if the Commack facility is in violation of the County law that states that a facility should not be occupied by more than 12 families receiving services. I understand that this may not have a direct impact on your district; however, if this resolution is not passed, it may be your district next.

Thank you.

**CHAIRMAN GREGORY:**

Thank you.

(APPLAUSE)

**CHAIRMAN GREGORY:**

Jennifer Reidy. Reidy. Ready? Excuse me.

**MS. REIDY:**

I feel like we're beating a dead horse. We've been here three times all asking and saying the same exact things. Bottom line is, if this is a State issue, who is here to protect us on a County level? Okay. We expect you as our elected officials to help protect us in our communities. Hauppauge is taking on a huge burden. And everybody sending letters and stating that they're sad that they can't attend a meeting because of the hours that it's being posted and the lack of notice that they've been given -- and I have a letter here that I'd like to read, but, again, as every resident in Hauppauge is questioning, is why are we taking on this burden? And if you're not bussing them in, they're definitely being sent here if they are from out-of-state. And why Nassau and Suffolk County, especially Suffolk is taking on the burden of homelessness in, you know, the areas.

And, you know, we have that Safety Net Law. That's protecting people. And I think that's what's driving them here. But at some point we have to put a stop, or at least a cap to it. I think the best, you know, suggestion, if you're not willing to stop this is at least put a cap to it; stop having so many families in one area.

"To whom it may concern: This letter is to inform you that I hereby support Suffolk County Legislator John Kennedy, Introductory Resolution 1817, as Suffolk County has failed to conform with Section 438. Again, this is a County code that we are not listening to, but if it's a state level, who's helping us? The County's actions have caused a potential significant impact upon school districts. I have been a Hauppauge resident for 36 years. I moved here when I was just two and raised my children here. I wanted my children to grow up in the same kind of community that I grew up in. I want to protect them and shelter them for as long as I can from drugs, gangs, violence, as long as I possibly can. Hauppauge once was that community. I fear that it is just a matter of time that we become one of the undesirable neighborhoods to live in.

My family struggles to live the lifestyle I have always wanted for us. We're hardly surviving on one income and give up a lot to remain in our home. Bills get paid monthly and rarely there is any extra money for activities. I understand what it is like to be in a difficult place during hard times. I help people when I am able to do so. However, these mega-shelters that are suddenly popping up around us may be the cause of my own family losing everything we have. Taxes go up every year, bills go up every year; but my husband's salary does not go up every year. I fear that the day will come that we will be forced into the same position that the homeless shelter families are in. By ignoring our requests, you're creating this problem. Long Island is already so expensive to live, you will be pushing many young families to move elsewhere. Maybe that is your plan, to make Long Island the supreme safety net.

If this burden is not equally distributed among all of Long Island, New York or the country, how long do you think it will be before you are creating a larger problem than already exists? Do you require random drug tests on these assisted families living within these shelters? You should. My husband has random drug tests throughout the year to receive his paycheck that he works for every day. Wouldn't it only be fair to require the same for people that cry poverty? If a drug test comes back positive, they should be removed from the system. I honestly wish to only help those that are trying to help themselves; not those that only think of themselves. This could reduce many of the

11/25/13 Human Services Committee

families that claim they need assistance.

Our schools are overcrowded already. Our teachers are overworked. The Common Core and class size are nearly unbearable. Hauppauge has already cut many class programs that used to be wonderful enrichment to our children's lives. With this new burden, I can only imagine all that will be taken from them. It hurts to know that we've invested 36 years of our lives into this community; and in just a few years people who don't even live in this community can make the decision to change the entire dynamic of what this community has been for all these years.

I can only hope now that you will hear the pleas of those advocating for our family, our neighbors, our schools and our community. Each and every one of us can rest our heads knowing that we tried to advocate and do what we believe is right for us. If you continue this plan and deny our request, we will point our finger and hold you responsible for destroying our community.

**CHAIRMAN GREGORY:**

Thank you.

**(APPLAUSE)**

Those are all the cards that I have. If there is anyone else who would like to speak -- sir, you spoke before.

**MR. SHEA:**

You never answered my questions.

**CHAIRMAN GREGORY:**

And your question --

**MR. SHEA:**

You did not get a copy of those sheets. Now you have a copy. Did you read them?

**CHAIRMAN GREGORY:**

No, because I've been listening to the speakers. I haven't had a chance to read.

**AUDIENCE:**

(Inaudible)

**CHAIRMAN GREGORY:**

All right. Anyone else who would like to speak that hasn't spoken, please come forward. No. Okay.

Mr. O'Neill? And maybe Mr. Brown? Dennis Brown, if you could come forward as well, the County Attorney.

**COMMISSIONER O'NEILL:**

Good morning, Chairman Gregory and the rest of Human Service Committee.

**CHAIRMAN GREGORY:**

Good morning, Commissioner. Feels good to say Commissioner, not Acting.

**COMMISSIONER O'NEILL:**

Thank you.

**CHAIRMAN GREGORY:**

So you gentlemen have heard -- you were sitting in the audience. You've heard the comments. I believe Mr. O'Neill -- Commissioner O'Neill, you've gotten a request from Legislator Browning?

**COMMISSIONER O'NEILL:**

Correct.

**CHAIRMAN GREGORY:**

So maybe you could report on that.

**COMMISSIONER O'NEILL:**

There's a couple things. So specifically that request, Legislator Browning, I have a draft version of it. I'll be happy to share it with you. It's confidential because it goes through all the different numbers and districts. So I'd be happy to share the draft report with you.

**LEG. BROWNING:**

Okay. And let's repeat the question. And I would like to think that we could share some of the information with people in the audience because they say that their school district is overburdened and they're being burdened more than another school district. And I think out of fairness to them, we should give them some kind of information.

**COMMISSIONER O'NEILL:**

So I'll say this then: Let me share the schedule with the County Attorney. And if he agrees what data we could share, I'll be happy to share it.

**LEG. BROWNING:**

Okay. And I guess, you know, when they talk about school districts, I -- you know, the Help Suffolk representative was here and spoke about -- I believe they have 37 children. In fact, the lady -- there was a person who got up and spoke and said -- what she read about Help Suffolk or what she learned about Help Suffolk, that there's about a hundred children, yet there's only 37 in the South Country School District. So my assumption is, is that probably many of them are being transported to the school district where they came from. And I -- I would kind of like to get a top ten list.

**COMMISSIONER O'NEILL:**

Okay.

**LEG. BROWNING:**

You know, what school districts -- you know, not to give me specific numbers, if that's an issue; it would be nice to get those numbers. I am pretty sure that the Longwood School District, William Floyd School District, South Country School District would be on that top five list. And I'd just like to know where Hauppauge is on that list.

**COMMISSIONER O'NEILL:**

Sure. I have the data. Again, I haven't had the ability to share with the County Attorney. It's still in a draft form. But we are, you know, days away from finalizing it. Again, as I explained a couple weeks ago, it's a manual data-collection process. I want to make sure I have it exactly right. I do have a draft version of it. I can share with the County Attorney. And I'd be happy -- I'd be happy to, you know, if he says go ahead, I'll share it.

**LEG. CILMI:**

Mr. Chairman? I'm sorry, just -- might I address Legislator Browning's question with respect to the information sharing with the audience here?

**CHAIRMAN GREGORY:**

Sure. Has she -- have you yielded? Are you finished?

**LEG. BROWNING:**

Well, I do have a few more, but I'll yield.

**CHAIRMAN GREGORY:**

Okay.

**LEG. CILMI:**

I just wanted to ask, we have the County Attorney here. I'm hoping that Mr. O'Neill -- Commissioner O'Neill can share whatever information he needs to ask of the County Attorney as we speak so that -- these folks have been here three times, as somebody said; to have them go home only to have to come back to another meeting, to hear information that could be vetted today. So maybe that can happen while we're waiting.

**LEG. KENNEDY:**

Mr. Chair, let me add also, the number of homeless children per school district is actually something captured by the State Education Department. My office has been doing extensive research. And I think, Commissioner, you'll agree and, Dennis, you'll agree, there are multiple places that that information can be found. And it's in the public domain. There's nothing actually for us as far as breaching any kind of confidentiality if, in fact, that's information that's come from, at least, the most recent State Education report. The information is important. There's a far more important point to make here, but let me let the rest of the dialogue go on with the Committee first.

**CHAIRMAN GREGORY:**

I think we lost Legislator Browning for a second. County Attorney? Mr. Brown?

**MR. BROWN:**

Sure. Thank you. I haven't seen the report. And certainly, you know, Commissioner O'Neill has just stated that it's not final, that it's in draft form. And I certainly am not prepared here to give any opinion about what's disclosable, what's not disclosable, especially since it's not final. Now if the Committee wanted to go into an Executive Session to perhaps hear some of the preliminary results of the analysis that the Commissioner has undertaken, that would be fine. But as far as giving any type of final reviews right now that -- I don't really see that that's possible.

**LEG. KRUPSKI:**

Can I ask a question?

**CHAIRMAN GREGORY:**

Yes, Legislator Krupski.

**LEG. KRUPSKI:**

I have a list of a number of children in the different school districts and the percentage of those children, you know, based on the population of the school districts. Is that the report that we can't release to the public? Is that the -- or is there more information?

**COMMISSIONER O'NEILL:**

There's more reports. That's one of -- there's like three reports. I cut the data different ways based on a different request. But that's one of the three reports, yes.

**LEG. KRUPSKI:**

I mean, and I understand everyone's concern because I have different homes in my neighborhood that are taxpayer funded that are run for different purposes that people wonder why they're there,

## 11/25/13 Human Services Committee

in our neighborhoods and whatnot. And when it comes to the homeless -- I think if people had a better idea of these shelters and the way they're distributed in the County, I think there'd be a lot better understanding about what the County is trying to do with these people.

You gave -- last meeting you gave a great report on what the County does and how they try to get these people back on their feet, back into the workforce and not try to house them, you know, indefinitely. I think that's the kind of information that you should be giving out to the public so they have an idea that we're not just trying to make this a bigger system than it is.

### **CHAIRMAN GREGORY:**

Legislator Browning, you had some more questions?

### **LEG. BROWNING:**

Well, more -- I think there was a lot of questions from people in the audience that I think they deserve a response to. You know, the two homeless shelters that they claim are located next to each other, within a couple of miles of each other, are they in one school district or two school districts?

### **COMMISSIONER O'NEILL:**

They are in two school districts, one district each, in different districts. The question was asked last time, I said I believe it was less than two miles. And that is correct. But a more accurate number, I believe, is about 1.4, in that range.

### **LEG. BROWNING:**

Okay. Question, I guess, Dennis, maybe you need to answer this one. They want to know why the community does not get notification. I know somebody mentioned that their Legislator didn't notify them. Well, I know that many times some of these shelters exists that we're not notified. So can you respond to the question as to why they're not notified?

### **MR. BROWN:**

I think generally what you're referring to are the provision of Chapter 438 pertaining to notification by the division -- by Commissioner O'Neill's division to the Legislator or communities or the Legislator serving that particular community. And Legislator Cilmi asked for an opinion on whether or not we thought 438 was preempted. We sent that opinion around to the Committee and Legislator Cilmi and Legislator Kennedy last week. And we did come to the conclusion that it was preempted. The reverse preemption clause in the -- in the law, it was adopted, states that if there was a preemption issue, that the law would be considered null and void.

### **LEG. BROWNING:**

Again, families that are coming from out-of-state, out-of-county, I think you spoke a little bit on the new program that you have that the assumption that these families are not Suffolk residents and they're coming from everywhere else. And again to clarify, Suffolk County doesn't bring or place anyone in Suffolk County that doesn't come from here. Again, go back to the Safety Net -- the Safety Net issue where they talk about Safety Net.

### **COMMISSIONER O'NEILL:**

Okay, so couple things. So the first one is the project Homebound. So Legislator Cilmi had asked -- had put a request in to provide some data around that. And I did provide that to him and to the Chair and Vice Chair of Human Services Committee: 27 families from out-of-state that we paid per Social Services Regulation, the cost for them to go back to their home state; so 27 families in 2013 that we've done this for at a cost of \$13,633.55. The monthly -- if those folks would have stayed with us in Suffolk County, the cost of the month would have been \$37,952.61. So if you just annualized the monthly cost versus the cost to send them back to their home state, the savings annualized is \$441,797.77. On a six-month basis, a semiannual basis, that savings would have

## 11/25/13 Human Services Committee

been \$214,082.11. So those are savings produced by DSS staff.

### **LEG. BROWNING:**

Okay. Safety Net, I know that there's -- you hear that often from me is Safety Net.

### **COMMISSIONER O'NEILL:**

Yes. Agreed that those states, New York is one of them, that has a Safety Net program. There's no hard fast data yet that I've come across, but anecdotally speaking, I would say that the resident is correct, that those states that have Safety Net tend to draw individuals for public assistance. But, again, you know, the numbers can't quantify. But again it stands to reason that if somebody was looking for housing and their state didn't have it or they were exempted in their state, that they may travel to another state. Social Services regs state that -- it's called the "where found district." If somebody declares themselves homeless in that district, we, Social Services have to go through a vetting process. We have to make sure that they don't have any other resources.

What does that mean? Resources means family, friends, community-based organizations. We're supposed to be the provider of last resort. So we go through that process. As I mentioned, I talk about the 27 families we found that had other resources back in their home state. And we sent them back to those resources. This occurs all the time on a daily basis, that we do reject for other resources.

### **LEG. BROWNING:**

Okay, but the question is -- I know the answer, but to make sure that everyone here knows is, you know, I've been to Albany to request that they make changes to Safety Net. We also have been de-funded by -- I shouldn't say de-funded; we are now under-funded.

### **COMMISSIONER O'NEILL:**

Reallocated.

### **LEG. BROWNING:**

If you could explain the funding.

### **COMMISSIONER O'NEILL:**

Sure.

### **LEG. BROWNING:**

And who makes the laws pertaining to Safety Net? Can Suffolk County just say "we're not doing Safety Net anymore"?

### **COMMISSIONER O'NEILL:**

No, Safety Net is a -- back when a Federal -- let me back up. The Federal government, when they had the Welfare to Work-type program in the late '80s, I believe, the Federal Government gave the States the option to have a Safety Net Program. If the State decided to have a Safety Net Program, they were to fund it. So from the '80s, '90s up until two or three years ago, there was a 50% local cost, meaning Suffolk County residents paid 50% of the costs for Safety Net and 50% State reimbursement.

The State changed that formula to 71% local cost, 29% reimbursement and then they allowed TANF or families to be reimbursed at a 100% versus 75%, which is 25% local cost. So, in essence the State shifted the burden to the counties. It's something actually that I protest all the time about in written letters to the State. And I'm working with an organization called NYPA, New York Public Welfare Association, for the State to address it. At one of the most recent meetings, the State said that they would conduct an analysis to see if that was the case. Well, I shouldn't say they conduct an analysis. We the local commissioners will work together to provide the State analysis to show

11/25/13 Human Services Committee

the cause and effect and how it's burdened the County.

So, absolutely to your point, Legislator Browning, this was something that was passed down by New York State. We here at the County have to absorb it. So what I would term in un-funded mandate, the incremental costs, and something, quite frankly, that I have a case for as well on behalf of the County residents that should be restored or they should be able to have some other funding methodology.

**LEG. BROWNING:**

Okay. And someone mentioned about drug testing. And I know that Florida does drug testing or initiated drug testing. Can you respond --

**COMMISSIONER O'NEILL:**

Sure.

**LEG. BROWNING:**

-- to the issue that someone brought up?

**COMMISSIONER O'NEILL:**

Sure. So, again, housing eligibility falls under New York State Office of Temporary and Disability -- OTDA as we call it, the acronym. OTDA sets the Social Service Regulations. The regulations say we can't mandatory drug test. However, if somebody comes in and we suspect or they admit to some sort of substance abuse or alcohol abuse, whatever, we send clients over for referrals daily. And they are tested.

**LEG. BROWNING:**

Okay. And I think one more question is the issue on notification. And --

**COMMISSIONER O'NEILL:**

Sure.

**LEG. BROWNING:**

Maybe, Dennis, you can answer this because I know the issues that I've been dealing with on these unregulated sober homes is the -- and I know what my local fire department and ambulance companies complain about it is, you know, shelters as large as this with that many families, what is done to assist our fire departments and ambulance companies. Because say the facility was to have a fire. You know, the firemen in my district have said "if I'm responding to a sober home, I want to know how many people are in there, because God forbid how many bodies am I going to be looking for."

How do we handle that with our fire and ambulance companies?

**MR. BROWN:**

And actually I don't know the answer to that question, but, you know, we probably should confer with FRES, with Joe Williams, on how -- responding to a location that has a large concentration of people.

**LEG. BROWNING:**

Okay. Because I know our fire departments, they want to respond -- I'm sorry, John.

**COMMISSIONER O'NEILL:**

If I may, the Department of Social Services has worked with the Sober Home Committee that you're part of as well. We support legislation that Senator Zeldin put forth on a State level to have those facilities monitored and some quality control put in. Sober homes are not monitored or regulated

## 11/25/13 Human Services Committee

by DSS in any way shape or form, even on a State level as well. They're not through OTDA's -- I don't even know what they call it anyway, they change the name so often -- Office of -- you know, the substance abuse and mental illness -- I think it's OMBR, something like that now, it's an acronym, but we fully support some sort of legislation State level to provide better quality sober homes.

**LEG. BROWNING:**

Right. And, however, the homeless shelters are totally different --

**COMMISSIONER O'NEILL:**

Totally, exactly.

**LEG. BROWNING:**

-- than sober homes. It's a different subject so -- and, again, I have Help Suffolk in my district. And, you know, I know that there is a good relationship between them and our local ambulance company. But I heard someone make a comment about it being a garden apartment. I've been to Help Suffolk. It is -- by no stretch of the imagination are they garden apartments. They are very basic two-room facilities, two-room apartments, if that's what you want to call it, with small 4-inch mattresses, foam mattresses, no carpeting. You know, you might see a picture on the wall. But to assume that it's a garden apartment, it is by far no stretch of the imagination anything close to it.

So I did kind of want to clarify that, that -- you know, I would be happy to talk to the representative of Help Suffolk. And maybe, John, if you want to go visit Help Suffolk, or you want to bring one or two of your civic leaders, I'm sure she'd be happy to show what -- what it really looks like. So when I hear garden apartment, it makes it sound like it's something really fancy and cute and it's not.

**COMMISSIONER O'NEILL:**

The New York State Department that oversees Sober Homes is OASAS.

**CHAIRMAN GREGORY:**

Okay, thank you, Legislator Browning. Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. And as you can see the issue before us this morning with the number of folks that we have here and through the permission of the Chair, I have 81 letters that I would like to have added to the record that I'm going to go ahead and present that to the Clerk, basically in opposition to what's gone on.

I got a chance to read Mr. Brown's opinion. He was gracious enough to forward it to me. Quite frankly, Dennis, you're probably not surprised I don't concur with the conclusion you come to of our section of the code to be preempted by State law. And, quite frankly, it's somewhat unprecedented -- unprecedented, pardon me, to go ahead and to -- after the fact check in with the County Attorney's Office as to the validity of enactments.

As I said the last time, there is a presumption of regularity for the sections of code. And, quite frankly, the department has operated and been bound by that for 13 years; 14 years almost. So to at this point now after a large scale contract has been adopted come to the legal conclusion that an administrative provision that was deemed valid and that the department abided by for 14 years is invalid, I summarily dismiss. And as a matter of fact, your conclusion that the field was completely occupied by the State is belied by the fact that the letter that they generated in response to County Executive Bellone's query did not -- did not invalidate the regulations here at a local level.

So this is your conclusion; not the State's, not OTDA. And as a matter of fact, I would hold to the

11/25/13 Human Services Committee

provision that the request I have before the Committee still has validity, still has merit; and, quite frankly, without it, we are in an extremely dangerous place in that an agency that's a County agency is acting under the guise and the cloak of State presumption, which means they can come in and act any place.

Let me ask John again, because I got a little confused with the numbers so I want to go back to it again. How many homeless families in Suffolk County today, John?

**COMMISSIONER O'NEILL:**

Roughly 565.

**LEG. KENNEDY:**

565?

**COMMISSIONER O'NEILL:**

That's right.

**LEG. KENNEDY:**

Okay. And let's talk again about the two facilities now that are 1.4 miles apart from each other. What's the combined capacity for those two facilities?

**COMMISSIONER O'NEILL:**

Roughly 200. It depends on family size but we'll say 200 for a round number.

**LEG. KENNEDY:**

200 families?

**COMMISSIONER O'NEILL:**

Correct; 90-- 90 to 100 in each facility.

**LEG. KENNEDY:**

My understanding was that we had more families in Crooked Hill. But, nevertheless, all right. So we're talking about roughly 50% per day of all the homeless families in Suffolk County in a 1.4 miles radius. We also spoke previously about another facility that's only about another half mile away from here that has another capacity of 35 or so. So I'd go to maybe like 60% of all the homeless families in Suffolk County within about a two-mile radius. And that means basically 60% of all the homeless children in two districts.

The issue here goes to an issue, quite frankly, to the Committee of equity and impact. There's absolutely validity to the laws that our former colleague, Maxine Postal, brought forward to basically address the issue you hear before you today: Equity. A disproportionate impact to a district, be it a school district, a fire district, an ambulance district, any entity that these folks pay their taxes for day in day out. And that we have control over.

**(APPLAUSE)**

Well, we I say "we," I don't know. We've been told by the County Attorney we don't. Obviously I disagree. And I ask you to go ahead and take that opinion and read it and ask somebody else to at least go ahead and take a view of it.

You know, in the practice of law, they say reasonable men may differ. Our County Attorney comes to one conclusion. I obviously come to another one that what we do matters; and the laws that we adopt matter to the people we represent. And that the expectation is our departments are going to abide by the laws that we adopt; not go ahead and act errantly and then try to go ahead and

11/25/13 Human Services Committee

rehabilitate after the fact. Because that's what you have here to the ladies and gentlemen. The fact that there was an unwarranted, uncalled for act and now an attempt to regularize.

I'm going to ask the Committee to move the bill again. This issue was going to be poignant and be before us. And it is still at its base element an issue of equity. Thank you.

**(APPLAUSE)**

**CHAIRMAN GREGORY:**

Thank you. Legislator Krupski.

**LEG. KRUPSKI:**

Just to address, Mr. Kennedy's looking at different numbers because I have -- I have numbers here that show that -- what I consider to be a spread of homeless children throughout different districts. So I wouldn't mind at all going into Executive Session to try to straighten this out and see what information we can, in fact, release to the public. Because, you know, the public should have at least -- maybe not a specific idea, which child is in what district, but least a general idea of how -- of how this is -- you know, this population is distributed throughout the County.

**COMMISSIONER O'NEILL:**

Legislator, I agree with you. I agree with Legislator Cilmi, Legislator Kennedy. If I'm allowed legally to release it, I'll be happy to release it. Again, we -- DSS has made a conscious effort, okay, to try to not burden school districts and communities. So, again, I welcome the opportunity to review the information.

**LEG. KRUPSKI:**

I do have one question for you. We did get -- someone handed this out. We got this today from Suffolk United. And it says that there were -- the shelters were closed in the Hamptons, Riverhead and Rocky Point. Is that -- where were these shelters that were closed in the Hamptons, Riverhead and Rocky Point?

**COMMISSIONER O'NEILL:**

The -- I'm not sure about the Rocky Point one but the Hamptons was the old motel, at the top of my head the name escapes me, it's closed for health and safety reasons that were documented.

**LEG. KRUPSKI:**

What about Riverhead? What shelter was closed in Riverhead?

**COMMISSIONER O'NEILL:**

None that I'm aware of. Again, I'd be happy to go through any specific shelter and review it again, because, quite frankly, we're looking to open more shelters on the East End, as I said in my presentation a few weeks ago as it relates to families as well as singles. Hidden Cove was the name.

**CHAIRMAN GREGORY:**

I think Legislator Browning had one question. And then we'll make a motion to go into Executive Session.

**LEG. BROWNING:**

I wanted to respond and cut me off if I have to be cut off. Rocky Point, I think we read about a newspaper article about a men's shelter in Rocky Point that was closed. To the best of my knowledge that is not closed. It may not be a men's shelter, but it is a shelter for the homeless.

**LEG. KENNEDY:**

Mr. Chair, if I can just make one other point because I believe that it's important for everybody here to hear and particularly to my colleague, Legislator Barraga. I thought that his comments last time at our last community meeting, again, were poignant. He offered something that was what -- what appeared to be middle ground, if you will. And I just wanted to mention to you, Legislator Barraga, I did take the opportunity, I met with Commissioner O'Neill, as a matter of fact, to talk about not only this issue but a range of issues. So I appreciated the input there. I don't know that we necessarily came to an agreement. As you can see, we're talking about an opinion that had generated subsequent to that, that essentially takes every element of control regarding this area out of our hands. Ironically the only thing it leaves with us is the cost and the ability to write the check when we are being given provisos and dictates by the State.

Now, I'll go back to it again, and then obviously let me yield, two times the State agency was queried by our department as to what the extent of legitimacy was for Section 438. In both instances there was cautionary language about the function in this area, but there was no prohibition. The State agency and the State Commissioner did not say that 438 is not valid or cannot, in fact, be implemented. All of the items that everybody's spoken to here about, notification, maximum size, impact in a particular square -- square mileage area, not a single one of them did they identify as outright invalid. So, again with that I'll yield.

**CHAIRMAN GREGORY:**

Okay. Yes, Mr. Brown.

**MR. BROWN:**

Thank you, Mr. Chair. I would just -- I don't want to debate with Legislator Kennedy. And Legislator Kennedy is correct, we're both lawyers, there are more than one lawyer in this room and we could disagree and we could have reasonable differences about what a law means and whether or not a law is preempted.

I just want it to be known to the Committee as well as to Legislator Kennedy that the issue of preemption is not something that originated over the past few weeks. There was reverse preemption clause in that law. And it says in that law that if there is a body of law or regulations which are passed which are contrary to the law or inconsistent with State law, then they shall be deemed to be null and void. And it also -- there were three letters from New York State in July of 2000, in August 2001, again, in 2012. And while Legislator Kennedy is correct not a single one of those letters says that the law is preempted. I'll go so far as to say that Counsel from OTDA wouldn't give an opinion that the local law is preempted; but there was still, nevertheless, three letters that were -- that did -- that did come out of OTDA relating to that were critical of the -- of Chapter 438.

**CHAIRMAN GREGORY:**

Okay. I'm going to make a motion to go into Executive Session.

**LEG. BARRAGA:**

Second.

**CHAIRMAN GREGORY:**

Second by Legislator Barraga. All in favor? Opposed? Abstentions? Okay, we are in Executive Session. Folks, we'll have to go in the back. You're welcome to stay. We'll probably be, I don't know, 15, 20 minutes perhaps.

**(EXECUTIVE SESSION FROM 11:01 AM TO 11:54 AM)**

**CHAIRMAN GREGORY:**

We're back on the record. We're out of Executive Session. We have a quorum. I believe, Legislator Kennedy, you wanted to put something on the record.

**LEG. KENNEDY:**

Mr. Chair, yes. What I'm going to do is, is I'm going to ask a number of things: First of all, I will continue the -- the Commissioner and I are going to reschedule as far as another appointment to talk about what the -- resolving the outcome here is. I've advised the Committee of my ongoing opposition to the Tier II status application. I'm going to renew that opposition with the Commissioner of OTDA, Commissioner Proud. I'm going to ask that -- through the Chair that the Commissioner furnish us with very specific information about the duration of occupancy at this facility; and how quickly the Department is moving individuals back into permanency. And I'd like him to go ahead and report back to us as quickly as possible for, you know, whatever -- if not the next Committee meeting, certainly then when we convene in January. But, if possible, I'd like it for the next Committee meeting. And I appreciate the Committee's willingness to hear some of the briefings the Commissioner had to share. Thank you.

**COMMISSIONER O'NEILL:**

I will make every effort. I see no reason why we can't report at the next committee.

**CHAIRMAN GREGORY:**

Okay. All right. So let's continue the agenda. There's a -- I know there's a press conference coming up at 12.

**TABLED RESOLUTIONS**

Okay. Tabled Resolutions. **IR 1817, Terminating a certain contract with Community Housing Innovations to provide Homeless Shelter Services. (Kennedy)** I'm going to make a motion to table.

**LEG. BROWNING:**

Second.

**CHAIRMAN GREGORY:**

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

**1963, Adopting Local Law No. -2013, A Local Law to update the County's Child Protective Advisory Board. (Gregory)** I'm going to make a motion to approve.

**LEG. BARRAGA:**

Second.

**CHAIRMAN GREGORY:**

Second by Legislator Barraga. Any questions? No questions. All in favor? Opposed? Abstentions? That is our agenda. We stand adjourned. Thank you.

**THE MEETING CONCLUDED AT 11:57 AM  
{ } DENOTES SPELLED PHONETICALLY**