

**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. Carcacappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on February 4, 2014.

**MEMBERS PRESENT:**

Leg. Monica Martinez, Chairwoman  
Leg. Kate M. Browning, Vice Chair  
Leg. Lou D'Amaro  
Leg. Kevin J. McCaffrey  
Leg. Robert Trotta

**ALSO IN ATTENDANCE:**

Presiding Officer DuWayne Gregory, 15th Legislative District  
Leg. Steven H. Stern, 16th Legislative District  
Leg. John M. Kennedy, Jr., 12 Legislative District  
Leg. Thomas Cilmi, 10th Legislative District  
George M. Nolan, Counsel to the Legislature  
Renee Ortiz, Chief Deputy Clerk of the Legislature  
Diane Dono, Director/Budget Review Office  
Samuel Chu, County Executive's Office  
Tom Vaughn, County Executive's Office  
Amy Keyes, County Executive Aide  
Gail Lolis, Deputy County Attorney  
Greg Moran, Aide to Leg. Trotta  
Justin Littell, Aide to Leg. D'Amaro  
Karen Baumann, public speaker  
Paula Moore, public speaker  
George Talley, public speaker  
Dolores Riconda, public speaker  
Laurie Egbert, public speaker  
Jennifer Reidy, public speaker  
Jan Williams, public speaker  
Maureen Rossi, public speaker  
Michael Pitcher, Aide to Presiding Officer  
William Shilling, Aide to Majority Leader  
Terrence G. Pearsall, Chief of Staff  
And all other interested parties

**MINUTES TAKEN BY:**

Diana Flesher, Court Stenographer

**THE MEETING WAS CALLED TO ORDER AT 2:08 PM**

**CHAIRWOMAN MARTINEZ:**

Good afternoon. We will call this meeting to order. Can we all please rise for the Pledge of Allegiance, which will be led by Legislator Kate Browning.

**SALUTATION**

You may all be seated.

Again, good afternoon. My name is Monica Martinez and I'll be chairing the Human Services Committee this year. And Vice chairing I have next to me Legislator Kate Browning.

We'll begin with the correspondence section of the agenda. I have received several e-mails from constituents in the Hauppauge/Smithtown area, which I would like to put into the record. I will give copies to the Clerk.

**PUBLIC PORTION**

We will now go to the Public Portion of the agenda. We have a couple of cards that have come in. I would like to ask Miss Karen Baumann to please come forward first.

Just a reminder that all speakers have three minutes. And I will let you know once those three minutes are upcoming.

**MS. BAUMANN:**

Hi. I'm here again. And you guys are helping me get over my fear of public speaking. I'm still a little nervous, but I'm getting over it.

This is a tough time to have the meeting scheduled. People are working. And now it's also two o'clock where people have to get their children from school soon; so there's not quite a turnout as it usually is.

I don't know if I have everybody's attention. I've attended the majority of the legislative meetings as well as Hauppauge's Board of Ed meetings regarding the homeless shelter in Hauppauge. I'm a longtime taxpayer and resident and voter.

I find it insulting that I have not received any answers from the same questions I've been asking since these meetings have started. I've called Mr. Bellone's Office. There's been no return phone calls. I find that inexcusable.

The Suffolk County Executive's Office had also canceled meetings with the Hauppauge School District in the past. Mr. Bellone's Office sent a letter out dated January 6th and gives a number for residents, who are also voters, to call. I was told I would receive a phone call after the person took down my questions. This return phone call never came. I called several more times, but to date my inquiries have been unanswered. We have questions about the homeless shelter; questions that we would just like to know as residents. And I find it -- you know, we can't get an answer.

I've read in the paper that Mr. Bellone just added a communications staff member. And he was quoted as saying in government the size of Suffolk County we have a responsibility to taxpayers to keep them informed of what we're doing. Can someone tell me when this is going to happen? Any answers?

2/4/2014 Human Services Committee

I feel it's a charade that we as taxpayers and voters in Hauppauge have been ignored and dismissed. This gives me great concern into the legality of how our local government is working. This Committee has an opportunity to make things right and legal. Please remember that Suffolk County is breaking their own laws.

I hereby support Suffolk County Legislator Kennedy's resolution 1036 as Suffolk County has failed to conform to section 438 of the Suffolk County Administration Code. I am very concerned with this Administration making poor decisions and repeatedly breaking their own County laws. And as a voter, this type of behavior is unacceptable.

One of my questions was the cooking facilities in the kitchen. Can anyone elaborate on that and how that's working?

**CHAIRWOMAN MARTINEZ:**

Unfortunately Commissioner O'Neill is not able to make it today to answer that question for you.

**MS. BAUMANN:**

What about since September when I've been up here asking that same question?

**CHAIRWOMAN MARTINEZ:**

I --

**MS. BAUMANN:**

How do they do that when it's snowing and 9 degrees out? How do they handle that?

**CHAIRWOMAN MARTINEZ:**

I understand your concerns, Ms. Baumann. If you don't mind if we can answer your questions at the end?

**MS. BAUMANN:**

Will they be answered?

**CHAIRWOMAN MARTINEZ:**

I will do my best to get you an answer.

**MS. BAUMANN:**

Today?

**CHAIRWOMAN MARTINEZ:**

I can't promise you today, but I will try to get you an answer.

**MS. BAUMANN:**

This is an ongoing issue. I know you're new to the Committee. This has been going on since September.

**CHAIRWOMAN MARTINEZ:**

I understand, Miss Baumann. Thank you for your concerns.

**(APPLAUSE)**

Next Miss Paula Moore.

## 2/4/2014 Human Services Committee

### **MS. MOORE:**

Hello. My name is Paula Moore. I'm a resident of Brentwood School District. I'm also on the Brentwood Board of Education.

I have a question. I need to know why the residents of Hauppauge received a letter -- the January 6 letter from our County Executive. And we in Brentwood, who are educating 97 of those students at that Crooked Hill facility, haven't received any correspondence at all.

The second question I have is that Brentwood is a property-poor school district. We have some of our board members in Albany trying to get money for our school district. We do house 97 of those students. And Brentwood is a very caring community. We have some of our teachers that actually tutor some of those students after school. So that's not -- that's part of the problem.

The other part of the problem is that a lot of those young children have special needs. We don't get reimbursed for those special -- for the special needs that those students have. And we're laying off a lot of our support staff employees. We had to lay off our social workers; we laid off psychologists. So we don't even have the money to take care of the special needs for those 97 students that we are trying to educate.

I understand -- I'm going to refer back to the January letter that -- in the County Executive's letter he says that he will not allow this facility to place a disproportionate burden on the community. Well, it is if we're -- you know, trying to educate 97 of those students; plus our student enrollment is increasing just from the fact that we're getting more students in our school district. Whereas other communities have -- other school districts have declining enrollment; ours is increasing. I believe we have 400 students that came to our high school just in September and October. So it is placing a burden on our community.

Plus I have to say on a personal note when you drive up Crooked Hill Road and you see those young families with strollers walking in the street when those cars race down that street, it's a dangerous, dangerous situation. Thank you.

**(APPLAUSE)**

### **CHAIRWOMAN MARTINEZ:**

Thank you, Miss Moore. Mr. George Talley.

### **MR. TALLEY:**

Good afternoon. My name is George Talley. I'm also a Brentwood resident and a former board member of the Brentwood Board of Education. Brentwood's been dumped on quite a bit. And now that I'm listening to this young lady from Hauppauge, who hasn't had anything since September, Brentwood is really in trouble. Because if they can't get the questions answered, what the hell's going to happen with us? That is 97 children coming out of the Wingate Hotel. There's 47 children coming out of the Hauppauge Hotel. They're mainly Special Ed. I understand there's an application for an additional 100 families in the Wingate. I don't know if that's true. Does anybody know here if that's true? There's been no town meetings. Yes?

### **CHAIRWOMAN MARTINEZ:**

I have spoken to Commissioner O'Neill. And as of right now there has not been any type of blueprint or any type of variance.

### **MR. TALLEY:**

I got this information from a Town of Islip high-up employee that this is happening.

2/4/2014 Human Services Committee

**CHAIRWOMAN MARTINEZ:**

Okay.

**MR. TALLEY:**

That the hotel snuck into Brentwood and Hauppauge with no meetings whatsoever. And if this is taking place under the sneak as well, something's got to be done with this guy Bellone. Because he's dumping on this district too much.

**(APPLAUSE)**

The Fire Department and the Ambulance Services need two Suffolk County cops to get on the grounds. Who's paying for these services?

I'd like to make a suggestion. You sold the Foley Nursing Home for 36 million. That didn't go anywhere. Then you tried to re-sell it for 24 million and it didn't go anywhere. You took a deadbeat out of Nassau County and paid his taxes for the Wingate Hotel. Why don't you take the Foley Nursing Home and put the entire amount of homeless people in Suffolk County there because you already own it? It doesn't take millions of dollars of our funds to pay for something we already paid for. And Bellone is looking for every dime but can't find it. Here's one way of looking for it.

Now, our Brentwood Ambulance last year had 139 calls. That means they tied up two people in an ambulance and at least two cop cars. That's like one call every four days. Who's paying for that? Brentwood's paying for that. Brentwood's paying for the Special Education. And now we're going to find out if the other 100 families that are going to come in here are going to really increase our students. We've laid off 200 teachers; excessed 200 teachers in the last four to five years. Are we going to go bankrupt before somebody does anything?

Now, this letter that Paula was referring to, *I will not allow this facility to place a disproportionate burden on the community. I will push the Department of Social Services to close this facility.* When's that going to happen? When is Brentwood going to get these letters? I'd like you guys to do something about it, to get on his rear end. Thank you.

**(APPLAUSE)**

**CHAIRWOMAN MARTINEZ:**

Thank you, Mr. Talley.

**(APPLAUSE)**

Next Miss Dolores Riconda.

**MS. RICONDA:**

I'm Dolores Riconda. I come from Kings Park. I been here several times the last few months. And we're not getting anywhere it seems at this point. I agree with Legislator John Kennedy, what he's trying to do for us today.

I'm here also to remind you that you are public servants. You serve us, the responsible citizens; and you serve the homeless people as well. And I want to say to you today, which I repeated, has any of you visited the location in Hauppauge to see how the homeless people are living? Has anybody? I know a lot of you are new here. Has anybody taken the time in visiting that place? No, I didn't think so. Okay. So how are you going to help and how are you going to understand what's going on there unless you actually go into the neighborhoods and see with your own eyes? Seeing is believing.

## 2/4/2014 Human Services Committee

I'm going to repeat from experience. My dad was an orphan. It was terrible where he lived as he grew up. Orphanages don't work. They close them down now. And now they have foster parents taking care of them. The Psychiatric Center in Kings Park didn't work. They closed it down; because too many people weren't being taken care of appropriately. And they put them in adult homes. And I'm telling you today the homeless -- large homeless shelters do not work.

My questions is this: What is the time limit that you have for these people to stay homeless in these shelters? Do we have a time limit? Or are we building more to keep them homeless without any time limit day after day, week after week, month after month. What is the plan for the future to help these people, to get out of their homelessness? Where's the social workers? Where are the help if they're on drugs, if they're alcoholics? Where are you sending these people to get help? Or is it your intention to keep them homeless and not visit them or look at them? Because I'm concerned of the safety of our community and the safety of the homeless people. They are humans. And they are citizens of this country.

And I believe that John Kennedy is on the right path. Twelve families, I believe, a two-mile radius. And we should obey the law. Because you are leaders of this community and this state. And you need to set an example to uphold the law. And if the law isn't good, then you change it. But John Kennedy knows what's good for this community. And I believe you need no start listening to him, need to start listening to the neighbors, to the citizens. Because you're public servants. We pay your salary. You take our taxes. And we pay for the building, the light -- every one of us in here, we pay for everything. And we're here today to tell you we don't like what you're doing. And you need to start listening to this community and to the people that pay your salaries.

And I would like you to all visit these facilities and to answer to yourself is this where you want to live long-term? Or would you want a helping hand to help you get out of whatever -- whatever situation, a heart attack, they're broke because they lost all their money. You need to show some compassion with our money.

So with that I really want you to know if you build bigger shelters, you are encouraging more people to become homeless. And that is not going to do well with the safety of our neighborhoods and the safety of the homeless. I thank you for your time.

**(APPLAUSE)**

### **CHAIRWOMAN MARTINEZ:**

Thank you, Miss Riconda. Next Miss Laurie Egbert.

### **MS. EGBERT:**

Hello. I'm here representing Suffolk United and over 150 people that have sent us e-mails. I spoke at every meeting since this started and I will be here until the contract is canceled. Some of you are new and welcome to the new committee. I hope you will not waste our time like your predecessors did by tabling the vote because you lacked the conviction to do the right thing. You have taken an oath to uphold the law. There is currently an illegal shelter that is not legal to separate as a Tier II shelter. You have a chance to uphold Suffolk's law of 12 families per shelter. It is your sworn duty to support this resolution and make CHI obey our laws.

Since the beginning, it has been fraudulent. CHI pricing models is based on a hundred families in one place. They have never intended to comply with our laws. I spoke about these numbers last time I was here, but I had to leave for work obligations. They were disputed and I can prove them right since I have left.

John O'Neill spoke afterwards. And it was proven that either's he's incompetent at his new job and

## 2/4/2014 Human Services Committee

doesn't know the correct numbers; or he is straight out a liar, since Superintendent Pat Kriss sent out a district letter proving him wrong. These numbers I am giving you are straight from New York State. And I will provide copies to anyone who would like them in the back of the room; or if you would like, I will hand them into you, too.

I will also add them to our website Suffolkunited.com. Before this shelter in Suffolk County we were number 38th per 1000 students to homeless ratio. We stand to become number two behind William Floyd. Per 1,000 student ratio, there are 46 districts with ten or less. Thirty-two districts with homeless -- with ten homeless students or less. Hauppauge was not among them. There were 35 districts with less homeless than us to start with. After this, there could be 69 districts with less than us.

School districts could be destroyed with just 20 out-of-state students with special needs. As people last year explained that work -- that Social Workers are teachers, most of the homeless students in shelters have special needs due to their circumstances: Lack of stability or other factors. It is stated in the past at these meetings that the average cost of special needs can be \$56,000, but it can range significantly.

We're just using the average that was stated at these meetings. Twenty out-of-state students that the district receives no reimbursement that was stated in these meetings, 20 of them could cost the district over \$1,100,000. High school electives could be cut, enrichment programs, gifted and talented sports teams. How many teachers can lose their jobs over this? Some people might snub us, calling us elitists. But I saved my whole life to buy a house within a good school district. This has the potential to destroy what everyone has saved most of their money to live here. At what point do Steve Bellone's deal with CHI means more than Hauppauge's children? At what point do the losses my children will face matter to you? I work a second job already to afford my daughter in pre-school. Well, the chances of extra programs be gone by the time she is in school? There are concerns of class sizes that were here beforehand. There are also concerns of fire and ambulance.

I will end fast since my time is up. Next meeting I plan to present a whole financial analysis of CHI and how much money they are making. The person who's in charge, Robert, makes over \$230,000.

**CHAIRWOMAN MARTINEZ:**

Thank, you, Miss Egbert.

**(APPLAUSE)**

Miss Egbert? Mrs. Egbert?

**MS. EGBERT:**

Yes?

**CHAIRWOMAN MARTINEZ:**

I'm sorry, Presiding Officer has a question for you.

**MS. EGBERT:**

Yeah. Hi.

**P.O. GREGORY:**

Hi. Excuse me. Thank you for coming back. I remember you from our previous meetings. I just had a question. The stats that you referred to --

2/4/2014 Human Services Committee

**MS. EGBERT:**

Yes.

**P.O. GREGORY:**

Do they -- is the question or the stats supposed to reflect the number of children -- homeless children residing --

**MS. EGBERT:**

That was the number --

**P.O. GREGORY:**

-- in the school district?

**MS. EGBERT:**

That was the numbers presented by the State beforehand. So this is -- all these numbers before the homeless shelter opened up -- I heard last time it was disputed after I left. These are a fact from New York State. And I photocopied them --

**P.O. GREGORY:**

Okay.

**MS. EGBERT:**

-- for everybody to have. I know John O'Neill disputed it, but it's straight from New York State.

**P.O. GREGORY:**

Time out for a second? I don't think -- I don't think you answered my question or maybe you didn't hear it.

**MS. EGBERT:**

Okay.

**P.O. GREGORY:**

My question was the stats reflect children residing in the school district?

**MS. EGBERT:**

Yes.

**P.O. GREGORY:**

Or does the question or the stats reflect the number of homeless children attending the school district? Two different things.

**MS. EGBERT:**

I believe -- I believe it is going to Hauppauge School District, but most of them were our own residents. These were our residents that we had before the shelter opened up. So beforehand we were number 38th in Suffolk County.

**P.O. GREGORY:**

Of homeless children residing in the school district but not necessarily attending the --

**MS. EGBERT:**

No, attending the school district. I have the -- if I may, I can give it to you and I can point it out to you. It's from -- all from New York State. And I have it photocopied. It goes in alpha --

2/4/2014 Human Services Committee

**P.O. GREGORY:**

Okay. Just hand it to the Clerk. Yeah, because that's a significant difference. If there are kids because of a motel that's --

**MS. EGBERT:**

Would everybody like a copy? I can -- I have enough for everybody.

**P.O. GREGORY:**

Sure, sure.

**CHAIRWOMAN MARTINEZ:**

That would be great. Thank you.

**P.O. GREGORY:**

So you're saying that it's not only just homeless families with children that are residing in the school district because of a shelter that's been established --

**MS. EGBERT:**

This is before --

**P.O. GREGORY:**

-- but it's actually children attending the Hauppauge School District.

**MS. EGBERT:**

Yes, absolutely.

**P.O. GREGORY:**

Okay.

**MS. EGBERT:**

This is reported by New York State.

**P.O. GREGORY:**

Okay. All right. Well, thank you.

**MS. EGBERT:**

It has the last four-year average, too. So you can see -- and it's every school district. I gave you the information for every school district in Suffolk County.

**P.O. GREGORY:**

Okay. Thank you very much.

**(APPLAUSE)**

**CHAIRWOMAN MARTINEZ:**

I will like to call Miss Jennifer Reidy up, please.

**MS. REIDY:**

I'm a resident of Hauppauge and moved here for the sole reason of being part of such a great community and school district. I'm here for the fifth time. Some of you may recognize me; because I'm concerned about the disproportionate impact that our district will be required to absorb as a result of the County's ill-focussed political agenda in placing numerous multi-family homeless shelters in our district's area.

## 2/4/2014 Human Services Committee

Many residents who support Legislator Kennedy cannot attend these meetings that run during the day because they are working. I felt it was imperative I interrupt my workday to speak to you directly because you need to be aware that many residents are concerned. And I'm their voice today. There are numerous reasons why I believe these shelters should not be placed in one concentrated area, but the main reason is that the County is causing a great burden to be placed upon a small school district with limited resources.

Our schools are already understaffed and classes are overcrowded. For example, my child is in kindergarten and he has 27 students in his class. One teacher, 27 students. Unacceptable. Hauppauge cannot be the safety net for Suffolk County's homeless issue. A mega-shelter is not the way to help people in need to get back on their feet. Homeless families are flocking to Suffolk County because we turn no one away, even those that are from out-of-state.

Hauppauge has always welcomed homeless children in their schools, but this mega-shelter will -- we will be the ones in need of help when our services get cut and our resources become drained. It's time for the County Executive to find a better way. We keep going around and around and this is apparent that our Suffolk County Executive Steve Bellone and his office are ignoring us and not fairly representing us. There is clearly a political reason for the County's insistence in moving forward with their plan. And hopefully it will be brought to light soon.

In the meantime I would like to formally state that I hereby support Suffolk County Legislator John Kennedy, Junior's Introductory Resolution 1036-2014, as Suffolk County has failed to conform with section 438 of the Suffolk County Administrative Code. The County's actions have caused a potential, significant impact upon school districts and surrounding areas.

As a resident of Suffolk County, I'm concerned with this Administration making poor decisions and repeatedly breaking their own laws. As a voter, I will not accept this type of behavior. I hope the residents' concerns do not fall on deaf ears as you, our elected officials, are charged with promoting the best interest of all your constituents, not just a few. Thank you.

**(APPLAUSE)**

**CHAIRWOMAN MARTINEZ:**

Thank you, Miss Reidy. Is there anyone else in the audience who would like to come forward and speak who did not fill out a card? Okay.

**MR. WILLIAMS:**

I'm going take a shot, please?

**CHAIRWOMAN MARTINEZ:**

If you can please state your name and address for the record.

**MR. WILLIAMS:**

I'll fill that out later. Hi. Good evening. Thank you for taking me at the last moment. To the Legislative board, I have a few questions. Or maybe just one. I'm going to be the rotten apple. I'm going to be the bad guy. I'm going to be the racist. I'm going to be everything. I don't know these people. I live in Nesconset. My name is Jan Williams. Who are these people? What is the definition of a homeless person? Are these people Suffolk County residents? It's an entirely different thing for people of Suffolk County to be -- as by definition become homeless and for us to stand up and take care of them as the first part of what I'm saying.

But my understanding is, is that -- and I ask for our Governor's own words, who are these people? Are we -- to my understanding is, is that we have an open border policy in the State of New York.

## 2/4/2014 Human Services Committee

And what I'm saying is, is that people come from here because of our liberalism? Or our good-heartedness? Or is it just because we give things away? I think it is -- we live on a peninsula here on Long Island. Suffolk County is being bombarded by all kinds of things that are coming up and have been established between high-density housing and certain things within our school district including common core, etcetera. Now we're being bombarded -- bombarded under subtlety up here of doing the right thing, the good thing to do. There's nothing wrong with that.

But if we're going to adopt the policy that has been the blue state of New York, we're going to be in a whole heap of a whole mess of garbage here. So is this the attitude we should be adopting to not have any input of the community? We live on a peninsula surrounded by water. Are we going to be a Gestapo government where we do not take into the consideration of our own residents? Are we going to not question the motives or the reasons? Fine. If you're a Suffolk County resident, come on hard times, I can understand that. Are we doing the right thing by being mega-shelters? Are we doing the right thing by jamming it down one district or two districts' throat and not even getting any compensation? Not that I'm going to ask for compensation as a means to justify it. But are we going to burden -- are we going to become very fast like our counterpart in Westchester, Queens? Is Suffolk County ready for that? Maybe 75, 100 years, yeah. Are we going to force this down? Is this another little bit of the heart of what it was -- what is Suffolk County? Are we going to take that away by adopting these principles without any aforethought to the residents, to the support, to the teachers, to the educators, to the taxpayer? That's my question I would hope that you would ask yourselves; because everybody else is asking you, from what I can see, the same thing.

I thank you for your time.

(APPLAUSE)

### **CHAIRWOMAN MARTINEZ:**

Thank you, Mr. Williams. Anybody else?

### **MS. ROSSI:**

Hey guys, how you doing? My name is Maureen Rossi. You may recognize my name. I am a reporter for the -- your County paper, Smithtown Messenger, but I'm not speaking on -- as behalf of a reporter. And you might also know me, I run Kings Park In The Know. We fight the opiate/heroin epidemic. Or you may remember me from April. I was your Suffolk County Woman of Distinction.

But I'm here because I've been working with the homeless for 20 years. I'm actually -- was supposed to come as a reporter, but for I have to -- I have to say this: I work very closely with the people in the Smithtown hotel off 25. I can't say the name because it's protected under McKinney-Vento. There are three types of people there. There is the new face of America, kid yourself not, people who grew up on Long Island with pools in their backyard who, you know, played Little League and they've had illness, maybe some of the women have suffered, you know, abuse in a relationship. They're the new face of America. They're the newly poor.

You do have a lot of out-of-state people. Here's my thing: You know, that's a State issue. That's a -- I believe it's written into the State Constitution so you're barking up the wrong tree over here.

### **AUDIENCE MEMBER:**

(Inaudible)

### **MS. ROSSI:**

You are, actually.

**AUDIENCE MEMBER:**

This is the tree I want to bark up.

**MS. ROSSI:**

Okay, it's America. My concern always, I deal with the children, my friends in Kings Park bring me second-hand clothing; beautiful second-hand clothing. So I bring trucks of clothes and food and toys over there. And these kids are so incredibly grateful for, you know, they're like, *oh, Abercrombie & Finch* and -- they don't care it's used. *Nike Sneakers!* And they're just so excited that someone else is thinking of them.

I saw two things. At the mega-shelter that you guys are complaining about, I was really impressed with CHI and how involved they are over there. Staff, security, counseling. I do not see that at the motel I volunteer at in Smithtown. I think these people need more than just a place to stay. They had need family planning. Last year we had -- I threw three baby showers. Three of the girls had their sixth child living in the shelter. They need nutrition guidelines. One of the boys was 12. He had fatty liver disease. How do you feed a kid healthy out of a microwave?

So those are my concerns as a human being. Because those children are not Democrats, they are not Republicans. They are children. And they are here and -- in our jurisdiction. So, I'm sorry, I just -- I had to throw that out there guys. Thank you.

**AUDIENCE MEMBER:**

I stopped at having two because I couldn't afford to have more.

**CHAIRWOMAN MARTINEZ:**

Thank you, Miss Rossi.

**MR. NOLAN:**

No comments.

**CHAIRWOMAN MARTINEZ:**

Okay. We'll continue with the agenda. There are no presentations on the agenda, nor Tabled Resolutions.

**INTRODUCTORY RESOLUTIONS**

Our next item on the agenda **Introductory Resolution**, and that's **1036, terminating a certain contract with Community Housing Innovations (CHI) to provide homeless shelter services (Kennedy)**. And it was introduced by Legislator Kennedy. Any motions?

**LEG. McCAFFREY:**

Madam Chair Lady, if I would, I'd like to make a motion -- make a motion to approve this resolution 1036.

**LEG. TROTTA:**

Second.

**LEG. BROWNING:**

And I'd like to make a motion to table subject to call.

**CHAIRWOMAN MARTINEZ:**

I second the motion table subject to call. Any discussion?

## 2/4/2014 Human Services Committee

### **LEG. KENNEDY:**

Well, on the motion, if I can, Madam Chair, I'll defer to any Committee member here, but first of all, you've heard that many -- many of the speakers here have addressed this issue and have done so since last September. The essence of this issue, if you will, is the fact that we have a large shelter that's been opened up as a result of a contract with CHI.

In contravention of a section of our Suffolk County Administrative Code, section 438, that section goes back to the year 2000. It was sponsored by then Presiding Officer Maxine Postal and was done so, I think, specifically to reflect the manifest, what the policy of Suffolk County was at that time regarding addressing the issue of homelessness.

There have been many iterations. As a matter of fact, I worked on the staff of the former County Executive Patrick Halpin who put into place the very first Tier II homeless housing shelter in Suffolk County, Help Suffolk, which at the time was identified as a temporary way to address homeless housing. And it was projected to be initially in existence for no more than ten years. And that was in 1988. Today here we are in 2014 and Help Suffolk is operating full-bore.

Many of the people here from Hauppauge have spoken about what the impacts and the concerns are, what the economic effects, particularly for out-of-state children. As you may know, and most of my colleagues around the horseshoe know at this point, and I think, as I've said before, this is an issue actually for all of us. And I think it's reflective of the fact that there are nine of us here.

There are impacts that every school district bears when it comes to the education of homeless children. And like many things in life, when you evenly spread the load, most folks will be able to go ahead and pick up and absorb and work with what the particular cost impact is. But just as the speakers from Brentwood have spoken about with the Crooked Hill Shelter, both these shelters were put into place by Department of Social Services without ever adhering to any of the provisions in Section 438 at all.

It's the province of the County Executive to elect to attempt to consider alternative policies for how services are delivered here in Suffolk County. But there was no resolution ever brought forward to us to contemplate a change. And this is a radical change. As the one speaker pointed out, there was never any prior notification as required in 438; there was never any adherence to the maximum two-mile radius that is contained in 438. And notwithstanding the County Attorney's opinion that State legislation constrained us, there's never been a challenge. 438 is a legal valid section of our Administrative Code and needs to be adhered to.

I'd also say that, you know, if it's the will of this Committee to consider motion to table subject to call, the issue's not going to go away. I'll introduce the bill again. And we're going to have to go ahead and deal with this and address it rather than ignoring it. And what's going on right now is, is basically an ignoring. There has been an effort on our part to facilitate a meeting with the Hauppauge School Superintendent and the Department of Social Services.

And I see Deputy County Executive Chu here. And we have been stymied by the weather. There's no doubt about it. We had two meetings that were scratched because of that. We had one for -- a scheduling conflict. We're making our best effort to try to reconvene sometime in the early part of next week. But this is not an issue that's going to be something that's just going to kind of go away. And it really gets to a matter of equity across the board.

And as the one speaker said, this is not a partisan issue either. Regardless of our particular stripes, homelessness is an issue that we have to address by virtue of our State and Federal laws; yet the reimbursement or the economic impact can be quite drastic on any particular district. And we are no better than the State Government that we constantly bash with unfunded mandates if we simply

## 2/4/2014 Human Services Committee

allow this kind of a mass warehousing of affected folks to go forward.

I would strongly, strongly encourage this Committee to at least contemplate a motion to table, if that's within your purview. But I guarantee you this issue is not going to go away.

**(APPLAUSE)**

**CHAIRWOMAN MARTINEZ:**

Mr. Chu, you have something to say?

**MR. CHU:**

Sure. I want to speak to first Miss Baumann and anyone else who commented earlier during the Public Portion that they were having difficulty making contact or getting answers. I want on the record make sure that the phone number is clear that was issued in the letter. That is 631-853-5639. We are very much monitoring calls that come into that and responses have been prompt. And I will personally tend to Miss Baumann's inquiries as to what questions she needs answered and make sure that she does get a response to any inquiry she has made -- has previously made and any future -- future inquiries.

As to the Legislator's comments about the meetings that are scheduled, yes, we had one meeting that was cancelled yesterday. We had a meeting scheduled. Legislator Kennedy and I both agreed given the issues that the County and the district were facing in response to the weather event, you know, it was prudent to reschedule the meeting.

We also discussed that we would have liked to have had the meeting before this, but due to unfortunate circumstances Commissioner O'Neill has fell ill, which I know the Legislator can back me up on that. He knows John is indeed ill so -- and I know the previous Committee, you know, has had many conversations with Commissioner O'Neill in both, you know, in both public and -- as well as executive session on this topic. And I expect that conversation will continue. And we are eager to have that meeting with both the Legislator, his office, Superintendent Kriss and continue to work with the School District, just as Commissioner O'Neill has done in the past to make sure that this situation is monitored. Just as the County Executive has stated in the -- in both letters that have gone out so far to the Hauppauge district community, that we are dedicated to monitoring this -- the situations -- this situation and making sure that there is not an undue burden. And we look eager to having that conversation, not just in a singular event, but on a continual basis with any district that expresses concern over this matter.

**CHAIRWOMAN MARTINEZ:**

Thank you, Mr. Chu. Legislator Browning.

**LEG. BROWNING:**

Thank you. And, you know, I was on this Committee last year and heard all the testimony. And, again, being the -- my Legislative District having the only Tier II shelter -- and I heard some comments about John J. Foley and using that for a homeless shelter. The Third Legislative District -- and actually the John J. Foley Nursing Home, just for your information, is within the South Country School district, South Country Ambulance, which is also where Help Suffolk is. So, you know, to say fill up John J. Foley and put it in the South Country School District again would be unfair.

And I appreciate receiving this information (referring). Because I look at the South Country School District and the Hauppauge School District, about the same in size. However, it says here per 1,000 students, the number of homeless children is 61.7%; Hauppauge is 2%. So I have said having the only Tier II shelter in my district, the only one in Suffolk County, I think, it's -- you know, I think the

## 2/4/2014 Human Services Committee

Third Legislative District is certainly doing its fair share.

And, again, we have to understand the fact of the matter is, is that homelessness is on a serious rise. There are people who are homeless today who have never been homeless before, who are out of work today who have never been out of work before. And, you know, there was a question about where are they from? Last year we did ask that question. There is a program at DSS where they do encourage -- if they come here and they're homeless, and they're coming from somewhere else, they have a program where they do pay to transport them back, to let them go back to their home state, or their home county, wherever it may be.

However, there are people who did not live in Suffolk County for sometime who have come back home. And, again, the lady who spoke at the end, I'm sorry, I forgot your name, it's a State mandate. We are mandated by the State of New York to house and take care of anyone, no matter where they come from. And so I would recommend go see your State Legislators if you think that this is a problem. Because we are mandated by the State of New York to take care of these people. So it's great to see you all here, but, again, it's something that we are mandated to do.

**AUDIENCE MEMBER:**

May I speak?

**LEG. BROWNING:**

I don't believe you can.

**MR. NOLAN:**

(Shaking head no)

**CHAIRWOMAN MARTINEZ:**

No, Public Portion is over. I'm sorry.

**MR. NOLAN:**

No.

**CHAIRWOMAN MARTINEZ:**

No.

**LEG. BROWNING:**

So the reason why I make it -- you know, I've made the motion to table subject to call, because I look at the numbers. And, again, there are 11 other school districts who far exceed the number of children -- homeless children in their districts over Hauppauge. Brentwood, William Floyd School District, Longwood, Central Islip, Wyandanch, Patchogue-Medford all far exceed. Some of them are more than twice the number.

So, again, I respect the fact that you feel that you're burdened. But I can tell you for over 20 years, about 20 years now, Help Suffolk has been there. They said it was -- it would only be there for 15. And then it was going to turn into a new affordable housing program. Well, guess what? The School District still has homeless children; Help Suffolk still exists; and the number of homeless kids in the South Country School District has gone up.

So I cannot in good conscience say that Hauppauge is any more burdened than anyone else. I respect the fact that you're here. I respect my colleague and my friend, John Kennedy, and what he's trying to do for you. However, I think there has to be an equal distribution. I know CHI is working on a homeless program in the Babylon area. Wyandanch already has homeless kids. So, you know, it is -- there is an effort to try and spread them around the District.

## 2/4/2014 Human Services Committee

Legislator Krupski, he sat here and told us last year about the homeless shelters and the homeless children in his school district. So there is an effort to try and make sure that these kids are staying within the district that they came from; or being as close to the district that they come from.

And, again, you know I read the Newsday editorial not too long ago. And I think that it would be nice if some people from the Hauppauge School District could maybe go and see what they could do to help in the Hauppauge School District, and go to the homeless shelter and meet those families, see where they come from. I'm sure they would be very happy to get your help and your support. Because those families are not there permanently. It's a temporary shelter. And I know that the numbers that have been provided to us before the holiday, how many of the families have actually transitioned out of there very quickly. They're not there permanently. They're there temporarily. And I think we do have to have a little bit of a heart here and try and understand where these people are coming from.

So, again, based on the numbers that I see, I don't see Hauppauge is any more burdened than South Country School District. And if this was to pass, I can tell you right now, I'm putting in legislation tomorrow to close Help Suffolk.

### **CHAIRWOMAN MARTINEZ:**

Thank you, Legislator.

### **LEG. KENNEDY:**

Madam Chair? Oh, Sam?

### **MR. CHU:**

No, I was just hanging out in case she had anything else; any questions.

### **LEG. KENNEDY:**

Oh, I'm sorry.

### **CHAIRWOMAN MARTINEZ:**

I would like to recognize Legislator D'Amaro since he is a member of the Committee.

### **LEG. D'AMARO:**

All right, thank you, Madam Chair. I am new to this Committee. So I know some of my colleagues have been through this discussion in the past. And to the folks in the audience thank you for coming down and please bear with me if I have to come up to speed a little bit. I really want to understand your argument.

And I want to start by thinking about three different aspects of analysis for this particular decision that you're asking us to make. And the first is on a legal level, many of you have mentioned the County Administrative Code Section 438. And I know Legislator Kennedy has raised that as well. And then I'd like to talk a little bit about what is the policy behind Section 438 and whether or not it's being adhered to or whether or not it should be adhered to. And then I wanted to talk a little bit more about what concerns most of you, which is the impact to your community, to your -- the financial impact and to your schools.

So, I don't care what order we really go in. I don't know that there's even anyone here that can answer all of these questions today. And maybe Legislator Kennedy could help me with that. But the Commissioner's not here; maybe Mr. Chu might have some answers for me as well.

But if you don't mind, I'd like to start first with the -- with just Section 438 itself. As I understand it, this is a code provision that is presently in effect, that limits the number of families that can be

## 2/4/2014 Human Services Committee

placed in any one facility. And so I would just like to understand -- it appears that that limit is not being adhered to and what the reasoning is behind that or why that's happening.

And I apologize, Gail, I guess you would be best to answer that question.

**MS. LOLIS:**

Good afternoon. Gail Lolis, Deputy County Attorney. The County Attorney last year -- and I don't know if you've had the benefit of reviewing that opinion that he prepared --

**LEG. D'AMARO:**

I haven't seen it.

**MS. LOLIS:**

Okay. I will get that for you. But the County Attorney has opined that the section of the code that limits the families to 12 would be preempted under State law. And, therefore, that section with that -- with the 12 families, because it is inconsistent with State law, would be deemed null and void. And our code section also contains a reverse preemption clause. And he also considered that reverse preemption clause in making his -- in rendering his legal opinion that that section would be deemed null and void as inconsistent with State law.

**LEG. D'AMARO:**

Gail, can you tell me what precisely does the State law provide? Are there any limitations similar to what we have in our Administrative Code?

**MS. LOLIS:**

The State law does not provide limitations. The State has enacted comprehensive regulations as it relates to homeless shelters. Basically it gives the -- through the State to the Commissioner, the local Commissioner, it is for the local Commissioner to determine where to site them, how many families. That is the local Commissioner's determination based upon factors that the State regulates.

**LEG. D'AMARO:**

So the Commissioner is limited to the criteria that's set forth in the State law?

**MS. LOLIS:**

Yes. And the State has -- I apologize, I didn't mean to interrupt you.

**LEG. D'AMARO:**

Go ahead.

**MS. LOLIS:**

The State has actually sent two, I believe, letters to the County stating that the -- this local law, that section, is inconsistent with the State field.

**LEG. D'AMARO:**

Let me make sure I understand that; that the State of New York has said to Suffolk County that the 12-family limitation is inconsistent with what the procedure or the rule should be pursuant to State law?

**MS. LOLIS:**

I would have to double check the letters. I don't know if it's just limited to the -- if it was just limited to that one section.

**LEG. D'AMARO:**

I see.

**MS. LOLIS:**

-- or if it was the specific -- any other provisions within the law.

**LEG. D'AMARO:**

So the question of preemption wasn't really raised directly as a result of this one particular issue. The issue is what -- to what -- is the County overstepping boundaries with respect to preemption in many different areas when it comes to placement and caring for homeless.

**MS. LOLIS:**

It can be. That's -- I'm not exactly sure if there are any other provisions that were directly inconsistent with the State regulations. I do know the 12-family limitation is inconsistent with the State Law.

**LEG. D'AMARO:**

Now how is it that -- if the County Attorney decides in this memorandum, which I was just handed, that a provision of the Administrative Code may be preempted by State Law, but yet we have this -- we have this code provision in effect, and I'm the Commissioner of Social Services, which do I follow: The opinion or the Administrative Code?

**MS. LOLIS:**

You follow the State regulations.

**LEG. D'AMARO:**

Well --

**MS. LOLIS:**

It would be -- it's having a code provision that is unenforceable, I guess, is the best way to think of it.

**LEG. D'AMARO:**

As determined by the County Attorney.

**MS. LOLIS:**

In his opinion, yes. And the State in their opinion.

**LEG. D'AMARO:**

Right. I would like to see the provision or the communication from the State that identifies section 438. Unless, Legislator Kennedy, through the Chair, do you have that opinion?

**LEG. KENNEDY:**

I do. I do not have it here. I have it in the office. And I think it's important not only for yourself, Legislator D'Amaro, but to refresh the recollection of all members of the Committee, certainly we have two new freshmen members on the Committee as well. And, Gail, if I can, now having seen those letters -- I have seen them, read them. And there is no outright finding on the part of the Commissioners -- I'm sorry -- on the part of the State Commissioner what was then DSS, now is OTDA, actually striking down 438.

As a matter of fact, from the minutes that I was able to go ahead and go through during that summer when 438 was put on the books, then Presiding Officer Postal actually took the draft of the County resolution, forwarded it to then Commissioner Wingate, I believe it was, had review and the

## 2/4/2014 Human Services Committee

benefit of the Department of Social Services looking to help craft what, in fact, would be implementable from the Commissioner's perspective and nevertheless harmonizing what the policy that this body put in place that among the wide array of choices that a Commissioner of DSS has from a mega-shelter at Tier II to a Tier I shelter, smaller, or emergency or congregate, that the Commissioner would implement the policy with the smaller configuration. That was all done over literally hundreds of pages of testimony, Legislator D'Amaro. So I think it's very important that as you're attempting to do, decipher what's fact and fiction here.

### **LEG. D'AMARO:**

Section 438 has a policy consideration behind it. First of all, on the issue of preemption, wouldn't that be viewed -- wouldn't our provision be viewed as more restrictive? Isn't that precisely permitted under the doctrine of preemption? Unless our Counsel wants to give an opinion on that.

### **MR. NOLAN:**

Well, I think in this case probably what Gail was talking about and what the County Attorney's talking about is field preemption; that if the State has a very detailed regulation of an area, any type of local regulation is not going to be valid. So what the County Attorney is saying, this is field preemption. It's a very detailed regulatory scheme. And the State has evinced an intent to preempt the area. They don't want any local legislation in that area.

### **LEG. D'AMARO:**

But according to -- thank you. According to what Legislator Kennedy is saying, though, that this was vetted at the State level at the time of enactment and that is not the decision or opinion that came down from the State. So I would just be curious to see exactly what the State has said with respect to 438.

### **MS. LOLIS:**

I will get you those.

### **LEG. D'AMARO:**

Okay. Thank you. And there's something -- what's the two-mile radius limitation? I don't know what that is.

### **LEG. KENNEDY:**

Again, the two-mile radius is that they're going again to this notion that I think no particular community should necessarily wind up having -- you know, I don't want to call it a burden or a disproportionate representation, but --

### **LEG. D'AMARO:**

Higher placement.

### **LEG. KENNEDY:**

Absolutely. As we've wrestled with many other types of populations that we have to address, you know, in our municipal role here -- and clearly -- as a matter of fact last fall there was acknowledgement and admission by Commissioner O'Neill that there is less than a two-mile distance between this facility and the facility in Legislator Martinez' district. And coincidentally were we to take a walk north, we would encounter yet another DSS facility that has capacity for 36 families and has been consistently fully occupied and has been there for quite some time.

### **LEG. D'AMARO:**

All right. Just my thought on the preemption issue is that I find it somewhat unusual that we would argue in favor of preemption of our own law in the first instance. I think that's --

**LEG. KENNEDY:**

And as somebody who has practiced, studied and been an attorney for decades, you understand that when we talk about preemption, we also talk about a body that sits with the concept of regulatory and the concept of validity for the actions we adopt properly when we convene, and that, in fact, this is essence turns the whole concept of governance on its head.

**LEG. D'AMARO:**

Yeah, that's why I struggle with it, because unless a court tells me otherwise that there's a preemption, I would assume that the County would want to enforce the laws that we have on its books, so...

**LEG. KENNEDY:**

Not only want to but you must.

(APPLAUSE)

**LEG. D'AMARO:**

I'm a little confused by that. But nonetheless I do -- you know, I do respect the fact that there was a request for an opinion; and that the County Attorney had to give an opinion with respect to preemption. And, you know, we don't want to be misled either. If it's preempted according to the County Attorney, then, that's his opinion; but, again, I'm not necessarily convinced that that would permit us not to proceed under the Charter Administrative Code until it's otherwise overturned or repealed. I'm not sure we're doing this exactly the right way. But that's procedure. That's legality.

I want to talk, and I know I've taken a lot of time, I just want to move quickly. I just want to talk about if anyone knows, Legislator Kennedy, through the Chair, again, perhaps knows what was the underlying policy consideration or considerations when the 12-family limit was first put into place?

**LEG. KENNEDY:**

Well, I -- although I've been here a longtime, that did predate me. I believe it was specifically this issue. As a matter of fact, speaking with some of my colleagues, I believe that there was an effort at that time to cite a relatively large facility in -- in a particular district. And Legislator Postal, as a matter of fact, who was a consummate humanist and who carried the issues of the poor and other impacted quite nobly, nevertheless felt that to aggregate or concentrate such a large number of impacted folks would do harm to the community. And she brought forward, you know -- the argument, brought forward the case and really tried to promote, I think, what was a concept of sharing.

**LEG. D'AMARO:**

Okay.

**LEG. KENNEDY:**

And having families -- you know, we're struggling here with economic impacts and also social scientists. I am not a social scientist, but I read and I see and I hear. And let me just make one other statement for my friend Legislator Browning, who I do love dearly, but let me tell you that the Hauppauge School District and the Hauppauge community has turned themselves inside out to help people in that shelter through food drives and through clothing drives and done so quietly and anonymously.

(APPLAUSE)

And has at no time attempted to go ahead and make any child in any district feel uncomfortable,

## 2/4/2014 Human Services Committee

awkward or unwanted. That is not what this is about at all. So I gotta take great issue with that one.

(APPLAUSE)

**LEG. D'AMARO:**

All right. And let me continue on. The -- I tend to agree that it would seem to me on its face that the policy consideration behind the limitation was that there was a situation where a particular Legislator or someone felt there was a disproportionate burden or impact on a particular community and it was re-thought. But times change. Times do change. We have different financial considerations now. We have different even -- I'm not a social scientist either, but there may be other aspects or ways of looking at this situation and this problem of homelessness. And there may be some upsides to having larger shelters as opposed to the smaller spread out shelters, but I'm not going to explore all of that here and now. I'll do that on my own. I don't to take everybody's time in doing it.

But I just want to make it clear -- and also I read some of the arguments about financial impact and about the benefits to having these larger facilities with respect to delivering services to the homeless who we all want to help and all want to help them get back on their feet. So the issue to me is whether -- I mean it's always going to be an impact on a community, whether it's a small shelter or a medium or a mega-shelter, as you say. The question is whether or not it's disproportionate.

So the last question I had is someone had handed this chart that was given to us, and I know Legislator Browning already referred to it, and I'm just trying to understand it. And I was wondering through the Chair if the individual who handed this chart up could come back up and just briefly explain it to me just so I understand what's -- -

**CHAIRWOMAN MARTINEZ:**

Yeah, Miss Egbert.

**MS. EGBERT:**

Hello.

**LEG. D'AMARO:**

Hi. I want to know what exactly this represents.

**MS. EGBERT:**

What this represents is the potential of what could happen. Right now we are middle of the road. We were just average in our numbers. We're a smaller district. So when you see per thousand we are small. What we fear is the potential of what this can become. We can become Legislator Brown's (sic) district very easily. At any point they can all choose to go to CHI. And I do not have faith in Bellone that he can protect us. So what we need to do is we want to make sure everything is distributed equally, that we do not want to become --

**LEG. D'AMARO:**

All right, if I can interrupt you, though, I heard your statement already.

**MS. EGBERT:**

Okay.

**LEG. D'AMARO:**

I want to look at this chart.

**MS. EGBERT:**

Yes.

**LEG. D'AMARO:**

If you have a copy, please.

**MS. EGBERT:**

I do, Legislator.

**LEG. D'AMARO:**

Just help me. Let's look at the Hauppauge line very quickly.

**MS. EGBERT:**

Yes.

**LEG. D'AMARO:**

It says -- it's in the 12th Legislative District. The next number is 4,054. That's the total number of students within the district.

**MS. EGBERT:**

Yes.

**LEG. D'AMARO:**

For the years 2011/2012; right?

**MS. EGBERT:**

Yes.

**LEG. D'AMARO:**

And then just explain the columns going to the right from there, please.

**MS. EGBERT:**

The number was -- the first column is 2009/2010 homeless students. There is 11. It stayed the same for the next year. It actually went down in 2011/2012.

**LEG. D'AMARO:**

Right.

**MS. EGBERT:**

But then tripled -- almost tripled in 2012/2013. So we had 21 students before this shelter opened up.

**LEG. D'AMARO:**

All right. So that's the number prior to the shelter?

**MS. EGBERT:**

That is the number prior to the shelter. And that made us 38th on the list with homeless compared to Suffolk County.

**LEG. D'AMARO:**

Okay. And then what's the next number there? That's the four-year average?

2/4/2014 Human Services Committee

**MS. EGBERT:**

That's the four-year average. So they took 2009, '10, '11 and '12 average and that gave us 13. So that was the average student over a four-year span.

**LEG. D'AMARO:**

Okay. Now look at the last number, 2.0. The rest is cut off on my chart. What is that?

**MS. EGBERT:**

That's 2.0 per 1,000 students.

**LEG. D'AMARO:**

That's an average?

**MS. EGBERT:**

Yes.

**LEG. D'AMARO:**

Okay. A percentage, rather.

**MS. EGBERT:**

Yes.

**LEG. D'AMARO:**

Okay. So look at the line right below that.

**MS. EGBERT:**

Huntington.

**LEG. D'AMARO:**

No, before we do that, so this data is not reflective of the students going to the school district from this shelter?

**MS. EGBERT:**

No. This was -- that numbers will not be available until next year; until Hauppauge reports that to the State.

**LEG. D'AMARO:**

And how many students are we talking about?

**MS. EGBERT:**

Currently I think we have 20 something, but what we fear is the potential that if they all chose to go to Hauppauge, we could have hundreds.

**LEG. D'AMARO:**

Well, we need to be accurate here. So I don't know the answer to that either.

**MS. EGBERT:**

Legislator Kennedy might have spoken to Superintendent Pat Kriss today. Do you have today's numbers? It fluctuates on a daily basis.

**LEG. KENNEDY:**

Through the Chair, unfortunately, Laurie, I don't have them today. We as part of our attempt to go

2/4/2014 Human Services Committee

ahead and put the meeting together, we were texting back and forth last night up until around 6 o'clock. I know she had some budgetary meeting commitments this morning. And initially we were going to attempt to try to meet at 11 or so. The last number that I had from her was 21, 22, I believe.

**MS. EGBERT:**

Okay. And it can fluctuate on a daily basis as children move in and out. Also as they move out, too, because --

**LEG. D'AMARO:**

Okay, hold on, hold on, hold on, hold on. Just -- okay, I don't think I have any more questions.

**MS. EGBERT:**

Thank you.

**LEG. D'AMARO:**

All right. Thank you. I really appreciate you explaining that to me. I just want to point out that if you look at Huntington, which is right underneath that, or areas I represent like Deer Park and also North Babylon, North Babylon numbers are substantially higher as are Deer Park and as are Huntington of the numbers -- actual numbers or even the percentages; and yet the number of students is not that disproportionate. It's within, you know, plus or minus 300 or 500 students. Yet Huntington, for example, has -- seems like five times more homeless students.

And I only point that out because I believe that the policy behind limiting to 12 is that there was consideration given to impact, but the impact has to be disproportionate. The impact has to be disproportionate. And it seems to me that if you're going to measure impact by what's happening in the school district, it seems to me that there are many other districts that have had a much more substantial impact over the years and will continue to have much more substantial impact even should the students from this shelter go to the Hauppauge School District.

So this is just the beginning for me to interpret this data. I haven't really drawn a conclusion yet. I will -- just because I don't know the answer to all of these questions, I would support a tabling. And, Legislator Kennedy, I believe, mentioned that there are some meetings that are going to take place that have been postponed.

**LEG. KENNEDY:**

Yes, there are, Legislator D'Amaro. And I would greatly appreciate that. And I'm sure that that motion would get seconded.

**LEG. TROTТА:**

I'll second it.

**AUDIENCE MEMBER:**

Can we have it at night?

**LEG. D'AMARO:**

So I would -- I don't -- I don't -- I mean the difference between a motion to table and table subject to call would be -- to our Counsel, what would be the difference for the folks in the audience, George?

**MR. NOLAN:**

Well, if it's tabled, it appears on our next agenda under Tabled Resolutions. If it's tabled subject to call, then it really is not on our next agenda.

**LEG. D'AMARO:**

Right, for all intents and purposes. Okay. There are for me -- and this is probably more a function of I'm just coming onto this Committee, but I do have some unanswered questions. And I think there's more information that I need to get before I can support a motion to table subject to call. I would prefer to table this even if it's just for one more cycle before I can make up my own mind and keep it active on the agenda so that I'd have an opportunity to study this a little bit further. So I would offer a motion to table.

**LEG. BROWNING:**

I will withdraw my motion subject to call. And I've been back and forth with my Aide to check on DSS. And I know Commissioner O'Neill is sick; otherwise he'd be here today. But I did have him check with DSS to see what the number of students that are currently as of today in the Hauppauge School District and the number is 16.

**AUDIENCE MEMBER:**

She's lying.

**AUDIENCE MEMBER:**

They lied the last time.

**LEG. BROWNING:**

Sure, I'll second your table.

**LEG. D'AMARO:**

And also through the Chair -- through the Chair, I would also, if available, I'd like to have the Commissioner at the next meeting. Because if we're going to talk about policy and impacts, we need certainly the Commissioner here to weigh in on all of those issues as well.

**CHAIRWOMAN MARTINEZ:**

Unfortunately today the presentation was planned for him to come in, but unfortunately he fell sick so that's the reason why we didn't have the presentation today.

**LEG. D'AMARO:**

Right.

**CHAIRWOMAN MARTINEZ:**

But I know -- Legislator Cilmi, did you want to say a few words?

**LEG. CILMI:**

Thanks, Madam Chair. I appreciate you recognizing me, although I'm not on this Committee. I did have a couple of questions. Legislator D'Amaro got to the bottom of some of them. One of the -- one of the suggestions that I thought I would make is I heard a number of questions today and in previous meetings relative to exactly what goes on in a Tier II shelter per se or in that specific shelter in Hauppauge. And I don't know if it would make sense to have -- to ask CHI to come to a meeting to sort of answer some of those questions for us and for the folks in the audience. So that's just a suggestion possibly for our next meeting.

Secondly, I wanted to just get a little bit more to the bottom of Legislator D'Amaro's questioning as it related to the preemption issue. And, Gail, if you could just -- through the Chair, if I could ask the County Attorney to join us again, what is it, Gail, that allows us to ignore a law that was duly passed by this body and signed by the County Executive when there's a suspicion of preemption? Is it the County Attorney's role to declare that there is preemption and, therefore, the County is prohibited from following that law? Or is it the preemption itself? How is that distinguished?

**MS. LOLIS:**

Well, the County Attorney was asked for an opinion on it.

**LEG. CILMI:**

Right, I asked for that opinion.

**MS. LOLIS:**

Yes. And that was why he drafted the opinion. It's to advise this body that the code provision has a reverse preemption clause in it. And in effect is saying if there is State legislation that preempts any section of the code provision, then that code provision would be deemed null and void. And that, I believe, is one of the things that the County Attorney stated in his opinion.

It's a matter -- as I was explaining earlier in terms of being enforceable, you're being advised as a legislative body that there is a -- there's a provision that is inconsistent with State law. And the State law gives the Commissioner of Social Services the responsibility to determine how to best house these homeless people. And he is answerable to the State Commissioner.

**LEG. CILMI:**

Okay. So when we ask the question -- when I ask the question of the County Attorney to opine on whether or not -- and it wasn't whether or not this was preempted, it was whether or not CHI could dismiss our law, or whether or not we could continue to do business with an organization that dismisses or law; and ultimately he presented an opinion that said that we are preempted. Do we then repeal that law or is the reverse preemption clause in that law enough?

**MS. LOLIS:**

I believe the reverse preemption clause in that would be enough. I'd have to actually look further into it. I didn't really think about that, but I believe the reverse preemption clause is enough. But I can answer that better at the next Committee meeting.

**LEG. CILMI:**

I just wonder how many other laws we have on our books that are preempted by State --

**(APPLAUSE)**

That are -- I mean this is -- I mean this is not meant to be inflammatory in any way, I just -- I truly wonder -- I mean this law was passed. I assume was supported in a bipartisan fashion as many of our laws are; signed by the County Executive at the time. Who was the County Executive, Legislator Kennedy, do you recall? It was Gaffney. So it was sponsored by a -- did he veto it? Interesting. And so it was overridden. It was overridden by this body, I suppose, if you're correct. And I just -- I wonder how many -- how many more laws we have in Suffolk County that were it not for us asking questions, we are literally, you know, following policy that's contrary to what the State, or for that matter, the Federal Government, may allow us to do. Do you have any sense --

**MS. LOLIS:**

You're asking me for the number of how many --

**LEG. CILMI:**

No, I'm not asking you. It's a rhetorical question. But it's definitely a concern. Because had I not asked for that opinion, then, I guess, you know, we would have continued to allow for this mega -- for this Tier II shelter to exist with however many families are there, irrespective of our law. I mean it just poses interesting questions.

The other thing that I wanted to just briefly mention is that there's something profoundly wrong with

## 2/4/2014 Human Services Committee

a system in which folks who are at the level of dependency where it's homelessness continue to dig themselves deeper into that hole through a variety of behaviors, not the least of which is having additional children. And it's -- I mean from those of us on the -- you know, who are concerned about that and who are not in that position, is that's an issue. But more importantly perhaps for those who are in that position, that's an issue and maybe something for this Committee to address. Homelessness I understand has grown tremendously in our County. And is certainly the result of a lot of different factors: The economy, Sandy and a variety of other things. But I wonder if as a country, as a state, as a county, we are -- we're doing the right things for people in need. I appreciate the opportunity to speak to you today, Chairwoman.

**CHAIRWOMAN MARTINEZ:**

Thank you, Legislator.

**(APPLAUSE)**

Legislator McCaffrey.

**LEG. McCAFFREY:**

Madam Chair Lady, can I ask a question through the Chair of Gail once again, please? I'm sorry. You're in the hot seat there. I was listening in. This is -- not only am I new to committees, this is my first committee meeting so I'll try to follow proper protocol.

**MS. LOLIS:**

I'm new to this one, too.

**LEG. McCAFFREY:**

Okay. But my question was, and I was listening quite intently, or I was trying to, did you say that we have a specific opinion from the State that's saying that this is in conflict with their law?

**MS. LOLIS:**

There are two letters from Commissioners at the State level that have stated -- I just don't have them in front of me; otherwise I -- you know, and I'll get them -- I'll get them for the entire Committee, so you can review yourself. That said that the local law that we have is inconsistent with the State statutory scheme. I don't know the exact words off the top of my head, but I will get you those -- I will get you those letters and you can draw your own conclusions.

**LEG. McCAFFREY:**

Okay. Thank you.

**MS. LOLIS:**

There were two of them; two separate Commissioners. Commissioner Wingate that Legislator Kennedy referred to. And I can't remember the name of the second Commissioner.

**LEG. KENNEDY:**

I think it was Greg Blass.

**LEG. McCAFFREY:**

Thank you.

**CHAIRWOMAN MARTINEZ:**

Yes, Presiding Officer?

## 2/4/2014 Human Services Committee

### **P.O. GREGORY:**

Thank you, Madam Chair. As one of the few people that was present during the last discussions, there was a lot of this area that was covered in the past. And, you know, I just have to say that it really comes down to this: You know, these people, you know, they're concerned about their community but they just don't want it in their backyard. I don't think anyone would fault them for that and have concerns. But, you know, we are a large county. We have to share the responsibility, not the burden of homeless.

If you look at the list that was provided, one of my communities, which is half the size of this -- Hauppauge School District, has 58% homeless children in it, compared to 2%. So we talk about, you know, burden or responsibilities, there certainly are some communities that are taking on a bigger responsibility.

I think someone had asked before who are the homeless. They are all of us; you know, the face of homelessness has changed, you know: Heroin and the drug addictions, I mean, we just had a gentleman yesterday, you know, who -- or the other day who just succumbed to a heroin overdose. The face of heroin abuse and drug abuse is changing in our communities. There are a lot of things that have changed over the years. You know, I remember the ads of, you know, welfare Queens and limos with all these children riding around abusing the system. That's not the case.

### **AUDIENCE MEMBER:**

Yes, there is.

### **P.O. GREGORY:**

You know, the -- I'm not saying that there isn't any abuse, but the system isn't rampant with abuse. We have a lot of single -- I think if the numbers still hold true, a lot of singles more so than families are homeless. So it's not about -- the number of children is not an issue. It's about people who don't have the resources to provide for themselves to maintain a home. Some, it's a very temporary situation; some, it's a longer-term situation.

One of the aspects of a Tier II system is it's supposed to provide more services to get those people onto permanency quicker than the normal hotel or provider situation. So that's in essence a very good benefit. And I think -- I guess when whoever comes to the next meeting CHI or the Commissioner, they'll go into that in further detail as they have done in the past. But, you know, regardless of what you think of the parents that are responsible for these people and their actions, they're still innocent children that are victims, if I can use that, of their circumstances. And they shouldn't be punished because of the actions of their parents. That's what this is about.

Because we can -- you know, if you want to do -- you know, you want to sanction the parents, the kids aren't going to stay in the hotel and the parents are going to be out in the street or somewhere else; they're going along with them. So that's the reality. I'd rather focus on solutions that we can actually achieve. I've said it before, I'll say it again, I met with some of you personally, you know, I'll sit down with anyone to lobby our State Legislators to advocate for more monies. Because what I do see as an injustice in this process, whoever, wherever this homeless child goes to school, if you're from out of state, you don't get reimbursement. And I think something should be done to address that.

And there certainly are some children, and some of the people were here, they said, "yeah, we're from out of state; and for reasons we were homeless and we're here now." The State does not reimburse for those people. The State should, in some fashion, be able to pick up that cost.

So, you know, I appreciate that there are new members on the Committee. You haven't gone through the iterations of testimony and presentations so I respect that you want to do your due

## 2/4/2014 Human Services Committee

diligence. But I presume that in the end you'll probably come to a similar conclusion that I've come to, that it comes down to NIMBY-ism or people just don't -- they just don't want it in their communities. And I understand that. And I'm not -- I don't think they're bad people.

### **AUDIENCE MEMBER:**

Don't call us names.

### **P.O. GREGORY:**

I don't -- I don't fault anyone. We're all, you know, we all have our levels of self preservation. I'm not -- I don't mean to disparage anyone by that. You know, Maxine Postal, she wrote the law. Because at the time there was a Tier II shelter that was being proposed. She actually -- at her request there was a study, a report on homelessness in Suffolk County. I have it in my office. And there was a need for homeless housing. And then there discussions about a Tier II shelter going into where now is the reserve base off of Albany Avenue and the community was outraged. "That's it. We have the sober homes, we have homeless shelters already. Now you want to put a shelter with a hundred-plus families in it? Why is everything coming to our community? It should be the responsibility for all of Suffolk County, not one particular community."

That was the impetus of why she authored the 438 law; not because of, you know, she thinks that -- she had anything against Tier II shelters in general, but just that she thought the burden was going to come on her doorstep.

So, you know, I welcome the discussion. I hope that the information that you're requesting comes forth quickly. But I will -- I stand here ready to assist in however we can legally and advocate for reasonable solutions. Thank you, Madam Chair.

### **CHAIRWOMAN MARTINEZ:**

Legislator Kennedy.

### **LEG. KENNEDY:**

Madam Chair, if I can, and, you know, the Presiding Officer as a matter of fact, not only did he go through this whole processes with us last Fall, but he actually even came to the public meeting that we had, which was an evening meeting, which by the way I hope we do more of this year. Because it gives folks the opportunity to come out and speak to us about a whole plethora of issues.

But I'm going to respectfully disagree with you about the fact that this really is an element of NIMBY-ism or an element of people who do not want some particular type of presence in their backyard. The numbers on this chart do not reflect the numbers of children that come out of the ten and twelve family shelters. The numbers on this chart do not reflect on the percentages of state aid that are delivered to the wide range of these districts. And those are important drivers when we look at how we will have homeless families taken care of in our schools; and how we will have homeless families cared for with our volunteer ambulance corps; and how we will have homeless families with children in daycare and all the other things.

And I also disagree with you somewhat about this concept of the Tier II shelter. And if we talk about pragmatic realities, this is a way by embracing Tier II shelters to limit expenditure on the part of the County regarding care for these homeless folks on a daily basis when, in fact, the 12-family shelters, they have a higher per diem reimbursement but a much greater success in integrating folks back into stable housing and employment and all the things that we know in a basic family.

So we spend money on many different priorities. This one in fact appears to be just the opposite. We're saying there's a responsibility with homelessness, but we're going to get away as cheap as we can with it. And that's not right either.

2/4/2014 Human Services Committee

**(APPLAUSE)**

It's not right to the families; it's not right to the communities; it's not right to what we do. Because we usually do better than that. We usually try to go ahead and make it count with when we step in and try to deliver some degree of service in some area; not just get away on the cheap.

Listen, I've kept the Committee here long. I don't want to apologize. As I said, nine of us are here today. It's an issue for all 18 of us. I thank you for your attention. Legislator D'Amaro, I thank you for the motion to table. I will do my best to go ahead and bring any level of information to every one of the Committee members and get what's contemporaneous. Because as I said, it's something that's before us and we're going to have to continue to wrestle with. Thank you.

**(APPLAUSE)**

**CHAIRWOMAN MARTINEZ:**

Thank you. Anybody else? All right, then, we will now go to vote. There is a -- there is a tabling motion. All in favor? Any opposed? Abstentions? Motion carries. **(VOTE: 6-0-0-0. PO GREGORY INCLUDED IN VOTE)**

No further business, meeting is adjourned.

**THE MEETING CONCLUDED AT 3:38 PM  
{ } DENOTES SPELLED PHONETICALLY**