

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 26, 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:

Leg. John M. Kennedy, Jr., 12th Legislative District
Leg. Robert Calarco, 7th Legislative District
George M. Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel to the Legislature
Renee Ortiz, Chief Deputy Clerk of the Legislature
Diane Dono, Budget Review Office
Massiel Fuentes, BRO
Dennis Brown, County Attorney
Tom Vaughn, County Executive's Office
Amy Keyes, Aide to County Executive
John O'Neill, Commissioner/Department of Social Services
Michael Pitcher, Aide to Presiding Officer
Greg Moran, Aide to Legislator Trotta
Lisa Pinkard, Aide to Legislator Martinez
Justin Littell, Aide to Legislator D'Amaro
Eva Greguski, Aide to Legislator Calarco
Deborah Harris, Aide to Legislator Stern
Ali Nazir, Aide to Legislator Kennedy
Lisa Ballas, public speaker
Karen Baumann, public speaker
Laurie Egbert, public speaker
Eileen Barr, public speaker
Valerie A, public speaker
Bette Clark, public speaker
Marylou Katroba, public speaker
Louise Bollhofer, public speaker

(ALSO IN ATTENDANCE - continued on next page)

ALSO IN ATTENDANCE: (Continued from previous page)

Joseph Poerio, public speaker
Edward F. Sanders, public speaker
Jennifer Reidy, public speaker
Lawrence Crafa, public speaker
Anne Dirlam, resident
Andrew Paino, resident
Gail Chiovaro, resident
Al Bendo, resident
Terry Wolf, resident
And all other interested parties

MINUTES TAKEN BY:

Alison Mahoney, Court Stenographer

MINUTES TRANSCRIBED BY:

Diana Flesher, Court Stenographer

MINUTES PROOFED BY:

Anne Marie Farrell, Legislative Aide

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(*The meeting was called to order at 3:05 P.M.*)

CHAIRWOMAN MARTINEZ:

I would like to call the meeting to order, so I will call all Legislators to the horseshoe, please.

Good afternoon and sorry for the delay. So we're about to begin our meeting for Human Services. And we will like to begin with the Pledge of Allegiance led by Legislator Kate Browning.

SALUTATION

Thank you. There were some correspondence that came through e-mail again. I will just submit a list of names that they support the resolution and I will hand that into the Clerk to go into record. And we're also going to continue with the Public Portion, beginning with Miss Lisa Ballas.

PUBLIC PORTION

MS. BALLAS:

Hi. I'm Lisa Ballas. Thank you for listening to my concerns today.

I know a lot of people have brought up concerns with regard to the school district. And today my concerns are going to be targeted towards CHI. CHI is Community Housing Innovations. I'd like to know if anybody from CHI is here today? No. How interesting.

Okay, so here are the problems: We've got Administrative Code 438, which limits the number of residents in a homeless shelter to 12 families per home not to exceed 48 families within a two-mile radius. We brought this concern to the Legislators time and time again in all our meetings. We think we have 96 families today residing in a dilapidated, former roadway motel on 450 Moreland Road; hardly a home environment for those residents who don't even have access to cooking facilities, let alone children who are now residing across from a gentleman's club. We are all well aware of this.

Approximately one mile away 100 plus families are residing in a former Wingate Hotel on Crooked Hill Road across from the Pilgrim Psychiatric Center; again, not a home environment. Again, no access to kitchen facilities.

Several disservices are being done here by Suffolk County and Community Housing Innovations. And when I say Suffolk County, I mean DSS. Suffolk County has bypassed their own County laws to accommodate CHI's contract with DSS to house these residents. Suffolk County has bypassed the Town of Smithtown Planning Board. Homeowners within the Town of Smithtown were not notified per County Administrative Code 438 that a dilapidated motel would now be used as a homeless shelter. Homeless families are no longer being allowed the comfort of living in a home, having access to cooking facilities, blending in as part of a community. According to CHI's Federal filing, their 990, you may all access it on Guidestar.org. It is a public document.

Homeless residents resided initially in 13 supervised family residences in large homes in residential communities. CHI, according to their own Federal filing 2011, their own 990, is receiving over \$10 million in County taxpayer dollars from Suffolk County DSS; \$4 million from Federal taxpayer dollars from HUD. Claiming to house 620 residents in 2011, CHI is billing out each resident at \$21,000 per year. Out of that \$21,000, the residence housing costs are approximately \$7,000. CHI charges administrative costs of \$14,000. 33% of taxpayer dollars to house the homeless resident; 66% of taxpayer dollars to line the pockets of CHI's executive staff. And the expenses -- and the salary and expense packages are as follows: Alexander Roberts, the owner of CHI: \$230,000; the CFO: \$152,000; Chief Program Officer: \$153,000; Long Island's Chief Program Officer: \$143,000.

CHAIRWOMAN MARTINEZ:

Miss Ballas, if you could just wrap up soon, please.

MS. BALLAS:

If I could what?

CHAIRWOMAN MARTINEZ:

Wrap it up soon. Your minutes are up.

MS. BALLAS:

I have three minutes, don't I?

CHAIRWOMAN MARTINEZ:

It already went off.

MS. BALLAS:

Really. Oh, wrap it up. Thank you. 153 for the Director of Development; the nurse practitioner 106; other employees' salaries 5.5 million. Hence it takes \$7 million in salaries to run this organization. Note additional staff expenses of \$2 million to house 621 residents according to CHI's Federal 990 filing. And some of the expenses, by the way, for this organization not dedicated to the residents are office expenses 300,000; travel expenses 200,000; food, \$287,000 for food. And guess what? None of the residents are supplied food in these homes or at the motel.

CHAIRWOMAN MARTINEZ:

Thank you. Actually, Legislator D'Amaro has a question for you.

MS. BALLAS:

Thank you.

LEG. D'AMARO:

Hi. Thank you for coming down. I just want to know what's the point that you're making by disclosing all those figures?

MS. BALLAS:

The point I'm making is this is a for-profit organization. We say it's not-for-profit. CHI claims they're philanthropic. Our residents have been basically labeled as elitists, not-in-my-backyard per Miss Browning. And what I'm saying here is that we're not the problem here. The problem is that CHI and DSS are making money off of housing these people, housing this homeless community. And by not housing them in houses anymore and putting them in dilapidated motels, bringing down their quality of life, DSS and CHI, okay, someone's making money. Is CHI making more money? Did the cost of housing go down from 2011 to 2013 now that they've gone from residential homes to dilapidated motels? What does it cost now to house them?

LEG. D'AMARO:

But I don't understand how this is -- we're here today to debate a --

MS. BALLAS:

Okay. Why is the amount --

LEG. D'AMARO:

-- a bill -- ma'am, let me finish my sentence, please.

MS. BALLAS:

Sure.

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LEG. D'AMARO:

Okay. Now I know you're anxious to get out your information and I appreciate that. But it looks like we're going to have a long committee hearing here today. And the issue in my mind is do I support a bill that would in effect close down this particular shelter by removing the funding for this organization that the County has hired.

MS. BALLAS:

Right.

LEG. D'AMARO:

Okay. So that's the issue.

MS. BALLAS:

Okay.

LEG. D'AMARO:

Okay. So, again, you can throw out numbers emphatically at me. They're in a vacuum. As far as I'm concerned I don't know what all of this means. And I'd really like to try and stick to the issue today.

MS. BALLAS:

Oh, okay.

LEG. D'AMARO:

And that's why I'm asking you what is the point?

MS. BALLAS:

Okay.

LEG. D'AMARO:

You can tell me something cost \$2 million. But whether that's a good number or a bad number, I have no way of knowing. What I'm really more interested in hearing about is rather than giving me these figures with respect to the operator of the facility that the County has hired by contract, I'd like to know how this facility is impacting your neighborhood.

MS. BALLAS:

Very good. So why are you not placing the homeless residents in houses within the community as opposed to putting them on the outskirts of town in industrial areas?

LEG. D'AMARO:

Now that's a good question. I have that question.

MS. BALLAS:

Why are they not being given anonymity?

LEG. D'AMARO:

Right.

MS. BALLAS:

Why is their quality of life being depleted when an organization is getting \$14 million and lining their pockets with \$14 million?

(APPLAUSE)

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Thank you. Thank you very much.

LEG. D'AMARO:

You're welcome.

MS. BALLAS:

Thank you. I appreciate it. And I have one more question for DSS if you don't mind.

CHAIRWOMAN MARTINEZ:

I'm sorry, your time is up.

MS. BALLAS:

Okay, I'll give it to somebody else. Thank you.

CHAIRWOMAN MARTINEZ:

Thank you. The second speaker we have Miss Karen Baumann.

MS. BAUMANN:

Hi. Before I start what I had prepared, I sort of want to piggyback on her on something that went before the resolution that you were talking about before here. I heard a lot about analyzing and presenting and reviewing. Was this location checked out and analyzed and presented and reviewed? Because I find it hard that it's within two miles of another illegal shelter. It backs up into a gentleman's club or strip club, whatever you want to call it. And it is on a major highway. So was that looked at, analyzed, presented and reviewed on this location of this homeless shelter? Wouldn't you want to know that answer before you put --

CHAIRWOMAN MARTINEZ:

Yes, Ms. Baumann, actually we --

MS. BAUMANN:

Families there?

CHAIRWOMAN MARTINEZ:

We do have the Commissioner of DSS here today with us. We figure we'd first do the whole Public Portion and then he will answer any questions that you may still have.

MS. BAUMANN:

Okay. So you can hold that question on the side?

CHAIRWOMAN MARTINEZ:

You got it.

MS. BAUMANN:

Okay. So now I'll go into -- once again we're here to discuss the legality of the mega-shelter. At the legislative meeting on February 4th, I once again stated it was difficult to obtain answers. Yesterday I did receive a phone call from Mr. Chu and Mr. O'Neill. I stated my frustration about not receiving answers from the phone calls. I did receive an answer regarding the kitchen access and the cost of the Supplemental Nutrition Assistance Program. And I thank them for that information.

I still think it is not a good condition for these homeless people as far as cooking facilities and access to kitchens. It's really just not -- it's not good. However, there are other questions that still remain unanswered. The issue of the legality of the mega-shelter is one of those questions. The number of the homeless children in the mega-shelter at the Hauppauge School District will fluctuate, but the legality of the mega-shelter is a constant. And that is not changing. This mega-shelter I'm told

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contains 96 families, not the legal 12, within two miles of the mega-shelter. We've said that over and over again. But it's not legal.

There's supposed to be two State opinion letters regarding Local Law. I have yet to see those letters. Mr. Chu had said maybe he could try to get them to me. I haven't seen them. I don't know if they're going to contain anything that could make a decision on this resolution. And while Legislator Browning's concerned about the caring and the homeless is very admirable, and I agree with that, they're not living in great conditions, the decision here and the resolution is regarding the legality of the shelter. And we should figure that out first and then try to help the homeless.

Also, the mega-shelter's labeled as a hotel. I didn't see any public notices prior to its existence. Does that violate any type of zoning laws? Is it not the law to give public notice on this? Can anyone tell me that?

CHAIRWOMAN MARTINEZ:

Again, the Commissioner will answer your questions when he comes up.

MS. BAUMANN:

I also understand, you know, as zoned as a hotel, that means it's limiting the length of the time allowed to spend at a mega-shelter to less than a year. So now where do we go at the end of a year? There's transportation expenses, how is it handled in the district? But when August comes and there's still people there a year, is that yet another legal issue?

(BEEPER SOUNDED)

You want me to wrap it up? In my opinion there seems to be too many unanswered questions, withholding lack of information, perhaps deception. And it's too much to continue this charade. I have seen no information to state that the mega-shelter was put there legally; and, therefore, I think it should be dissolved. Once again I hereby support Legislator Kennedy's Introductory Resolution 1036 as Suffolk County failed to conform with section 438 of the Suffolk County Administrative Code.

CHAIRWOMAN MARTINEZ:

Thank you, Miss Baumann.

(APPLAUSE)

Next we have Ms. Laura Egbert.

MS. EGBERT:

As co-head of Suffolk United, I received over 200 e-mails to represent people who could not be here. That's over 200 people plus other people who support this, who want you as our local Legislators to help support us. You swore to uphold the law, but yet there seems to be many things illegal things about it. One, it was never zoned for this. It was never approved by Smithtown for it. It is not approved by the State to run as a Tier II. They might say that it's in resolution to be in, but currently it is not approved and it should be dissolved. It violates our County codes.

CHI states that 50% of these people have substance abuse problems; 50% of them also have mental health issues. At any time all of these students have the Federal right to go to Hauppauge schools. This is not about -- what's there is a burden now. And all the numbers I presented was regarding numbers that were there last year, not including any new additional people. Thank you. At any time they have the Federal right no matter what Bellone says or whatnot to go there.

Now to continue what Lisa was trying to say before, there are several questions that we as Suffolk

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County residents would like our Legislators to inquire into: What is the profit -- present profit to CHI according to their 2013 Federal 990s filing now that the warehousing with the homeless is taking place? What are the new executive salaries of CHI staff? What are the recent costs of additional staff expenses? What is the amount of Suffolk County taxpayers fund CHI is now receiving in accordance to the contract with Suffolk County DSS? What is the amount of Federal taxpayer fund CHI is now receiving from HUD? What is the cost of housing a homeless resident now that they're in a motel and not a residential home? Is the cost more or about the same as housing a homeless resident in a residential home? Most importantly within the Legislator's scope to ensure the safety and security of their residents? What are the quality of life benefits to warehousing homeless residents in industrial areas versus no cooking facilities versus housing residents in a residential home with a community, with cooking facilities?

Would our Legislators have Suffolk County residents believe that they, too, are looking at the bottom line in housing the homeless, looking to save money by the County by warehousing the homeless, placing profit ahead of social responsibility? We implore our elected officials to recognize the fundamental shift between warehousing the homeless on the outskirts of our towns versus housing these homeless residents within a residential home throughout Suffolk County to ensure anonymity, dignity and the quality of life they deserve. Perhaps DSS and our local Legislators should ask Mr. Roberts of CHI to cut their salaries and benefit packages and redirect their 66% revenue stream funded by us, the taxpayers, from themselves to the homeless population they have been entrusted by the County and Federal government to provide residential homes, not motels, only as opposed to dilapidated motels and hotels since allowing for a much higher standard of living and quality of life. We would implore our Legislators to consider the same for the homeless residents residing in Wingate on Crooked Hill Road. Thank you.

(APPLAUSE)

CHAIRWOMAN MARTINEZ:

Thank you. Next up we have Miss Eileen Barr.

MS. BARR:

Eileen Barr. Good afternoon. Can you hear me? Good afternoon. I don't have any numbers to throw at you. My name is Eileen Barr. I've been a Hauppauge resident since 1969. I have four children currently in the Hauppauge School District. I'm a retired Suffolk County Police Officer. I've worked in every community in Suffolk County from Shoreham to Brentwood from Shirley-Mastic to Huntington Bay. I've been in drug houses. I've been in safe houses. I've been in the elite houses from Old Field and Poquott and Belle Terre down to Fire Island as well. You can't tell me that this is not going to impact our neighborhood. I've seen the neighborhoods. Before living in Hauppauge my family lived in Brentwood. We're no longer in Brentwood. When I go back to Brentwood and when I retired out of Brentwood and Bay Shore, I really honestly felt like it was a twilight zone. It was not the Brentwood that I grew up in for the years that I lived there.

Today I'm here to voice my disapproval of the disproportionate placement of these homeless shelters here in our community. I have a couple of questions for you. How can this ethically, morally and most importantly legally be done in our neighborhood? How can we consolidate plus or minus 65% of these homeless people here in a small radius of maybe three to five miles? How can this be fair to the people in Hauppauge, Smithtown and Brentwood hamlets? If you were buying a home right now, would you choose our community knowing that there's going to be a negative impact, if not already here, to this area? Plus the impact to the schools who are cutting currently, as they have been for many years.

If you are selling your home and you're a resident in one of these communities, and you've worked so hard to build up your property value, take care of your property, maintain it, how would you feel about trying to sell it maybe to downsize for retirement? How would you feel about selling it for less because of the influx of crime and drugs brought about by mega-shelters being consolidated into this

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small geographic area?

If this is such a great idea, how about giving us the people here being burdened, how about giving us a tax break, plus maybe some increased enforcement? I know firsthand that the 4th Precinct closes down cars at night as do most precincts. I know that the 4th Precinct has the least amount of patrol cars. I know that the 3rd Precinct which borders and incorporates one of the mega-shelters has double cars for Police Officers safety. The 4th Precinct does not. So not only are you influxing or impacting us, the citizens that have homes here, what about the workers, medical personnel, fire department, police department, their safety as well?

The argument has been made that grouping and consolidating this population together is cheaper because of the services that they need. I ask you why should my family, fellow neighbors who are hardworking, taxpaying, law-abiding citizens be burdened like this? Does the almighty dollar supersede the previous shelter laws? And does it allow for taking advantage of us in this community? This would never happen in the communities like Old Field, Nissequoque, Dix Hills and many more to mention. Why is it happening in my backyard and my neighborhood? Once a neighborhood is lost, you're not going to turn it around easily. And it's going to take a lot more money to do so. I disapprove with this --

CHAIRWOMAN MARTINEZ:

I'm sorry, Miss Barr.

MS. BARR:

I'm summing it up.

CHAIRWOMAN MARTINEZ:

Yes, just before -- I don't want you to leave. Legislator D'Amaro also has a question for you.

MS. BARR:

Sure. I disapprove of this new mega-shelter placement here in these three communities. And I thank you for your time. And I ask that you please listen to your conscience when deciding about this community-altering issue. Thank you.

(APPLAUSE)

LEG. D'AMARO:

Very good. Thank you. And, again, I appreciate you being here and the concern you have for your community. It's what you should be doing. And I appreciate that. Now you talk about a burden to the community. And that's the word that you used. And what I want to ask you, just give me some practical real-life experience, how far do you live and how on a day-to-day basis is it burdening you and your area?

MS. BARR:

Well, I live close to the industrial park, which, of course, is incorporating one of the facilities. When I drive, I'm seeing the people crossing Motor Parkway on a daily basis with strollers and children and toting in hand. I know for sure that --

LEG. D'AMARO:

Well, let me just understand that. When you're driving by this facility, this shelter --

MS. BARR:

Yes.

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LEG. D'AMARO:

You're seeing people crossing the street; is that what you're saying?

MS. BARR:

Jaywalking would be the correct term.

LEG. D'AMARO:

Okay, jaywalking.

MS. BARR:

Yes. Not crossing at the crosswalk; not using the lights cycle; crossing illegally. And I know that there have been fatalities there.

LEG. D'AMARO:

Right.

MS. BARR:

People crossing from the Sheraton Hotel to Applebee's in the path -- (inaudible)

LEG. D'AMARO:

Right. But couldn't people if it was still a motel do the same thing?

MS. BARR:

Excuse me?

LEG. D'AMARO:

Couldn't people still do the same thing even if it was just still a motel? Wasn't it a motel at one point?

MS. BARR:

Most people staying in a hotel do travel with car.

LEG. D'AMARO:

Okay. But my point being, I'm not trying to be adverse to you, but my point being is I don't see, you know, an individual crossing the road as a burden specific to this facility. So I'm trying to hone in on --

MS. BARR:

Well, I believe --

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LEG. D'AMARO:

Tell me specifically "this facility is here; therefore, here's the impact it has on me."

MS. BARR:

Well, I have four children in the schools.

LEG. D'AMARO:

Okay.

MS. BARR:

I have children, some of them that do need services. I'm asking for services and I have been for certain things. And I'm being told that budgetarily that Hauppauge School District can't provide certain services.

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LEG. D'AMARO:

Right. But isn't it true that the students that go here from the shelter, the school district gets reimbursed for those?

MS. BARR:

I don't believe that that number has ever been conveyed to us.

LEG. D'AMARO:

I believe that is the case.

MS. BARR:

And I do know that they have increased -- I have a daughter in kindergarten. And they're increasing the class sizes over the amount just because these new people, and it could be anybody moving into Hauppauge or other districts, are moving in after a September start date. So we're not getting extra teachers. We're not getting teachers' aides. And we have very big classes. Now, when you have a large number of five-year-olds, you have a liability for injury. That teacher is responsible for all those children and now they're being --

LEG. D'AMARO:

But how large are the classes? I mean there's liability whether there's kids (inaudible) --

MS. BARR:

They're going up to 26, 27, 28.

AUDIENCE MEMBER:

Thirty.

LEG. D'AMARO:

Right. And that's solely because of the shelter?

MS. BARR:

No, it's because of the -- I guess the contracts of the school district with the numbers that they've cut down to. They're cutting down wherever they can.

LEG. D'AMARO:

So if you site that there's 28 students in a classroom, which you don't think is good --

MS. BARR:

Not for five-year-olds.

LEG. D'AMARO:

Okay. And that's fine. Or 30, you're directly attributing that to this shelter?

MS. BARR:

Well, I'm seeing new people enter the district in my children's classes.

LEG. D'AMARO:

Well, if the shelter were not there, how many students would be in those classes?

MS. BARR:

Close to their number that they started in September.

LEG. D'AMARO:

How many is that?

MS. BARR:

Twenty-five to 26.

LEG. D'AMARO:

Twenty-five or 26?

MS. BARR:

That's the new number. It was never that high. That has just recently gone up in the past three years.

LEG. D'AMARO:

Right. So you're saying that as a result of the shelter, each class is getting two more students?

MS. BARR:

I am not putting a number on it, no. I'm saying that these students and other students that moved to Hauppauge are coming in. But based on the living conditions, it's a transient -- it's a transient issue. They're coming in, leaving; coming in, leaving. There's no permanency.

LEG. D'AMARO:

Okay.

MS. BARR:

When I move to someplace and when you move to someplace, I'm sure you're going to reside there for a couple of years, if not more.

LEG. D'AMARO:

Right.

MS. BARR:

I've been here, you know, 47 years almost.

LEG. D'AMARO:

Right, right, I don't disagree with that. So the fact that the students may come in because they're residing at the shelter for two or three months or four months and then leave is a negative impact.

MS. BARR:

Right. Because they're also being assessed with their learning, too. There's a lot of money being used to assess them, where they are at their learning level. And that costs money.

LEG. D'AMARO:

Oh, but they're kids. We want to do that no matter where they go, don't we?

MS. BARR:

Yeah, but it's a big number.

LEG. D'AMARO:

What is the number?

MS. BARR:

When you talk about personal assessments, not just mandatory assessments that are done periodically, these children are being assessed as they come in if they don't have their school records to be placed and to provide services for them.

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LEG. D'AMARO:

Okay. I don't really see that as a burden. I think it should be done.

MS. BARR:

Do you have kids in school now?

LEG. D'AMARO:

I do.

MS. BARR:

You do. What school district?

LEG. D'AMARO:

I have them in a school district that takes on a much larger burden than the Hauppauge School District, if you want to use that word.

MS. BARR:

Well, I would like to see the service provided --

LEG. D'AMARO:

My only point -- again, I'm not trying to be adverse to you.

AUDIENCE MEMBER:

You are being.

LEG. D'AMARO:

What I'm trying to get a handle on is if there are -- Madam Chair, I'm going to ask --

CHAIRWOMAN MARTINEZ:

Please, I'm going to ask the audience to please keep your comments to yourself.

LEG. D'AMARO:

Ladies and gentlemen, you're truly not helping your cause. I'm trying to get clear in my mind the questions in my mind and I'd appreciate the courtesy of allowing me to do that. Thank you.

MS. BARR:

Can I also add that another impact to me, as I stated, is the value of my home. I'm retired now. This is what I'm working for. There will be a time where I have to move to downsize. There might be a time where I have to move to get out of this neighborhood because it no longer meets the way that I want to live and the way that I want my children to live. And that's a terrible thing for me to kind of be forced out of my neighborhood. I'm already electing to remove one of my kids out of the district for the high school level for certain reasons. And this is part of it. So, you know, you're affecting a lot of things, a lot of people.

LEG. D'AMARO:

Let me understand that. So that's something -- that's a real thing. You're removing one of your children from school because of the shelter; is that what you're saying? Or one of the reasons?

MS. BARR:

I'm saying that that is part of the equation. It is not the sole reason.

LEG. D'AMARO:

U-huh.

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MS. BARR:

But it is definitely part of it.

LEG. D'AMARO:

Right.

MS. BARR:

And I would never buy another house in Hauppauge or this area knowing what's coming.

LEG. D'AMARO:

How does it impact your property value? Explain that to me.

MS. BARR:

Well, property either goes up or goes down. And a lot of things affect it.

LEG. D'AMARO:

Right.

MS. BARR:

And this is going to negatively affect the property values within the Smithtown area that borders it, the Hauppauge area and the Brentwood area.

LEG. D'AMARO:

Okay. This shelter --

MS. BARR:

No. These shelters. Sixty-five percent roughly --

LEG. D'AMARO:

Right.

MS. BARR:

-- of the homeless people from Suffolk, Nassau, New York State and out-of-state.

LEG. D'AMARO:

Okay.

MS. BARR:

Why do we have to be the burden of sustaining these? I have dug out of my pocket at work and given money to people who didn't have food --

LEG. D'AMARO:

Right.

MS. BARR:

-- to eat. I give and I give. I donate. And I feel that I abide by the laws. I expect you guys to abide by the laws. I expect that when you go to sleep at night, you know that an officer is going to come if you're having a heart attack with a defibrillator to take care of you. I expect that when I go to bed, that you are looking out for my best interest in my neighborhood --

LEG. D'AMARO:

Right. I know -- I don't take issue with that. (Inaudible)

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MS. BARR:

Whether I live here or Poquott or Old Field or Fire Island.

LEG. D'AMARO:

Right. I understand that. And I know this is an emotional type of issue and I understand that. But what I'm trying to understand is, I went and saw the shelter. I took a look at it myself. Okay. Because as I mentioned at the last Committee meeting, I'm new to this particular issue because I wasn't on this Committee last year. And I took a look at it. And the only thing I was wondering, and I'm not saying you're wrong or right, I just want to know specifically how this shelter being there is impacting your community. That's really the question in my mind. And we'll get to the legality. And I know the Commissioner is here today to also speak to the location of the shelter and why they feel it's advantageous to do it the way they're doing it. And we'll get to all of that. I only have one opportunity, as you come up to the microphone, to ask you as a homeowner in trying to understand your position despite discourteous responses that I'm getting from this audience, I'm trying to ask you to tell me about these negative impacts, you know. Yes, I do live in a community. Yes, I do have two small children. Yes, they are in a school district. And, yes, you know what, there is a shelter near my house.

MS. BARR:

Okay.

LEG. D'AMARO:

So, you know, if you want me to relate to your problem, I'm asking you these questions.

MS. BARR:

Well, from my work experience --

LEG. D'AMARO:

I'm not singling you out and I'm not being adverse to you.

MS. BARR:

Okay. Before I retired and having my work experience being in areas such as this and the Crooked Hill area, because that was open when I was working, again you're talking about assimilating people into the community. If you're grouping them together, they're not going to assimilate to the --

LEG. D'AMARO:

Well --

MS. BARR:

-- lawful, law-abiding, taxpaying way. They're going to keep their habits.

LEG. D'AMARO:

Well, I agree with that. And I had talked about that at the last meeting. Except that this seems to be a short-term shelter. My understanding is that the average length of stay is six months. So there's not enough --

MS. BARR:

The person, yes, the -- the building and the services are going to be there permanent for us.

LEG. D'AMARO:

No, no, no, no.

MS. BARR:

The people might come and go, but the problem is remaining.

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LEG. D'AMARO:

No, no, I'm not -- my point is only that you were talking about assimilating individuals into a community, I believe, unless I misunderstood you.

MS. BARR:

Right. Like we did with deinstitutionalizing with Pilgrim State, Kings Park.

LEG. D'AMARO:

Right. Here you don't have that opportunity.

MS. BARR:

And CI.

LEG. D'AMARO:

-- because they're not staying long enough, which is a good thing. Which is a good thing.

MS. BARR:

I mean, if you had a handicapped child, you wouldn't want that child not to be allowed to be into the school. They have a right to be in the school. These people have a right to be dispersed into the communities.

LEG. D'AMARO:

Right.

MS. BARR:

Like someone said, with anonymity, pride.

LEG. D'AMARO:

Right.

MS. BARR:

And with a chance. This is keeping them segregated. I thought we dealt with segregation a longtime ago.

LEG. D'AMARO:

No. This is homelessness -- this is emergency homelessness that the County is dealing with where the average stay is only six months. This is not -- this is not placing, let's say, a physically challenged or a handicapped individual into a community where they're going to reside for the next five years. So I'm not sure -- I'm not sure that you want to -- the assimilation argument is a valid argument, but you have to weigh that against the County's ability to deliver services as well.

MS. BARR:

No.

LEG. D'AMARO:

Only because --

MS. BARR:

You could cut Police Officers to cut services, too, but do you want to have that risk of maybe not having a defib or having an officer respond in an emergency situation?

LEG. D'AMARO:

I'm not sure what that means. All I'm trying to say --

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MS. BARR:

You have to be proactive, not reactive. You cannot cut.

LEG. D'AMARO:

Again, you're -- you know, I agree with you. You have to be proactive, not reactive. What my point is that if we're placing homeless individuals at a facility and they're staying there six months, I'm not sure that there's any opportunity to assimilate into a community even if you wanted to. That's my only point.

MS. BARR:

I think that for them, that they are being focused upon and they have to have feelings of not belonging being in this shelter and with all of this publicity going on. This didn't happen when they were being placed the way they were in the past with smaller areas, smaller amounts of people.

LEG. D'AMARO:

Right.

MS. BARR:

And I think they assimilate better. I think the community can accept it better. And it's only become an issue when you're trying to do this mega-shelter in a very, very small geographic area.

LEG. D'AMARO:

Okay. I understand your point.

MS. BARR:

Thank you for your time.

LEG. D'AMARO:

Thank you.

(APPLAUSE)

CHAIRWOMAN MARTINEZ:

Next we have Valerie A.

VALERIE A:

Hi, I'm sorry that I don't have anything prepared. I kind of decided to speak up here kind of last minute. The last eight years I been working in juvenile justice programs, non-profit organizations. I've worked in five out of the six community programs in Suffolk County. So I know very well about the homeless shelters, about children in need and families in need. And I do believe that every community should give back and help those that need help.

I know that it's illegal, these shelters, of this size. And more importantly it's not any benefit to these families. I'm not sure if anyone over here has spoken with any families that were involved in any type of homeless shelters. They don't want to be involved -- they don't want to be with hundreds of other families. They want to be un-stigmatized. They want to go along. This is a time period for them that is time for intervention. That is it. It's like you mentioned the six month's time that they need to be there. And then hopefully find some stable housing for them and their families.

For this -- these children, that's my priority. You care about these kids. You do not want them being bussed around for up to 50 miles with the McKinney-Vento act. Up to 50 miles these kids will be bussed around. And they're going to be living and residing with hundreds of other families. This is a town, in Hauppauge, as you can hear these residents. And I understand what you're trying to do. And you're trying to listen to what these community residents are wondering and what they're

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worried about. And I commend you for taking the time to listen to each one and really address specific concerns. I apologize. I don't have any specifics for you right now because I didn't have anything prepared.

Right now the community is asking for you to advocate for them, advocate for the Town of Hauppauge, the community of Hauppauge and for future communities that might have this exact same thing happen to them, where you're going to combine all these homeless shelters into one large homeless shelter, which is not benefiting the community and it is not benefitting the homeless families that are sitting there and know that they have to reside with hundreds of other families that are going through the same -- the same troubles this is going on right now. We know over the last couple of years the numbers of homeless have increased dramatically. Not only because of the economic downturn, the housing is just not affordable. And that's not just for Long Island; that's for nationwide. And I think that as a whole, as you are working in this service, as a politician working for the community, you need to advocate not only for our Town, for the laws in Suffolk County, and more importantly for these homeless families. Thank you.

(APPLAUSE)

LEG. KENNEDY:

Madam Chair, can I ask a question of the speaker, please? Could you come on back up for a second, please. Thank you. Thank you for coming out and thank you for speaking. I don't recall ever having had the opportunity to speak with you before, but it seems to me you have some -- a unique experience. You spoke about the fact that you've volunteered or worked with other homeless housing agencies. What are the typical configurations for those other agencies?

VALERIE A:

The homeless agencies I specifically worked with were down in Florida when I was working for the Department of Juvenile Justice down there.

LEG. KENNEDY:

Okay.

VALERIE A:

Down there they did provide the same variety of services, like I had mentioned, since it is an intervention --

LEG. KENNEDY:

U-huh.

VALERIE A:

-- it's a matter of providing numerous amounts of services in order -- for the families. And most of the times they thrived in smaller units. These children already have so many other obstacles they're facing, so much chaos. That's why the McKinney-Vento Act was created. I'm sure you're well aware of those laws and why it was created, to minimize that chaos that these children are facing.

So putting them with hundreds of other families isn't providing any type of stability to these kids. These kids need something that's smaller, that's something that's similar to what they were experiencing for most of their lives, closer to the community and to their friends that they had when they unfortunately fell to hard times where they did have to move from their family unit or wherever they were residing.

So in Florida they did actually have more homeless shelters that were smaller in sizes that were able to do the same thing. We had a social worker that went to each of these homes, to provide the job training, to do actually study skills. It was respite for the families so the kids would actually have a

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chance to have some type of playtime or some type of time of, you know, time with an older mentor-type program. And this was all free mentorship program that was actually through the universities in Florida.

So there's a lot more that they were doing that was, you know, something that you guys can't do right now that's going to take some time. And I do believe that there should be more that we can do to benefit these families. And I think that that's something that I would love to be a part of. You know, I think that especially now as a newer member of Hauppauge, I think that as a whole, that more can be done specifically because we know that the homeless rates are rising.

LEG. KENNEDY:

Okay. One other question, just very specifically to whether you had any experience with it or not, talk a little bit about the nutrition, the cooking provisions. In these smaller homes down in Florida, did families typically get to be able to prepare meals, eat meals, shop?

VALERIE A:

Right. It was a -- smaller kitchens that they actually had. It was more of -- I would almost say it was several families that would reside in one house and they would share the facilities. Not every family had their own kitchen, but they did have access to it.

LEG. KENNEDY:

Okay. And the children seemed to benefit from that arrangement?

VALERIE A:

Yes, because it was more similar -- when these children leave this transient time again living in the shelter, it's a time that they're not staying for the rest of their lives. Most of the time these children aren't going to be residing with hundreds of other families. So being in a smaller setting, with maybe 10 or 12 families, which is again I think what the law in Suffolk County currently states, no more than 12 families --

LEG. KENNEDY:

Yes. Right.

VALERIE A:

They're more likely to stay in that same, stable environment that they've been used to and accustomed to.

LEG. KENNEDY:

Okay. Thank you very much.

VALERIE A:

Thank you.

(APPLAUSE)

CHAIRWOMAN MARTINEZ:

Thank you. Next we have Miss Marylou Katroba.

MS. KATROBA:

Good evening. My name is Marylou Katroba. I'll be 90-years-old next year. I've lived in my house behind the shelter on Jericho Turnpike, the Smithtown one, for 37 years. My husband and I moved there as a retirement home. My husband has since passed. I'm there by myself. And pretty soon I'm going to have to sell. And I know I'm going to take a beating financially because of my proximity to the motel. My fence is behind the motel. And at the time of the fire, which you

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remember was a few years ago, they broke down my fence because they had no egress to get out because of the fire engines blocking them access to Jericho Turnpike. And I had to repair that fence.

And the funny thing is, after I had it repaired at my own expense, somebody from the motel cut one of my panels in half and made it into a gate with a padlock and told me that he did that at the behest of the Hauppauge Fire Commissioner. And I called his office, because I really didn't think it was right because he never asked me if he could do it. And he said that if anybody got hurt in a fire, it would be my responsibility, that I had to leave that gate there. It's been there ever since.

I've been very happy living there. I'm no longer happy living there. The noise from the motel is unbelievable. I try not to stay in the back of my house. I try to stay up in the front because it's quieter, even though I have a dog and a cat. They're very quiet. The language I hear from the motel, I'm glad I already have my gray hair because I'm sure it would have turned my hair gray. I learned words I never knew existed.

I really don't know what else to say except I hope you can really do something to alleviate the problem; because it's not fair to people who have their life savings, or the better part of it in their homes. And then have to take a financial beating because of a situation like this. Thank you very much.

(APPLAUSE)

CHAIRWOMAN MARTINEZ:

Thank you. Next we have Miss Clark.

MS. CLARK:

I'm a local real estate agent with Coldwell Banker in Smithtown. I've been selling real estate 29 years. And this has impacted me. My customers are moving from Queens to be in an area that they feel is quiet. They were out three times, spent about seven hours in Smithtown, Hauppauge and Commack to see the communities and then came into see me.

I'm here today because they asked me to come. They want me to give them the information about how many families. They went on-line. They saw some information. They put an offer in on a house. And this morning they called and said "Beth, we'll tell you after you tell us what's going on." So I'm here to learn from everybody. And what I'm hearing doesn't sound too healthy for the families or the community. Thank you.

(APPLAUSE)

CHAIRWOMAN MARTINEZ:

Thank you. Next we have Miss Louise Bollhofer.

MS. BOLLHOFER:

Hi. My name is Louise Bollhofer. And I live on Ivy Hill Drive. I live across the street from Mrs. Katroba. And I've lived there for 47 years. And the past 15 years, my life has been a horror. I have -- we have a beautiful home. Our neighborhood has some lovely homes. And ever since they started putting in the homeless people, the people, they play in the back -- in the parking lot. They put up a playground for them, which I had -- we finally had it removed, to put upfront. And they do not put the kids upfront because they don't want people from the street seeing it because the motel in the front is for transient people. The one in the back can hold 36 families.

And we have had numerous robberies. Our street is targeted. They can actually walk through. They have come through Mrs. Katroba's fence. They have come on our street. And the lady next door to Mrs. Katroba has a pool. They had -- and I think they still do, they have a -- some kind of

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van there that the kids jump on, stand on, and they throw rocks in the woman's pool. The woman two doors down from me at one o'clock in the afternoon had two men -- young men approach her with a knife. They knocked on her door they told her, "*Open the door or we're going to cut your throat.*" She was very, very upset about this whole thing. They -- she saw them jump over the fence and go into the motel. Besides -- the noise level is unbelievable. I have company in the summertime. We can be in the back and you can hear the screaming, the yelling, the cursing. The kids scream at the mother "open the f -- ing door to let us in" because they close the doors. They tell the kids to play outside.

I had gotten the petition. We have 35 homes on our block. And I went to see Mr. Vecchio and Mr. Kennedy was there. And Mr. Vecchio said that what we have to do is that -- inundate the owner with subpoenas. And I have gotten, when I called Code Enforcement of all the problems -- eleven o'clock at night they're partying out there. I have pictures -- that they had -- actually had a birthday party for young kids even during the day and parents bring their kids, the honking of the horn, the buses go back out there, pick the kids up. Anyway they -- so I called Code Enforcement and they gave me summonses to fill out. I just gave 15 of them from last year to the Town. And I don't know if the attorney's going to do anything about it, but we've been hoping. And I was told, I have a letter from Mr. Kennedy that said in May that they had gotten -- most of the families are there, maybe only five left.

Well in June of last year, it was pretty quiet, July. And then in August it started getting noisy again. And I called Mr. Kennedy and he told me that the Department of Social Services put more people back in there. I spoke with Mr. O'Neill about it. He had told me to send him all the information and I did; and that they would see what they can do about it. And it's just gotten out of hand. The lady next door to me has tried for three years to sell her home. Anybody who knows --

CHAIRWOMAN MARTINEZ:

I'm sorry, Miss Bollhofer.

MS. BOLLHOFER:

-- they say we cannot -- they won't even bring people there.

CHAIRWOMAN MARTINEZ:

Thank you. I'm sorry, I don't mean to cut you off, but your time has expired.

MS. BOLLHOFER:

Okay.

(APPLAUSE)

CHAIRWOMAN MARTINEZ:

Just quickly, I do have -- I'm sorry. Do you have any police reports of --

MS. BOLLHOFER:

No. I can't get them. You can ask Mr. Kennedy. I think he did get them, especially, you know --

CHAIRWOMAN MARTINEZ:

Thank you.

LEG. KENNEDY:

We've gotten some material in the past. This is where the issue really gets complicated. And I've alluded to this before, the facility that Miss Bollhofer and Mrs. {Kerafor} spoke about, in fact is not a

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facility in the southern part of Hauppauge, but in fact is a facility, as I've alluded to before, that's about a half mile north of here. So towards some of the comments that speakers have made about an issue of concentration and inundation, and, Madam Chair, you know very well because we share district borders and you know where the other facility's located, I'd make the point to you again that today with about 510, 515 homeless families in Suffolk County, between our two districts, more than 60% of those families reside. There's 16 other legislative districts. This goes to the very issue of equity when the bill was first put into place by the former Presiding Officer, but I'll fish out those police reports for you.

CHAIRWOMAN MARTINEZ:

Please do. And, Legislator Kennedy, I do understand your concerns. And thank you. Next we have Mr. Joseph Poerio.

MR. POERIO:

Good afternoon, Legislators. My name is Joseph Poerio. I'm representing Councilman Steve Flotteron, Town of Islip. I'm his Legislative Aide. He unfortunately could not make it today. We are in full support of Legislator Kennedy's bill. And I don't want to bore the Legislature with the same statistics. I have them as everyone else ahead of me. But I do want to mention the fact that the Councilman would like to see an amendment to this bill, and perhaps an Islip Legislator can add onto this, that we certainly want to include the other property as well as the property in the Smithtown area. And that particular property has a statistic we haven't heard, is 386 people, 276 are children. And there are 110 rooms in that hotel. So there's a tremendous impact on the school district and on the County and on the Town. And so we, therefore, recommend that we break our relationship with the Long Island Women's Empowerment Network, who are the signers of that contract and run this location; and we ask that the Legislators look into that amendment. Any questions? Thank you.

(APPLAUSE)

LEG. KENNEDY:

Thank you, Joe.

CHAIRWOMAN MARTINEZ:

Thank you. Next we have Mr. Edward Sanders.

MR. SANDERS:

My name is Edward Sanders. I've been a resident of Hauppauge for almost 47 years. So I've been here since it was pretty much sticks and now to see where it's come.

My first gripe, not to start off with a gripe, but I guess everything we have here today we see as a gripe, is the time of these meetings during the middle of the day when 99% of our community is at work. These meetings should be done in the evening. Also the last time I filled out one of those little yellow cards like I did today with my home address and phone number and e-mail address and was never notified about this meeting -- and I only found out about 45 minutes ago so I apologize for not being as prepared as I should be.

I appreciate everything that Legislator Kennedy has done. I've worked with him with many things in this Town. You know, I'm not here because of a NIMBY issue. I've been very involved with a lot of facilities that have been built in this community. My biggest -- my biggest gripe is laws are being broken here. It's against the law to do what we're doing. And I am putting an official request in, if I have to do a FOIL request, to find out who the actual employees are that work for us as being taxpayers, I'd like their names because I will pay out of my own pocket whatever remedy needs to be done to have these people fired for not doing their job properly because obviously this shouldn't be happening.

(APPLAUSE)

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So I would like to -- and I'm putting a formal request in here is get the names of all the people who made the decisions to start this facility and keep running this facility.

I also approached Legislator Kennedy, like I said, who I have a lot of admiration for, because there is a motel right down the street from this shelter on Motor Parkway by Mariel's Restaurant who is right now trying to buy the empty restaurant that's next door. And he's revamping his place because he said to me, *"These guys are making a ton of money with these shelters. I might as well jump on the bandwagon because nobody is shutting them down so I'm going to do it, too."*

I also know about Bull Run. This Bull Run, this shelter, these other folks from the community brought up, we have had so many problems with break-ins, with drugs. And what I don't understand is we keep putting these shelters, one, where they're not supposed to be, putting them on main roads. And the other reason I want to know the names of the people who made the decision to open these shelters are, because inevitably, some child or man or woman is going to get killed crossing over the street to go get fast food across the street. And I want to be able to make sure that we prosecute the proper people who made this bad situation happen. And I think these people should be held accountable for this reason.

(APPLAUSE)

Smithtown is now approving to expand the corporate industrial park here. They're going to let all these outside buildings go to 62 feet tall, which is going to be four and five-story buildings. The density, the traffic, it's a bad situation. Not to mention the drug problems we're having. We're having many drug problems in this community. And like I have said, I've been here for 46 years. The drugs that are being brought in by these shelters -- these people don't want to live in these shelters either. I'm a real estate broker and a real estate developer. I manage a lot of properties. And I hate what I consider cluster housing. Because what happens these people -- what do these folks do during the day? They don't want to be on welfare. They want to be on workfare. You know what? When these kids are in the schools and the smaller children can be put into the daycare center that's over at the State Building, the people that are sitting here all day long, why don't we get some programs going to get these folks jobs? And this way they don't get into these situations, you know. We put this -- this facility here when we had a very small amount of people that were homeless and didn't have places to go. And now we're cramming them into this building. And what happens next? We're going to take the building over next door to make it bigger? Like I said --

CHAIRWOMAN MARTINEZ:

Thank you, Mr. Sanders.

MR. SANDERS:

Okay.

CHAIRWOMAN MARTINEZ:

We do have --

LEG. BROWNING:

(Inaudible)

CHAIRWOMAN MARTINEZ:

All right. I'm sorry, never mind. Thank you.

MR. SANDERS:

Okay. Am I done?

MR. NOLAN:

You're done.

CHAIRWOMAN MARTINEZ:

Yes. And last but not least we have Ms. Jennifer Reidy.

MS. REIDY:

One of the questions came about where the school burden is. And me personally I have a big burden. Last year I fought to get an aide in my child's kindergarten class because we were at 28. This was before the shelter was put in. We had 19 homeless children in our school. Okay. But the numbers were getting higher and there were incidents; enough that finally we got an aide in there. The answer this year, I have another kindergartener, okay, back to back children, we didn't know that the shelter was there until Open School Night and we realized that there were some issues, behavioral issues the first week of school. The child with the behavioral issues is still in school. He's been in school since September. So where is that turnover rate that I'm praying for? Because I want the nightmare to end. My son has been through enough for six months. The school is not doing enough about it because they can't. By law they need to provide services. My taxpaying dollars are going to those services. So that's my first issue. And I think people need to realize if these children need special needs and you start putting them in these smaller districts, the districts are going to drown.

So how does this impact Hauppauge? There have been several incidents in the school and has exposed our children to violence and other issues we did not feel they were ready to see on TV, never mind in person. My child's five years old. He heard his schoolmate say, *"I'm going to kill you and your sister."* That is unacceptable. Our teachers are worried there they can lose their jobs. So they're not standing up. They're elective teachers, okay, and they're afraid they're going to lose their jobs. Those are the first that are cut. If they say they're being reimbursed, please show us. What is the amount of money that Hauppauge has been receiving because many of these children are out-of-state and we were told we get no reimbursement for out-of-state children. We are that Safety Net state. And that's why people are coming here. Prove that these are not out-of-state people, maybe there won't be as much of a financial burden. Our property values are going down. How many people need to repeat that today?

These students have much higher special needs. They have been reported in past meetings. Hauppauge will have to pay. If you spread it to the other districts, maybe there'll be less of a burden. Yes, your districts may have this also, but there are some districts with no homeless children. Put a few in those districts in small houses, give them that, you know, anonymous where they're not, you know, being pegged as the homeless children. One of the children came in the coldest day of the year in shorts. I took sweatpants out of my son's closet and sent them in and told him give it to your friend so that he's not freezing. Is that how we're treating these homeless people? Well, local food banks have been able to help our local families in need but now they're helping the shelters. St. Thomas Moore, the church I belong to, many of our volunteers are telling us that we're being drained because of all the Suffolk homelessness. It's too close to home. Suffolk County's being overburdened, not just Hauppauge. Thank you.

(APPLAUSE)

CHAIRWOMAN MARTINEZ:

Thank you. And that concludes our public portion unless someone else in the audience who would like to come forward.

MS. RUDEN:

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First I want to start with the two o'clock meeting, is unfair to everybody in the Town. Oh, I'm Sharon Ruden. I have two kids. I had to leave, because you guys ran late, to go get them because I don't have childcare. I can't afford childcare. We're calling it emergency housing. It's illegal. Are you telling me that if someone in my family has an emergency, nowhere to live, it's okay with you for me to build an illegal apartment in my house? Can I do that? It's emergency housing. You lead by example; therefore, we should all follow your example. If you don't follow the laws, why should we? That's what I'm taking away from every meeting we table. It's always in the back of my head. If you're not going to follow it, neither am I.

(APPLAUSE)

CHAIRWOMAN MARTINEZ:

Thank you. Mr. Lawrence Crafa.

MR. CRAFA:

Hi. Thank you. One thing I'd like some of the Legislators maybe to clarify for me is why is County Code 438 a bad thing? We created it many years ago for a certain reason. I haven't heard one good reason why we should go against it besides financial, which is not really ethical here. If anyone wants to, you know, have a dialogue with that.

Also, we got a letter at home from Mr. Bellone. And it said that once this becomes a disproportionate burden to us, he will close the shelter immediately. And on the other hand you guys say we can't close it because we have to follow the State rules for, you know, providing emergency housing. So what is it here? Is it going to be that easy to close so it becomes a disproportionate burden? I believe Legislator D'Amaro said we have to be proactive. And that's what we're trying to do here. We know this already is a burden. It's going to become more of a disproportionate burden in the future with the possibility of more shelters opening up, if we don't fight this one.

And the other thing that really hits close to home is you mentioned before, and I believe it was Legislator D'Amaro again, that the average time in these shelters is six months. I haven't seen any statistics to prove that. I'd like to see that. But if it is true, my biggest concern when this first opened was not that my child is sitting next to a homeless child in school, and I have three kids in the school district, it's this constant disruption and cycling of kids throughout these classrooms. There's never any flow to these classrooms. And they take up a disproportionate amount of time from their teachers. They've all told us that. They're afraid to speak. They're afraid for their jobs.

So, you know, there's a lot of support out there for Legislator Kennedy's bill. And I would like some answers as to why everyone thinks all of a sudden we can violate our own County codes. Why is Code 438 a bad thing? Thank you.

(APPLAUSE)

CHAIRWOMAN MARTINEZ:

Mr. Crafa, could you come back? I'm sorry. Legislator D'Amaro has a question for you.

LEG. D'AMARO:

Thank you. Thank you, sir, for coming down. I appreciate it. The -- correct me if I'm wrong, I think the number of students this year is 21 according to the information.

MR. CRAFA:

I mean, it has been fluctuating. I've heard as high as 27. I've heard as many as -- or as little as 15. I know that does change. And I know we had homeless children before this shelter opened up, you know, last year. We had homeless kids in the district.

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LEG. D'AMARO:

Just bear with me for one minute. I have a chart that someone gave to me last time. Yeah, 21, last year it was 8. The year before that it was 11. So 21 -- do -- you probably don't know, but since you were speaking about the school aspect of this, do you know what grades -- you know the breakdown of that?

MR. CRAFA:

I only know with my local school, the first night of school we found out that all ten kids that came from the shelter that were between K and five ended up in my child's school. And that's why there was such an uprising to begin with. Because our Superintendent chose not to spread them out. She was consolidating them for the purpose that they mostly needed services. So that's how this issue came to light initially. And then we've learned since then more kids have entered the district. And she has spread them out and she has heard our, you know, our questions about why all the kids ended in one elementary school. You know, we understand there are kids that also when to the middle school and high school. And we understand -- you know, I have a friend whose son is in high school. The first day of school, he didn't have a chair because there were 35 kids in his class. That's an acceptable class size.

LEG. D'AMARO:

Yeah, but that can't be from the remaining ten students.

MR. CRAFA:

You know, I'm not quite sure how many came from that, but you have to understand something. I understand the numbers right now. I don't know if you think they're burdensome or not. I have not been given any reassurance by the lawmakers that we could trust that when it becomes a disproportionate burden, and that's what I'm worried about, the future here, so I'm asking you to, you know, to picture ahead what this can turn into and protect us now. Because when it gets to that point, we think we've already lost the battle. So if it becomes a disproportionate burden, how are we to trust that they're going to close it when they opened it up under the cover of night? We didn't get proper notification. Legislator Kennedy didn't know about it and it's in his district. So with that kind of sneaking around going on, how are we to trust the numbers? How are we to trust that when it truly becomes a disproportionate burden that you're going to help us?

LEG. D'AMARO:

Okay. So just to get back to my line of thought, so there were ten students K through 5 in the particular school that you're aware of.

MR. CRAFA:

Right.

LEG. D'AMARO:

Or that your children go to.

MR. CRAFA:

Right.

LEG. D'AMARO:

So that would be ten K through 5. And then -- so that would leave 11 students this year beyond fifth grade. Right?

AUDIENCE MEMBER:

This was before the --

LEG. D'AMARO:

So I'm just trying to figure, you know, when it comes to -- we've talked a little bit today about class

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size. When you say you asked the Superintendent of schools to spread them out more, you mean between schools or between classes?

MR. CRAFA:

We have three elementary schools in our district. That's what we were asking.

LEG. D'AMARO:

Right.

MR. CRAFA:

For that particular ten.

LEG. D'AMARO:

Right.

MR. CRAFA:

We just want an answer as how they all ended up in one school. That was it.

LEG. D'AMARO:

So basically there's -- you know, generally speaking there's three students in the particular school that your -- where you live.

MR. CRAFA:

No. There's ten.

LEG. D'AMARO:

I thought you said they spread them out.

MR. CRAFA:

They did not. We asked them why they didn't do it. So we have ten.

LEG. D'AMARO:

Okay, so you have ten.

MR. CRAFA:

And I'll be honest with you. We're not saying that we're not here to help the homeless. We all should take our share.

LEG. D'AMARO:

I understand that.

MR. CRAFA:

We welcome them. What I was concerned about is they said don't worry about it, they won't be here long. I'd rather them be there the whole year. I talked about this cycling and this disruptiveness in the classroom where they're cycling new kids through. And that becomes a problem throughout the year.

LEG. D'AMARO:

Yeah, I understand that. The flip side of that would be if they're homeless and they get back on their feet, you want them to move on also.

MR. CRAFA:

I agree with that, but why then do we have to have all those people being helped in one or two -- or 60% of them are being housed in two shelters. I agree with a hundred percent with that.

LEG. D'AMARO:

Right.

MR. CRAFA:

The old way we did it was we spread them out throughout the County. Everybody chipped in. They remained more anonymous. It was much less of a burden to everybody. So to say that 60% of the homeless families being within one square mile and burdening two legislative districts is fair, I can't see that. You'll never convince me of that.

LEG. D'AMARO:

Okay, thank you.

(APPLAUSE)

PRESENTATIONS

CHAIRWOMAN MARTINEZ:

Thank you. Now we're going to move to our next item on the agenda. And that's a presentation. Commissioner John O'Neill from DSS is here.

COMMISSIONER O'NEILL:

They have informed me that Power Point is not working. I have hard copies for everybody.

Good afternoon, Madam Chair Martinez and Human Service Committee members. What's being passed around is a presentation. It's similar to the one I gave in November. I've updated a couple of charts. Also included in that package is information to some of the questions that came up, which will be answered. And I'll wait for it to go around before I jump through into the presentation, which will answer probably most of these questions. I'll deviate where I can to answer all of them. And at the end if I haven't answered something, I'll circle back and answer all those questions.

So while that's being passed out, let me explain the -- everybody -- everybody's going to get a binder with documents in it. The binder, which the Clerk has a copy of, there are two memos from the New York State Education Department to District Superintendents, Superintendents of LEAs and Charter Schools, Title I Coordinators and McKinney-Vento liaisons. These are folks that work in the school district. This is from the New York State Education Department. It outlines the reimbursement, what funding streams are available to the school district for educating homeless children; and another one for transportation. So that's one of the memos.

There are three memos after that. One is from the County Attorney's Office, from the County Attorney on November 20th. After that are two memos. One is from the County Attorney's Office to Janet DeMarzo, Commissioner at the time in 2006. And there's another memo from New York State to Gregory Blass, the former Commissioner of Social Services, regarding the legal aspect. And I'll let the County Attorney speak to that. But I wanted to make sure that all these documents were put in with the Clerk and with all the Legislators.

Lastly in that backup package there's a -- there was a meeting that was held on February 6th at Legislator Kennedy's Office between the Superintendent, some of her staff, myself and somebody from my staff, Johnny Nieves. And also Tom Vaughn and Deputy County Executive Chu. And the memo recaps all the items that were discussed at that meeting. So it looks like everybody has the information now. So I just wanted to explain. Because the reason why I'm giving you the backup is because I do reference these backup documents in my presentation so everybody has the backup.

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So jumping into the presentation, the homeless strategies: We have three P's for homelessness: Prevention, placement and permanency, with permanency being the gold standard. We follow Social Services regulations. We have a mix of Tier II shelters with smaller shelters. And we want to be proactive in finding suitable permanent housing solutions for homeless families and individuals.

The next page are some statistics as of January 14th. And there are -- at this time there are 529 homeless families.

The next slide is what types of options are available for families that need temporary housing assistance. We have 36 family shelters, three Tier IIs. There's an asterisk there. Two are in progress; 23 motels/hotels. There are four shelters specifically dedicated to domestic violence, women who have been battered; and three for shelters for pregnant women.

LEG. D'AMARO:

Commissioner.

COMMISSIONER O'NEILL:

Yes.

LEG. D'AMARO:

Where -- over here.

COMMISSIONER O'NEILL:

Okay.

LEG. D'AMARO:

Over here. What -- which category does this shelter fall into?

COMMISSIONER O'NEILL:

Tier II.

LEG. D'AMARO:

So it's one of the three.

COMMISSIONER O'NEILL:

Correct.

LEG. D'AMARO:

Okay. Just wanted to clarify.

COMMISSIONER O'NEILL:

Correct. So just to be clear, there's one that's been operating in the County for about 20 years. And there's two newer ones that were introduced in 2013. On slide five, it explains all the different shelter settings and why they're called a Tier I versus a Tier II. I won't go into all of them, but I will talk about the Tier II. A Tier II family shelter is a shelter which provides temporary housing and related activities to 10 or more homeless families, including at a minimum private rooms, three nutritional meals a day, supervision assessment, permanent housing preparation, recreation, information referral, health care and childcare services. This could be found under New York Code 352.8 or Part 900, Section 18 of the New York State Code.

So with a Tier II Shelter, the County is -- DSS is required to provide the services that I mentioned. They are not required to provide those in, say, motel settings or smaller shelter settings.

LEG. D'AMARO:

So, Commissioner, is that the reason why you seek the Tier II designation?

COMMISSIONER O'NEILL:

Yes. Actually if you just want us to answer that question, we'll skip to page 7. It says "Homeless Shelters - why Tier II?" The Department will be able to provide better services at a lower cost to taxpayers. And just to reiterate the Department is not currently searching for any new Tier II locations and does not intend to. Okay.

So the reason why Tier II -- acts as a fiscal component, but more importantly is that we can provide these extra services. A lot of folks that came up talked about it, they said, "hey, why aren't you providing some job search?" We do at these shelters. As a matter of fact, the Department of Labor's going to come in and do some specialized presentations as well.

On the next page, and just to reiterate, too, these are families that were normally -- would have been placed into motels. So there are 50 less families year-over-year that are no longer in motels that are in a Tier II or a larger shelter. When they're in motels, we cannot provide the services that folks are saying, such as, you know, GED maybe, child care, recreation, medical evaluation. These types of things are not only required under a Tier II Shelter, but we do provide them. We could not provide them if they're in -- if all these families were dispersed in motels, which had been previously done. So we did not close any shelters, small shelters. Right. What happened was we took the families that were in motels and we moved them into these centralized locations. Legislator D'Amaro, does that address --

LEG. D'AMARO:

Yes, thank you.

COMMISSIONER O'NEILL:

So one of the things I talked about back in November was, you know, improved housing resources. So there's an expansion of female and couple shelter and it was expected to open November 2013. It did open. So previously in the Department we had -- if we had a homeless couple, the female went to a female shelter; the male went to a male shelter. We now have a couple shelter. This way we can keep those folks together and get them back to self-sufficiency quicker.

We are working with the Timothy Hills Ranch. They have a highly structured program that they're using for youthful offenders. We're going to use the same program for non-youthful offenders. We don't want to put children in a population that are age 18 to 23 to 25 -- as high as 25. We're primarily focussing 18 to 23 into the shelter system. And we should have our first house that's working with Timothy Hill in by the end of the first quarter. And we're also going to have one for females. And probably a second one for males. So we are proactively looking to address the problem of homelessness differently.

Our housing advisors, a lot of folks call them inspectors. We actually have housing advisors set up with somebody in our Permanency Unit. They work together to collaborate to proactively go out and find affordable rentals or homes for our homeless. And we started that in January. And I believe they found three permanency already for families.

The last one that we're working on is homeless caseload we use to review and identify any additional veterans in our caseload. And our CBA administrative staff is working with the continue of care to eliminate homelessness for veterans. And we actually have a new process that's underdevelopment. We're meeting with Greta {Garten} for the Coalition of Homeless. And by the end of April 2014 we're actually going to identify these homeless veterans and get them over to somebody in Greta's shop, a specific case manager who's going to deal with them one-on-one to try to provide them the resources they need, because they have much more resources available than the Department does.

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So those are some of the future initiatives that we're currently working on.

All right. So now I guess this gets kind of into part of the presentation that's a little more specific to some of the questions that were raised.

Who determines what children get placed? The Department of Social Services has to follow Social Service Regs. Right? So there's four main criteria. We had to take into account the homeless child's educational needs, employment needs, medical needs and childcare needs. Local Law 1233 of 2013 passed by the Suffolk County Legislature states to the fullest extent to feasibly place homeless children in the emergency housing shelter that was closest to the family home school district.

Next slide, so these are where some of the folks were asking. Does DSS choose which school district the homeless children go to? No, this is parent-choice as per Federal law, McKinney-Vento, as was noted by some of the speakers. McKinney-Vento is under the jurisdiction of the New York State Education Law Code 3209; same as the school districts. And what percentage of the homeless children choose to stay in their original district versus temporary housing district? It's roughly 70% choose to stay in their original district and they choose to get transported by DSS. If they're going across the school district lines, DSS bears the cost.

Next question, who is trained in McKinney-Vento? Each school district is required to have a McKinney-Vento liaison. New York State Education Department Advisory provides the required training to school district liaisons.

Who pays the cost to educate homeless children? So this question is best answered by the school district; however, as I mentioned, one of the handouts in here specifically addresses that there's a chart and it's very easy to follow and explains what they can and can't be reimbursed for. If a homeless family went to a school in New York State prior to enrolling in the current school district, the current school district can request reimbursement from the original school district by completing what they call a STAC form. So there would be adjustment as follows: A plus to the current school district aid and a minus to the former school district.

What happens if the last school district attended by the homeless children was not a New York State school? So what do we refer to as out-of-state children? The definition for out-of-state children would be the last school district they attended prior to where they're going right now. So there are limited special reimbursement streams available to the school from New York State Title 1A funds; however, again, this question is best addressed by the School District. In the memos and the backup, it clearly outlines that.

Does DSS pay for transportation costs? Yes, if the homeless student is transported to a school district not in same district as their temporary housing is located. So if they were formerly a Riverhead student and now they're housed, let's say, in Wading River, if they choose to go back to Riverhead, DSS would bear that cost. If they chose to go to Wading River, it's within that school district's boundaries, they would pick up the transportation. However, they can file for reimbursement for those costs.

Sometimes the homeless children move to another location while they're attending the Hauppauge School District. Who pays the transportation costs? If the homeless student is living in another Suffolk County School District and is still homeless, DSS will pay the transportation costs. If the children are no longer homeless, DSS cannot pay as per Social Services Regulations; meaning simply that the children are no longer homeless. But, again, in the backup documents, it explains who -- how you can pick up that cost.

So one of the items that -- I don't think it came up today but it's come up in the past so I'll address

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it: Formerly homeless children may choose to finish out the school year; who pays then? Again, this would be a question best answered by the School District since the children are no longer homeless. However, please see the summary, it's on the next slide. I actually have the summary from New York State Field Memo and NCLB McKinney-Vento number 04-2013 dated June 28, 2013 from the New York State Education Department. The memo outlines a process which requires all school districts to set aside Title I, Part A funds for homeless students, which can be used for transportation expenses once the student is permanently housed. It's the fifth bullet on the third page of the memo as well as other education-related expenses the money can be used for. Another option outlined is State Aid again. So if you turn to slide 15, it is a Short Guide, it says, To Transportation. So the one I was just referencing was down on the bottom, it says moved into permanent housing and attending the same school now for the remainder of the school year, that's the bottom left-hand box, now if you slide all the way to the right, it says funding sources: State Transportation Aid and Title I, Part A set-aside funds. So that's just an example.

Another question does DSS pay for any of the homeless children education costs? No. This falls under McKinney-Vento, our New York Education Law Section 3209. Therefore, this question would be best addressed by the School District. The County does not have access to these records.

If DSS doesn't pay for these costs, who does? Again, this falls under McKinney-Vento or New York Education Law Section 3209. Therefore, this question would be best addressed by the School District. The County does not have access to these records. However, the State Education Department issued the following guidance to School Districts. And see the handouts again. The handouts I gave out, which is the two field memos, New York State Field Memo NCLB McKinney-Vento 04-2013 dated June 28th, which is to all School District Superintendents, homeless liaisons, and talks about the required reserve set-aside for students in temporary housing.

And the other memo, again, New York State Field Memo and NCLB McKinney-Vento 06-2013 dated September 26, 2013 to all School District Superintendents and homeless liaisons about the available reimbursement and how to file to get reimbursed for these costs.

And the next slide is, again, it's just a chart that's from the entire memo, which outlines how one would get reimbursed.

So now kind of more fiscal questions related to education reimbursement. Did the Hauppauge School District receive any reimbursement for the homeless children for the prior school year? Again, this was brought up today. This falls under McKinney-Vento or New York State Education Law 3209. Therefore, this question would be best addressed by the School District. The County does not have access to these records. The County has requested data in the past and as recently as the meeting on, which is actually February 6th. There's a typo there -- XX, 2014, there was --

LEG. D'AMARO:

But hold on, Commissioner.

COMMISSIONER O'NEILL:

Yes.

LEG. D'AMARO:

Over here. Just one minute with that. I understand that it falls under McKinney-Vento and the Education Law -- or the Education Law 3209, but, I mean, as the Commissioner of Social Services, you are aware that students from this particular shelter went to the Hauppauge School District.

COMMISSIONER O'NEILL:

That is correct.

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LEG. D'AMARO:

And under the law, what I want to know, is did the School District get reimbursement for those placements?

COMMISSIONER O'NEILL:

The answer is yes. We asked that question. We were told yes, they did know the amount at the meeting.

LEG. D'AMARO:

No, I'm not asking for the amount. But your question here is did the Hauppauge School District receive any reimbursement for the homeless children for the prior school year 2012 and '13, September through June. So the answer is yes.

COMMISSIONER O'NEILL:

Yes, I just don't know the amount. It's anecdotal but --

LEG. D'AMARO:

I understand you don't know the amount. I don't understand but -- I do understand you don't know the amount, but the question on the top of the page, the answer is yes.

COMMISSIONER O'NEILL:

Yes. The answer would be yes.

LEG. D'AMARO:

Okay. Because you're just telling me, you know, "well this is best answered under the Education Law." It's not telling me anything.

COMMISSIONER O'NEILL:

Correct. And that's why I have the --

LEG. D'AMARO:

Let's look at the next one. Did the Hauppauge School District receive any reimbursement for the current school year 2013/14 to date? What's the answer?

COMMISSIONER O'NEILL:

That I don't know. I asked that question --

LEG. D'AMARO:

Well should they?

COMMISSIONER O'NEILL:

Yes, they should.

LEG. D'AMARO:

Okay. That's what I want to know.

COMMISSIONER O'NEILL:

They just didn't know at the meeting. And I'm not going to report that they did, is where I'm going. I'm just trying to say what I know and what they know.

LEG. D'AMARO:

No, no, no, no. But, you know -- you know --

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LEG. KENNEDY:

Can I add something to this, gentlemen?

LEG. D'AMARO:

Absolutely.

LEG. KENNEDY:

Because, John, I was at the meeting. Legislator D'Amaro is raising important questions. And, you know, to be fair, he's being brought into what is by all account a pretty complex issue and one that by actions on our part, like it or not, has impacts on school districts, which we don't directly govern.

COMMISSIONER O'NEILL:

Correct.

LEG. KENNEDY:

But we are by our actions dictating costs and expense that it's incurred with districts.

COMMISSIONER O'NEILL:

Agreed.

LEG. KENNEDY:

To your question, Legislator D'Amaro, did Hauppauge get reimbursement? Part of what's very important to understand here is, is -- and I don't want to sound mechanical or technical, but the children that are educated fall in two categories: Those that are in State, there is what's called, the acronym is STAC. I don't know what the language -- State Ed, something or other. The School District submits it to Albany and in basically a year after they incur the expense associated with educating the child, they get a percentage of the in-class expense associated with the grammar school and middle school and high school teacher; and the further subset to that is whether or not there was special educational expense or conventional educational expense.

To the second part of that --

COMMISSIONER O'NEILL:

Legislator, let's just -- because you're correct with what you're saying, but it's a fixed amount. And depending on what level --

LEG. KENNEDY:

Yes.

COMMISSIONER O'NEILL:

-- service they need, the fixed amount changes.

LEG. KENNEDY:

Yep.

COMMISSIONER O'NEILL:

The percentage comes in depending on how long they were there.

LEG. KENNEDY:

Correct. To the second element that's in this, and, Commissioner, we all -- we heard the same thing.

The transportation component can be an expense incurred but yet only reimbursed to the rate of somewhere between 18 to 20% of the actual expenditure. So when some of the speakers began to

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talk about teachers, particularly elective teachers beginning to become at risk, when a District is forced to incur additional out-of-pocket and they bump up against what's not even a 2% cap anymore, but this year actually we know is somewhere in the neighborhood of 1.4 -- 1.3 or 1.4 percent, on a District like Hauppauge, you're talking about probably 700,000 is the point or the point and a half that's in play. So they're bringing forth a very real concern that our action to place this facility and put even just 20 children in that District is impacting and impinging upon that cap. And that's where the expense element of it comes into play.

COMMISSIONER O'NEILL:

So, to that point, very well said, Legislator Kennedy, I couldn't agree more, and it's very similar to what the County gets. So, as you know, and you said this before, DSS like an agent of the State, we constantly get things pushed down on us.

LEG. KENNEDY:

Yep.

COMMISSIONER O'NEILL:

So we are no different. This County files reimbursement -- State reimbursement, Federal reimbursement. It's done on a lag basis. That's the reality of the situation. But I agree with you. So let's talk about the numbers.

Last year in June of 2013 there was 19 homeless children in the School District. There was as much as 21 from what I recollect. That was the 12 -- 12/13 School District. So it ends in June 2013. In the current school district the 13/14 district, we are currently sitting at 16 in the K through high school. There are 16 homeless students attending Hauppauge School District. It was as high as -- I believe, in September it was as high as -- it could have been high as 27. It was definitely 24 at one point, but we've -- we've continued to manage that number down as people find permanency. There's roughly 4,000 students enrolled in the Hauppauge School District for a benchmark.

So next one, who is responsible for filing for the reimbursements, which is kind of what we were just talking about. This falls under McKinney-Vento New York State Education Law 3209. This question would be best addressed by the School District whereas per New York State Education Law, the School District is responsible for filing this paperwork as indicated in New York State Field Memo dated -- 06-2013 dated September 26th.

My understanding is we spoke to the School District. They file it kind of, you know, continuously. They input information into the system. Because, as was mentioned by some of the speakers, people do find permanency and they move out of the shelter.

So other questions, is there grant funding? Again, this falls under McKinney-Vento and New York State Education Law. The County can't apply for it. There's a competitive grant out there, process out there where the School Districts potentially would receive funding. In some of the backup I provided, I actually, you know, provide that information to the School District so they'd have it available to them.

So one of -- some of the questions that came up was County Code 438, are the shelters legal. I'll leave that -- any legal question to the County Attorney's Office. But as I mentioned, I included the opinion and some of the other letters in my backup as well.

LEG. D'AMARO:

Well, Commissioner, if I could hold you there for a moment.

COMMISSIONER O'NEILL:

Absolutely.

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LEG. D'AMARO:

Okay. I mean you're the Commissioner of the Department of Social Services. What's your opinion --

COMMISSIONER O'NEILL:

My opinion is that --

LEG. D'AMARO:

With respect to the legality --

COMMISSIONER O'NEILL:

Sure.

LEG. D'AMARO:

-- of the shelter, or however you want to state it, section 438. Do you feel -- one question I really wanted to ask you was as the Commissioner of Social Services, what's your reaction to Code Section 438? I mean, you have the responsibility of following County Law. And I know many of the residents that have participated in these hearings feel that that law is being violated -- directly in violation. And, you know, I think your opinion matters on this.

COMMISSIONER O'NEILL:

Okay. And my opinion is that before the -- before the most recent opinion, which was issued, I believe, in November or December, based on the information I had, based on the working knowledge of State Regs, our Code 430 is preempted by State Law. Because if it wasn't, everybody could create their own little laws and we'd never be able to provide temporary housing assistance.

LEG. D'AMARO:

So let me ask you a question, then. If you're of the opinion that the Suffolk County Code Provision is preempted --

COMMISSIONER O'NEILL:

Yes.

LEG. D'AMARO:

-- then do you believe that you have the authority in the face of that law being on the books to go ahead and exceed 12 families per shelter?

COMMISSIONER O'NEILL:

Yes.

LEG. D'AMARO:

And what's the basis of that authority?

COMMISSIONER O'NEILL:

The Code that I cited earlier, Section 18 352 and part 900.

LEG. D'AMARO:

So you're referring to the State Code --

COMMISSIONER O'NEILL:

Correct.

LEG. D'AMARO:

-- and Regulations.

COMMISSIONER O'NEILL:

Correct.

LEG. D'AMARO:

Right?

COMMISSIONER O'NEILL:

Yes. The State tells basically, not just in Suffolk County, but all of Social Services Commissioners how the program is run. There's regulations. So if there's a question of how they should run, we go to Regs first and we can start with County Attorney's Office. And just, you know, to be clear, further to my thinking, is that we already had a Tier II Shelter operating for 20 years when this was put on the books. And that contract was re-up'd a couple of times. So that would tell me that it was not being enforced because of preemption.

LEG. D'AMARO:

Right. But you're -- it's an interesting position that you're in as Commissioner of Social Services.

COMMISSIONER O'NEILL:

Absolutely. (Laughter)

LEG. D'AMARO:

Because you are a State Officer, I assume; is that correct?

COMMISSIONER O'NEILL:

Yeah, that is correct.

LEG. D'AMARO:

You serve for a term.

COMMISSIONER O'NEILL:

Yes.

LEG. D'AMARO:

And you are -- as the Commissioner of Social Services, you feel or you -- your position is that if there's a conflict between State Regulations and law with regard to Social Services, delivery of Social Services, and the County enacted law, that you are obligated to follow the State law?

COMMISSIONER O'NEILL:

That is correct.

LEG. D'AMARO:

So the next question becomes if that's the case, what is the State Law with respect to the number of families that may be placed?

COMMISSIONER O'NEILL:

It's what I provided earlier in the presentation. Ten or more. If you want to go to Tier II -- what a Tier II basically says is that if you agree to do Tier II, you will have an annual inspection by New York State, OTADA, and you have to provide enhanced services. Theoretically speaking, same location could be utilized, and we could call it Tier I -- we would actually provide less services --

LEG. D'AMARO:

Right.

COMMISSIONER O'NEILL:

And so, you know, to me --

LEG. D'AMARO:

No, no, no. I understand, I understand. I'm just trying to clarify. So you have the authority as Commissioner of Social Services to place for a Tier II ten or more.

COMMISSIONER O'NEILL:

Correct.

LEG. D'AMARO:

And then what factors do you then consider if you're going to exceed the ten? Or -- I mean the County law says 12. But let's use the State law. If you are going to exceed 10 families, what is the thought process and what are the considerations given when searching for an appropriate facility?

COMMISSIONER O'NEILL:

So, in the past the County used a lot of motels. And the thought process was that we the County can't provide services in motels. There's no space for it, as well as it's more expensive than if we were in a larger shelter such as this.

LEG. D'AMARO:

Right, I agree with --

COMMISSIONER O'NEILL:

Smaller shelters are more expensive. Okay. And also with a large geographical dispersion in Suffolk County, to try to get to all those shelters or motels, we are kind of hamstrung. So it's -- and, again, we can't provide the necessary services to get people off of the temporary assistance to permanency. So when you look at it, it's a balance. It clearly is.

LEG. D'AMARO:

Okay. Let me -- let me interrupt you there. So -- and you're starting to go into the advantages of using a smaller -- a larger facility as opposed to dispersed smaller facilities. And the advantages are, it's ease of delivery service, perhaps it's more cost-effective to do so. And these are some of the considerations that you would have by your Department, in your Department as to whether or not to place a shelter or where to place a shelter. But does it factor into your consideration also the situs of the facility, the impact on the community?

COMMISSIONER O'NEILL:

Yes.

LEG. D'AMARO:

Okay.

COMMISSIONER O'NEILL:

So in the past, you know, some communities have said "we don't want shelters in my residential community." So they actually chose this site because it was not in a residential facility. It was away from residents so it wouldn't impede upon the residents in this specific location. And then, you know, you hear different things. Well, that's a bad thing, it's a good thing. So that was some of the thinking that went into that specific location.

LEG. D'AMARO:

Right. And also --

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COMMISSIONER O'NEILL:

It's closer to major highways, yes. And that gives us advantages in terms of transportation.

LEG. D'AMARO:

Right. But also safety could be an issue there, too.

COMMISSIONER O'NEILL:

It could, but the same thing would apply to putting families -- homeless families in motels.

LEG. D'AMARO:

Right. So you have really a balancing test when you're considering a location, as are most decisions in life; there's good ramifications, there's not so good ramifications to any location, I would assume.

COMMISSIONER O'NEILL:

Correct. There's no silver bullet; let me say it that way.

LEG. D'AMARO:

Right. So what you really come down to, then, is your policy.

COMMISSIONER O'NEILL:

Yes.

LEG. D'AMARO:

Because under the law -- under the State law, you could -- you could, if you wanted to, limit the shelters to 10 families or 11 or 12. Or you could put 110 in one facility. So are you saying that that is solely your determination to make?

COMMISSIONER O'NEILL:

No, I consult with my staff.

LEG. D'AMARO:

When I say yours, I mean your Department.

COMMISSIONER O'NEILL:

Yeah.

LEG. D'AMARO:

All right. And you're of the opinion as the Commissioner that in weighing all of these factors that go into the decision, it's more appropriate to have the larger facility, similar to the facility that we're addressing today, as opposed to dispersing smaller six or five or four families throughout various communities?

COMMISSIONER O'NEILL:

I will say this: Given what we have today with the large increase explosion of homelessness, yes. Would I love to work down that number in these locations? Absolutely.

LEG. D'AMARO:

Right.

COMMISSIONER O'NEILL:

And I will continue to do that. And that is why with the enhanced services at these locations, I believe we can do it. And we can, you know, continue to mitigate the numbers at these larger shelters as well as all across Suffolk County. You know, again, I'm not going to end homelessness by myself, right? This has been going on for decades. I'm a realist that way. But, again, what I

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need to balance, providing temporary emergency shelters with getting people back to permanency. Because I honestly believe most people don't want to be in our shelters.

LEG. D'AMARO:

Right. And this particular shelter you feel -- talk to me a little bit about -- you said the explosion of homelessness. So it sounds to me like what you might be saying is if the homelessness person -- homeless situation was much less than what it is today, it might be more feasible to consider the smaller facilities; but given this explosion -- and I'll allow you, of course, to detail what you mean by that, that it's time for the larger facility because that's really the most effective way to get people out of the shelter.

COMMISSIONER O'NEILL:

Yes, that is correct what you're saying. And to -- just to illustrate -- I'll grab some numbers here real quickly -- in 2004 we had 432 homeless families. In 2011 we have 431. In October of 2013, there was 565. Right now we're about at 525.

LEG. D'AMARO:

So the number has been going up.

COMMISSIONER O'NEILL:

Correct. So, again, just to be clear on what I'm saying, I'm not abandoning small shelters. We will continue to open small shelters. We will continue to open small shelters around school districts where there's a higher incidence of homelessness. Because one of the criteria is to place students closer to their original district. So I'm not abandoning that. But to deal with the amount of homelessness in the past, 2012, early in 2013, all these families were in motels. They weren't in small shelters.

LEG. D'AMARO:

But the County really has no authority to tell you otherwise; is that correct?

COMMISSIONER O'NEILL:

Correct. Correct.

LEG. D'AMARO:

As far as how many families to place and where to place the shelter. That's really an obligation that you have as the Commissioner of Social Services that runs directly from the State to you.

COMMISSIONER O'NEILL:

That's right. So as I -- earlier in the presentation, in the first 3 pages, what's a Tier I shelter, what's a Tier II shelter, etcetera, that's straight right out of Regs.

LEG. D'AMARO:

Right.

COMMISSIONER O'NEILL:

Right out of Social Services New York State OTADA Regs.

LEG. D'AMARO:

Right. And if the County attempts to regulate in that area, such as a residency, the number of residents or families in a particular facility, the County Attorney has issued a memo that says that we are preempted and prohibited from doing that.

COMMISSIONER O'NEILL:

Yes.

LEG. D'AMARO:

And even if we do, you're not going to necessarily follow that because it's really a decision you have to make under State criteria to discharge your responsibility as a State Officer.

COMMISSIONER O'NEILL:

That's correct. That would weigh into it, but ultimately what you just said is accurate.

LEG. D'AMARO:

Again, going back to your policy, and I appreciate the fact that -- and I don't question your commitment to serving this problem and trying to reduce homelessness, we're just talking about a means to getting there. And that's a healthy debate to have, I think. But is there consideration -- again, we talk -- we've heard many residents come here and talk to this Committee about impacts on their particular community, declining property values cited, the impact on the School District is cited, although I have to say I don't see much of an impact there. There is some impact, as there is with, if you had four or five families, you know, in separate facilities. Loud noises, disruptiveness in the area, especially for those that are on the border of the facility or close to the border itself. How much of that is a factor to you in placing this type of facility?

COMMISSIONER O'NEILL:

Actually it is a factor. And that's one of the reasons why the Department steered to a commercial type of location this time because of complaints from time to time from residents in certain locations.

LEG. D'AMARO:

Right.

COMMISSIONER O'NEILL:

So that was actually one of the reasons why we did --

LEG. D'AMARO:

Talk to me about the services that you deliver in the facility where it's advantageous to have more rather than less families together.

COMMISSIONER O'NEILL:

Sure. There's -- recreation has to be provided so -- somebody brought that up. So there's indoor recreation as well as an outdoor recreation area. There's childcare services so that a mom, dad, a grandma or a grandpa, whoever it is, whoever the child's staying with, can go out and search for a job. There's also a liaison there that helps them try to find housing. There's -- we have people come in and do presentations on how to utilize their SNAP benefits more appropriately. The Department of Labor comes in and is going to do some job readiness and life skills training. And we work with them, you know, in terms of finding employment that way.

LEG. D'AMARO:

Let me ask you this: If we pass this bill that Legislator Kennedy is sponsoring and we -- I think what this bill does in effect is voids the contract with the operator of this facility, does that close the facility? What happens?

COMMISSIONER O'NEILL:

Well, theoretically speaking --

LEG. D'AMARO:

I mean, you're the State Officer charged with the responsibility of housing homeless. What do you do?

COMMISSIONER O'NEILL:

I would be opposed to it.

LEG. D'AMARO:

I understand that.

COMMISSIONER O'NEILL:

And I probably would not move them out because where am I going to move 90 families to?

LEG. D'AMARO:

Okay.

COMMISSIONER O'NEILL:

They'd have to go to motels. And now we start the backward spiral again back to the future where we were, which is the reason why we got these. We go back to placing them in motels. And I can tell you right now it's not -- we're not going to get, you know, a cheap rate, right? Once it comes out that DSS is trying to place these, we're not going to get the same cheap rate that we have. So we're going to pay even more money. They're going to be more scattered throughout Suffolk County. We'll have less visits with them. There'll be less oversight and scrutiny. And it'll end up costing the taxpayers more money in the long run. And, quite frankly, from a humanistic perspective, these families will not achieve permanency earlier.

LEG. D'AMARO:

All right, so -- I don't think anyone here would disagree that we all want to move the homeless along and get them into permanency, into that situation; but, again, it comes down really to -- and I've seen this for many years when I chaired my local zoning board before coming here, that there -- you know, the borderline cases, the boundary cases are always the toughest. Because there is an impact, you know, whether it's justifiable or substantial enough to warrant closing the facility or moving the facilities is really the big question. But you're telling me that when this location was determined, that all of these factors were considered.

COMMISSIONER O'NEILL:

Absolutely. And as a matter of fact, the location we're specifically talking about, before it became a shelter there was -- it was a drug den for gang activity. There was prostitution going on. The police were there daily making arrests. Local EMS and ambulance were called there constantly for drug overdoses and for domestic violence incidents and those types of things.

LEG. D'AMARO:

Uh-huh.

COMMISSIONER O'NEILL:

As a matter of fact, a drain on municipal services was greater what it was before to what it is now.

LEG. D'AMARO:

So you feel that the supervision is provided through Department of Social Services; is that correct?

COMMISSIONER O'NEILL:

Yes, there's actually security on-site.

LEG. D'AMARO:

There's on-site security.

COMMISSIONER O'NEILL:

Absolutely. And there's security cameras throughout the facility as well.

LEG. D'AMARO:

Okay.

COMMISSIONER O'NEILL:

There's a curfew of 9 PM as well. So we can make sure that mom or dad, whoever, aunt or uncle, or grandma, grandpa, whoever may be taking care of these children are in bed early; and they're out either looking for a job or looking for permanency the next day.

LEG. D'AMARO:

Okay. And do you not only have the on-site security and the cameras, but do you monitor the incidents there? Are there records kept of all of that?

COMMISSIONER O'NEILL:

Yes, there's records kept. As a matter of fact my Department we actually have done -- even done some surprise inspections as well to make sure that it is being kept up. And if we find something that needs to be corrected, we document it, we send it to them. We basically give them a few days or a week depending on what the situation is to correct it. It's not just at this facility; it's other facilities as well, whether it's small or large.

LEG. D'AMARO:

Okay. If the facility was running away, that -- that there were too many disturbances, too many problems and issues there, not only amongst the individuals residing there but also as it relates to the surrounding community, what do you do in that case? Do you go to the operator of the facility and at some point question, you know, what job is the operator -- is the operator responsible for the security?

COMMISSIONER O'NEILL:

Yes, they have to contract it out. But, yes, absolutely we would keep track of it and we'd go and have a sit down with them. Their housing staff would go there and speak with them and say you need to comply with these following items, whether it's a Local Law regarding a noise ordinance or whether it's a police activity or whether it's curfew violations, whatever the case may be, those items are all documented in case records and are reviewed by our staff as well. And we go there and we speak to them. Quite frankly, with these larger facilities, we have been going there and having these conversations. And as things come up, and they do, we try to correct. For instance, there was a valid concern about people walking on major roadways. So at these larger facilities now, we require them to provide transportation to shopping so to try to avoid those issues. So that was implemented at the facilities in question.

LEG. D'AMARO:

Right. And from your policy perspective, if the homeless situation in the County starts to come down, and we all hope that it does, at some point would you consider perhaps moving away from the larger shelter and going back to a different policy, perhaps smaller shelters or something like that?

COMMISSIONER O'NEILL:

As I've often said, I will consider all reasonable requests. Again,

I've had this conversation with the Legislator about the impact to the community and I continue to monitor it. I spend a lot of time on this issue, to make sure that we're handling things properly; or if there's things that we can do even better that we immediately react to it; it comes from my office to ensure that if there are problems, they're corrected. And, quite frankly, as I just stated -- kind of stated earlier but I kind of glossed over it, we're down to 90 families, because we're trying to make it manageable. We don't want to overburden one community. And I look at the -- you know, I'm factual driven. I'm data-driven. You know, I'm constantly looking at the data coming from this

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facility. I'm constantly looking at the number of children monitoring what's in the School District, to ensure that there's no huge overburden or disproportionate share.

For instance, I don't know where the 60% came from, to be quite frank, but, you know, even if I just said a hundred at each facility is 200 and then the third facility that was referenced by a couple of speakers, so let's say it was, you know, 20 families, that's 220, out of 525 families that doesn't get me to 60%. Now there may be something I'm missing, another shelter possibly, I don't know.

LEG. D'AMARO:

Okay. I don't have any other questions. Commissioner, thank you for answering my questions.

COMMISSIONER O'NEILL:

You're welcome.

LEG. D'AMARO:

And I apologize for interrupting your presentation.

COMMISSIONER O'NEILL:

Oh, no, no worries at all. Listen, I know there were some questions. I kind of jotted down, if I may, Madam Chair, the first speaker was quoting 990 2011, the facility in question was not open in 2011. So she's referring to the smaller shelters being more expensive. I agree. But regarding the location, I talked about what was there previously, so they mentioned gentlemen's club. There's also a Girl Scouts building right next door as well. There was something about the cooking facilities as well. We are actually working to get meals to be served at the facility within the facility at both facilities in question. Right now the families are receiving an enhanced SNAP benefit as a result. I don't know where the quote of 50% drug abuse, alcohol abuse, mental illness thing came from.

AUDIENCE MEMBER:

CHI reports.

COMMISSIONER O'NEILL:

I overheard from the back it was probably CHI's own report. They also serve single male shelters as well, not just family shelters. So I'm sure it's a combination thereof both. And that sounds -- these numbers sound more in line with single male shelters.

AUDIENCE MEMBER:

On their Federal reports --

CHAIRWOMAN MARTINEZ:

I'm sorry. You can't -- you cannot ask questions from the audience. Thank you.

COMMISSIONER O'NEILL:

Some folks brought up about, you know, the confidentiality, why, you know, we drag these families into it. I agree. Social Services Reg 136 prohibits me from disclosing the location as well as the media and other public officials as well. But then other folks come up here and actually state the name of the facility, the road it's on. So I agree confidentiality would be great. You know, I look at these children and they're a victim of their circumstances that are put upon them by adults. And I'm sure there's nothing more disturbing than these children than having to watch News 12, not to criticize News 12, but just, you know, to see their faces on News 12 or to see, you know, the location where they're currently living -- temporary living, hoping to get out of there. And to see that on there and everybody now knows they're homeless, I agree, it's horrible.

There was a question regarding the 65%, I mentioned that already. Somebody mentioned about the impact, you know, to their home values. Like I said, before the shelter was there, you know, the

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type of illicit activity that was going on there was much worse. That's not even close. We talked about enrollment issues, transient issues. So, again, enrollment there is 16 in the K to 12 range. As one of those speakers did mention, the Superintendent, you know, trying to take the academic perspective, she clearly outlined the strategy where she said for this school year, the '13/'14 school year, she was putting them all in one elementary school because that's where she said she had the extra space and the supportive services that these children may need; not all of them need services.

So, again, that was a School District decision. And, again, it was done out of trying to support the homeless children academically. And thank you for the Hauppauge teachers who, you know, everyday teach these children. I just want to thank them as well.

School records, they're required to have the school records going to school so all immunizations are up-to-date, all academic records are transferred over when the students enroll.

Somebody brought up about playtime, mentorship and meals. I couldn't agree more. That's why in these shelters, as opposed to motels, there are recreation areas that are required to be set up, indoor and outdoor recreation. There was a young lady that was speaking about her experience in Florida, about mentorship. We actually have 4 days a week in both facilities. We have a homework tutoring program where folks come in and volunteer their time, college students.

Let's see. There was a facility -- not one of the two facilities I'm talking about, our motel facility. Mrs. Katroba, I believe her name was, there was an issue there. That's obviously an issue for the Fire Commissioner of Hauppauge School District, the noise. Legislator Kennedy and I are always in contact regarding this location. We have done different things, moved things around to help address some of the noise issues. And I actually authorized, I believe, around Memorial Day of 2013, putting in security there overnight to mitigate the noise factor. I think that about covers everything.

CHAIRWOMAN MARTINEZ:

Are there any questions?

LEG. McCAFFREY:

Madam Chair, if I may? Mr. Commissioner, I have a couple of questions. What does CHI do for us exactly?

COMMISSIONER O'NEILL:

They run a shelter. So they have caseworkers, managers, social workers, if you will. They hire a liaison like to search for apartments or they may work with local -- whether it's a community college, to bring in folks to work with them so that the residents get GEDs and a high school diploma, if you will. I know there's a new name for it now other than GED. But they basically run a facility for us.

LEG. McCAFFREY:

Do they try to locate those facilities for us when we're looking for them? Or is that something that we take care of?

COMMISSIONER O'NEILL:

Yes, at times they do. Any vendor, if you will, will come to us and actually -- you know, there's actually even a resident from Hauppauge, actually even called us, he was selling his home and wanted to know if we were interested in it -- buying it. But we don't take ownership of homes or the buildings. We, you know, there's a provider that leases the location.

LEG. McCAFFREY:

How many of these agencies do we contract with, would you say?

COMMISSIONER O'NEILL:

Top of my head, roughly I'm going to say it's about 12.

LEG. McCAFFREY:

Okay. Someone raised the issue before about the salaries of these Executive Directors, and all these different layers of -- that we have going on there. Does that seem -- do those numbers sound plausible? I actually looked at the 990 before when we were talking. And it was accurate, is what I'm saying.

COMMISSIONER O'NEILL:

Yep.

LEG. McCAFFREY:

So if we're paying at least one Executive Director \$200,000 and there's a CFO and we're contracting with 12 agencies, does this seem like a lot of money that maybe we can be doing ourselves?

COMMISSIONER O'NEILL:

It would be much more costly with County employees between salaries and benefits, you know, pension, retirement, insurance, those types of things. But to your point, though, that's one of the reasons why New York State has introduced a cap for not-for-profits on administrative overhead. That's going to be going into effect so -- to try to limit that issue.

LEG. McCAFFREY:

It just seems like \$250,00 plus and 10 or 12 agencies, we're talking millions and millions of dollars there. What's the average time that they spend in these Tier II shelters?

COMMISSIONER O'NEILL:

Roughly about four months, on average.

LEG. McCAFFREY:

And the -- what do you call it, the Tier I's, they're just temporary housing?

COMMISSIONER O'NEILL:

Same thing. I mean, quite frankly, I hesitate to answer even about the Tier IIs because it's such a small sample size because they just opened in 2013 so it may actually be favorable now and it may end up being unfavorable in the long run. That's why I constantly monitor the stuff -- monitor the data around it, again, my data-decision making mentality. So, you know, to do the comparison quite frankly, I don't think it's statistically valid. Yet I think if we had over a couple of years, it'd probably be more valid.

LEG. McCAFFREY:

What about the rate of permanency in terms of the people in one shelter? As you said, maybe you don't have enough data or you don't have enough time to look at it, compare one to the other.

COMMISSIONER O'NEILL:

I don't have it with me. We are looking into that, though. One of the things that you don't have the benefit of when I spoke in the past is we're actually putting an automated system in to do all this tracking MIS. Right now it's done manually to try to enhance, you know, the operations to make them more efficient so we have real time information in terms of availability and getting people in and out into permanency. But I can take it as a follow-up and get you that information.

LEG. McCAFFREY:

Okay. And just kind of, like, a statement, I guess, you know I'm from Lindenhurst. That's where I came from. And I now represent all those South Shore communities.

COMMISSIONER O'NEILL:

Yes.

LEG. McCAFFREY:

And we went through quite a bit. And there was several thousand homeless people there for a period of time. And there's still several hundred that are still out of their houses and may be living in shelters or living in other places. And so we understand how that could happen. I mean there are close neighbors that are still out of their homes. And we understand that people need help from time to time. And I think we all have an obligation to provide that help as a County and just as communities as well. But I just think that the burden that's being placed on not just Hauppauge, but Bellport and Brentwood and all those other school districts, we really need to give that a lot more consideration than we have in terms of -- than we have when we're building these shelters. We all have an obligation to house these people. And I think we as a committee can take a closer look to see how we can spread that burden throughout the rest of the communities.

COMMISSIONER O'NEILL:

Thank you for recognizing the difficulty and the complexity, but absolutely if you have ideas, again, I'm always open. I take everybody's phone call, you know, I know I can't do this alone, right. Homelessness has been around for a while. So any good ideas, believe me, I have no problem borrowing.

LEG. McCAFFREY:

Thank you.

CHAIRWOMAN MARTINEZ:

Legislator Browning.

LEG. BROWNING:

Yeah, more of a couple of requests. I mean, I think Lou pretty much, very well and in depth asked a lot of great questions, but there was the one person that got up and spoke about, I guess, home break-ins or something to that effect. And I don't know if she was trying to allude to the fact that maybe some of the break-ins were caused by some of the people from the shelter. Obviously, unless actually anyone has been arrested and convicted of it, and we know that they come from that shelter, we can only assume that they are, but I'd like to know if we could get a copy of police reports, if we could reach out to the precinct to see --

COMMISSIONER O'NEILL:

Yep.

LEG. BROWNING:

-- what kind of police reports there are. And, you know, I can tell you right now we had nine break-ins right in my neighborhood. It's happening a lot. It's not necessarily coming from homeless shelters. A lot of times it's kids on drugs looking to make some money to buy their drugs. So I'd like to make sure that we're not accusing some people of something that maybe they didn't do.

COMMISSIONER O'NEILL:

Agreed. And to that point, Legislator Kennedy, I guess, mentioned and you know quite frankly I'm saying him and I, it's really our offices, to be clear, I don't do all the work, we're very in close contact on this issue. And we exchange information all the time.

LEG. BROWNING:

Also you did mention, and I think we've had that confirmed, that before it was a shelter, prior to that, the types of incidents that occurred, I think we should get a report from the precinct of the types of complaints that came with regards to that facility prior to it being a shelter when it was a

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motel. There was a lot of what you said today, with the McKinney-Vento in the school and making sure that they're being funded appropriately for the kids that are there. I don't know if we could get the Superintendent to come to maybe respond to some of the questions. I know there's a lot of conversation.

COMMISSIONER O'NEILL:

Yeah. I mean, quite frankly, the reason I'm going that route is because in the past, I've said this on the record, I have a working knowledge of it because of, you know, I'm DSS Commissioner. And, you know, I'm not the expert. I've said that before. So we should have the experts come down and talk, I agree, and talk about it.

CHAIRWOMAN MARTINEZ:

Sorry, Legislator Browning. Just so you know, I did reach out to the Hauppauge School District and the Superintendent along with the McKinney-Vento liaison. And we did invite them to our last meeting, but we never received a yes or a no from them.

LEG. BROWNING:

Okay. Well, I guess we can also try and make another request and hope that they --

COMMISSIONER O'NEILL:

You know, I think in fairness to them, I think they're trying to, but, you know, I agree, though, that they are the experts quite frankly. And it'd probably be better, because, you know, a few residents grabbed me out in the hallway, and rightfully so, were asking questions that I can't answer for them, like the reimbursement stuff, because I don't have access to it. You know, to the average taxpayer homeowner, it's difficult.

LEG. BROWNING:

And, you know, the -- I heard the question -- the comments about, you know, it's a dangerous road in crossing, and I absolutely agree. You know, I had an incident in my district with a congregate homeless shelter and I can tell you that all of the homeless shelters in my district, the small ones are full. There are no available beds in them either. So we actually had an incident. And it's a home in a residential community, a single mom with a baby in a stroller crossing William Floyd Parkway and they were hit by a car so -- just because of the location doesn't necessarily mean it's not going to happen. Here we had one in a residential community; so you can't stop people from taking a walk.

I did visit -- someone asked at the last Committee meeting if I had been to the shelter. And I decided I'm going to go visit. And Legislator Trotta came with me. And I have to say we were not turned away. The Director actually as we were pulling in was leaving. And I guess she didn't know who we were. We didn't know who she was, she came back. And she spent a very reasonable amount of time. We walked through the building. It was clean. There was -- homework help was going on in a room with the kids. And she showed us the camera system and how it's working. There was a board on the wall. Basically they do room inspections. That if a room is not clean enough, it was listed what room numbers needed to be cleaned up or tidied. And we knocked on a couple of doors in the shelter. And these people were willing to open their doors and we can -- one was very clean. One maybe -- I wouldn't say not clean, just messy. But, like I said, they didn't resist any of our questions. They didn't resist our visits. The doors were opened. And they were very accommodating when we visited. And I have to say, I was impressed.

We talked about jobs. We met a couple of young ones. A couple were in school. Moms were in school. And I was very impressed with what they were trying to do. The one -- one mom, her kids were in the Hauppauge School District. I think she had two in the Hauppauge School District and she was very happy with the District. She's attending a community college at this time. And they came from out-of-state; however they are Long Island residents. They're Suffolk County residents

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and they came back home, but things just didn't go well for them.

So I have to say I was impressed with how they operated the facility. It's not beautiful by no stretch of the imagination, but they were providing all the necessary services that were needed for the children and for the moms. And we talked about work. And I think each of us Legislators we received e-mails from the Department of Labor of all the jobs that are available. And she gets that e-mail list and she posts it. And there are quite a few jobs there that we know that many of those residents can apply for.

So is it a perfect situation? Absolutely not. Nobody wants to have it in their backyard. Since what, 1989, we've had Help Suffolk. And the residents in Bellport have not wanted it, but over the years they have been very accommodating. Their School District is equal in size to Hauppauge. I believe, if I'm not mistaken, the number of students is -- they're at 8% versus Hauppauge at 2.3% of students. I think that's somewhere around 52 kids.

COMMISSIONER O'NEILL:

Yeah, that's a percentage of homeless it sounds like. Total homeless students.

LEG. BROWNING:

8% of the homeless students.

COMMISSIONER O'NEILL:

Yes.

LEG. BROWNING:

Yes. So, again, you know, I see this letter that -- it was actually your predecessor, Commissioner Blass, and I'll just read the last paragraph because it basically -- I'm sure you know which letter that is, the OTADA letter.

COMMISSIONER O'NEILL:

Yes.

LEG. BROWNING:

And it says implementation of this Local Law will likely prevent Suffolk County from being able to timely and appropriately comply with State requirements for the provision of temporary housing assistance. As noted above, a Local Law cannot prevent a local Social Services District from meeting its mandatory obligations under State statutes and regulations.

So my question is, let's say we pass this bill tomorrow and pull the contract, close the shelter. And now you are not able to comply with the State law and house these families. Maybe our Counsel can respond what do we do and what would the State do?

MR. BROWN:

We do have the obligation to house them under the Constitution as well as the regulatory scheme under the State Social Service Law and the New York Code of Rules and Regulations. I think that the Commissioner did answer the question best when he said he probably wouldn't have any place to put them right now. And they would still stay there; maybe eventually they would be dispersed to various shelters or various motels, but certainly for a period of time they would probably remain there.

COMMISSIONER O'NEILL:

I just want to say to that point, thank you, County Attorney, that -- if it's this one, what's next? And then which one after that? And then which one after that? So it's not that it's just 90 families, it's a 180 now at the next location; and then the location after that; and then the location after that.

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LEG. BROWNING:

Can you give me a number? Obviously you're not going to have it now, but if we close this facility and we wind up putting them all back into motels, would you be able to provide us with what that cost would be to the taxpayers?

COMMISSIONER O'NEILL:

The reality is we're not going to be able to get a cheap rate like we're getting at some of the motels today. It's supply and demand. So I would say if this facility, just one facility, 90 families on an annual basis, we need to increase the budget by about two million, three million.

LEG. BROWNING:

Okay. Glad you were able to give us that that quick.

COMMISSIONER O'NEILL:

I did a quick calculation months ago on it.

LEG. BROWNING:

Okay. Thank you.

COMMISSIONER O'NEILL:

You're welcome.

CHAIRWOMAN MARTINEZ:

Legislator Kennedy.

LEG. KENNEDY:

Madam Chair, thank you very much. And thank you for the Committee, for sitting and listening to the concerns of the community again today. We have been at this now for about seven months, Commissioner. And I listen to you today and I sympathize with the mission that you have, but there are a couple of things that I'm going to suggest to you as we talk about it.

First of all, ironically the three Legislators that have large-scale facilities are sitting right here in front of you as a Tier II. The other two Tier II pending, as you properly said. And you know I've written three times to OTDA challenging the application and challenging the process. Because not only in my opinion, and, Counsel, I'm going to ask you to listen a little bit to this one, because we're going to get into some of the legalities now, not only in my opinion did we violate 438, but we violated even the Tier II notification process when you look at Article 18 Part 900. So we big footed all over the law here in the name of moving towards some type of cost-efficient manner to house almost a hundred families here.

You know, every two years -- well, I shouldn't say every two years -- for the past ten years I've been very fortunate. And actually even before that when I was out in the County Clerk, I had to take an oath -- I had to take an oath to uphold the law, the laws of this -- the Federal laws, the State laws and the County laws.

(APPLAUSE)

And every time I go out there, Commissioner, I'm supposed to use my best efforts to adhere to the law. So you gave us your sense and your sentiment and your opinion. And you relied upon the Counsel in his opinion about preemption. But here's the question that I'd have for you: And the one piece of correspondence that we don't have in front of us was the one that I'm going to find in my office that goes back to 2001 with previous Commissioner Wingate.

And previous Commissioner Wingate sought from then State DSS guidance regarding the formation

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of 438. And then State DSS furnished it and the Legislature then under Presiding Officer Postal adopted 438. And all parties abided. They were all bound.

So the question becomes, and I won't pose this to you, Commissioner, I'm going to pose it to Dennis Brown. Mr. Brown, Mr. County Attorney, how do we go from a DSS Commissioner who served back in 2000, who worked and abided with the law with 438 to a Commissioner now who articulates to us it's not binding, he's not bound; and as a matter of fact he can disregard because he doesn't have full latitude as far as emergency housing choice. How does that happen?

MR. BROWN:

We had this discussion back in October and November and probably even into December, Legislator Kennedy. And with respect to the earlier request to OTADA and the opinions -- I shouldn't say the opinions, but that the guidance letters that were issued by them on August 15th, 2000, they wrote it's the opinion of OTDA that this proposed legislation would create a situation which was contrary to -- which is contrary to State policy as set forth in 94 ADM-20. So the preemption memo that was sent around, it's certainly nothing new. This has been an ongoing debate with respect to this legislation for the past 14 years.

LEG. KENNEDY:

But they did not opine that the law that they had before us was illegal and they did not outright preempt. What they did, my recollection is, and I don't have them in front of me, but they issued a caution. They issued a caution as to the range of homeless housing opportunities that could be had and that the Commissioner could employ.

MR. BROWN:

I --

LEG. KENNEDY:

Look, let me go one more step, Dennis, and then respond. 18 NYCRR 18 900 lists a variety of forms of homeless housing configurations. The language in here really gets murky in some respects. There's family shelter; there's emergency shelter; there's single placement; there's Tier I and there's Tier II. But there's nothing in those rules that says every County must have every iteration. Is there?

COMMISSIONER O'NEILL:

Not that I'm aware of, no.

LEG. KENNEDY:

Not at all. Not at all. So what those rules and regs do in my opinion is, is they set out a range by which a particular County can fulfill the constitutional responsibility to furnish homeless housing.

MR. BROWN:

No, we would disagree on that.

LEG. KENNEDY:

How can we disagree on that?

MR. BROWN:

We can disagree on that because, as you know, there are different types of preemption. There's expressed preemption, which is what you just described in your example, whether or not the State and a rule or a regulation or a law has said that a County or municipality is preempted from acting within this field. Or there's applied preemption. And applied preemption arises when there is a comprehensive and detailed regulatory scheme that -- that prevents municipalities from regulating in that area. And to the extent that -- to the extent that our law is not consistent with the State

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Regulatory Scheme, it's preempted. It's field preemption. The field of applying emergency housing in the State of New York has been preempted by State law and by State regulation.

LEG. KENNEDY:

You know, Dennis, listen this is probably not fair to everybody in the room who's a non-attorney. You and I, obviously, we disagree on this.

MR. BROWN:

We do, yes.

LEG. KENNEDY:

We disagreed before and we'll continue to disagree. But what we can both agree on is, is nothing in Part 900 gives any language or reference about proximity. And in 438 there is a very clear prohibition of aggregating and concentrating homeless housing. And as I just explained to you, between the Chair Lady and myself and a reference that we had from Ms. Bollhoffer, we have -- probably not 60%, John -- you're right, you're data-driven -- I'd go somewhere around 51, 52% of the 500 and -- what did we say -- 30 or 40 families? If we have 25 and a hundred and maybe 110 or whatever --

COMMISSIONER O'NEILL:

(Inaudible)

LEG. KENNEDY:

Yeah, we'll bump up against that in two legislative districts.

COMMISSIONER O'NEILL:

Half is 4 -- 450.

LEG. KENNEDY:

So we're getting close. But my point, Dennis, is, is that so even the parts in 438 that could, in fact, be bonafide because where there's silence on the part of the State Statute, local bodies can go ahead and add additional parameters, particularly in policy matter, we violate it. There's no two ways to go ahead and to argue or tap dance out of -- there was a contract signed, knowledgeable of the fact that we were going to be clustering and impacting. You can't -- there's no -- nothing that you can articulate that cogently disagrees with that.

MR. BROWN:

I'm not going to say that there is or there isn't a particular clause in a very voluminous regulation about location of shelters and their proximity to each other. But I'd like to bring something to your attention with all due respect, Legislator Kennedy, something with respect to capacity. Because capacity is analogous to density. And in the regulations, it does say that as to capacity, that the approval of capacity will be based on the Department's determination of whether the shelter for adults can operate at the request and capacity in compliance with regulations including but not limited to plant, environmental standards, the proposed program of services, and staffing ratio within a shelter for adults.

So by analogy, whether it's capacity or whether it's proximity, discretion is given to the Commissioner and how he's to house people that are in need of emergency shelter. So it may not expressly state it and it may not expressly state that the area is preempted, but there is enough there to certainly establish by implication field preemption.

LEG. KENNEDY:

So then if we go down that line, Dennis, what you're basically saying to me is, is and saying to us that quite frankly 100% decision-making and discretion resides exclusively with the Commissioner

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and his staff as to where any homeless housing configuration is going to be from Amityville to Montauk. Is that what you're saying?

MR. BROWN:

The Commissioner is given great discretion. And, as -- you know, you and I are both lawyers. And neither of us would say "never" or "forever". We'd never talk in absolutes. So everything is done in terms of reasonableness.

LEG. KENNEDY:

Well, you know, Dennis, again, that's -- if we have to start talking about reasonableness or the reasonable man, we're going to be here until, you know, probably tomorrow. I have tried to go ahead and bring out to the Committee the issue of impact, the issue of equity. We talked about the number of students. To the Committee members, Legislator D'Amaro, I would point out to you that, yes, in sheer numbers, absolutely some of the districts you've referenced have more homeless housing students, but none of them has a 100-family shelter.

And so what we're attempting to try to look at is, is not only impact to a school district, but some of the issues that you heard, some members who stepped to the podium today talk about -- as far as concerns within their particular communities. Now you saw it. I've seen it for years. I know where it is physically located at the intersection of County road and an interior industrial road. It is only 1500 feet from an elementary school, interestingly, in the Commack School District, that is now presently occupied by preschool handicapped kids.

But I really think that what we're getting at, and what I'm trying to bring forward is, is this notion that this facility was open without any credence to the local notifications that we have in place; or for that matter in my opinion even adherence to the Tier II notifications that are in place. And yet we're being encouraged to acquiesce. And it's predicated on the fact that it's the domino concept. If we expose this for the violation and policy, and clearly turning a blind eye to all our local regulations, well then what do we have next? And what I would say to the Committee is, is absolutely we should be looking at any act that we have that may, in fact, not have been done properly, that may not, in fact, have been done in coordination with the community; and that, in fact, it really cries out for something that we need to address, you know, more along an equitable fashion.

John, you talked about data-driven stuff. I'm going to ask you just one question because there's such volumes of information here. The individual reimbursement rate per person in that shelter is 58? 58.50, I believe?

COMMISSIONER O'NEILL:

What we pay?

LEG. KENNEDY:

Yes.

COMMISSIONER O'NEILL:

That's about right.

LEG. KENNEDY:

Okay. But you mentioned on top of that an enhanced SNAP benefit.

COMMISSIONER O'NEILL:

Correct.

LEG. KENNEDY:

Okay. What is the daily rate for an enhanced SNAP benefit?

COMMISSIONER O'NEILL:

I don't have the daily. I have a monthly example here. Just give me a second.

LEG. KENNEDY:

You know what, John, here's my point: My point is, is without the cooking facilities like there were out in Westhampton, and without the \$40 per day rate that they had in Westhampton -- in fact, actually what we've done is, is we've relocated people, in some cases far afield. And, in fact, we or some other level of government is incurring additional costs.

COMMISSIONER O'NEILL:

Legislator, I have to disagree with you, because these families were in motels. The motels year over year are down. Families in motels are down 50. So they're paying a higher rate than what -- the County is incurring a lower rate now versus the higher rate when they were in motels. I have to disagree with you on that point but please -- I didn't mean to interrupt.

LEG. KENNEDY:

No, that's all right. And, listen, you know, this is -- I'm asking you to go ahead and bring forward, you know, what your view is. You know it better. You live it each day.

What if the facility gets a Tier II designation, John? What does that mean, then?

COMMISSIONER O'NEILL:

Nothing changes. As a matter of fact, it brings more oversight. And it requires the County to provide the enhanced services that I referenced earlier to Legislator D'Amaro; all these extra services that must be provided.

LEG. KENNEDY:

That's the service side. I turn to Dennis. And then with Dennis what I'd say is, is then preemption is very much real. Today if we wanted to close the Bellport Shelter, I would opine to you we could not. Because it is a Tier II State-regulated shelter. And, quite frankly, State DSS or OTDA would not allow us to close it.

COMMISSIONER O'NEILL:

Well, it's a Tier I right now by regulation.

LEG. KENNEDY:

Tier I 75 families? I thought it was Tier II.

COMMISSIONER O'NEILL:

Tier II is just a designation you apply for. Again, that requires an annual inspection by the State. And it requires the local Social Services District, in this case Suffolk County, to provide an enhanced level of services to get people back to permanency quicker. So, again, a Tier I facility could operate the same way. That's why I put those in juxtaposition on the same page for you.

LEG. KENNEDY:

And you know what, John, I apologize.

COMMISSIONER O'NEILL:

I know it's voluminous. I got you.

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LEG. KENNEDY:

But I didn't get that copy of that. And it's kind of like my-dog-ate-my-homework.

COMMISSIONER O'NEILL:

It's actually -- it's from the same presentation I gave in November, Legislator, if you have it. And I can send it to you obviously.

LEG. KENNEDY:

I'll fish it out.

COMMISSIONER O'NEILL:

Okay.

LEG. KENNEDY:

You know, I'm going to ask the Committee who sat through many, many hours, here we are at 5:30, I really think that this issue is one that warrants being before the full body. And, quite frankly, I think it's time for the full body to decide either we're going to go ahead and continue or embrace 438; or we're going to turn around and we're going to say "might have been good then but, you know, not so good now." And, you know, let's cut it loose.

I would ask the committee to go ahead and at the very least entertain a motion to discharge without recommendation. And let's, you know, not continue to hold everybody, you know, in this constant cycle. Folks need to know.

CHAIRWOMAN MARTINEZ:

We will take a five-minute recess.

*(*The meeting was recessed at 5:33 P.M. *)*

*(*The meeting was reconvened at 5:47 P.M. *)*

TABLED RESOLUTIONS

CHAIRWOMAN MARTINEZ:

Okay, ladies and gentlemen, we are back. All right, Commissioner O'Neill, thank you so much for being here today and every single community member that came out today. And we're going to continue with the agenda.

Following is a **Tabled Resolution 1036, terminating a certain contract with Community Housing Innovations CHI to provide homeless shelter services - Legislator Kennedy.**

MR. NOLAN:

You need a motion.

LEG. McCAFFREY:

Madam Chair, I'd like to make a motion to approve that resolution.

LEG. TROTТА:

I would like to second it.

CHAIRWOMAN MARTINEZ:

All in favor?

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LEG. McCAFFREY:

Aye.

CHAIRWOMAN MARTINEZ:

Opposed? Opposed.

(LEGISLATORS MARTINEZ, BROWNING AND D'AMARO INDICATED OPPOSITION)

Motion fails. Meeting is adjourned.

AUDIENCE MEMBER:

Thank for ruining Hauppauge. Shame on you.

AUDIENCE MEMBER:

See you at election time.

(THE MEETING CONCLUDED AT 5:48 PM)

{ } DENOTES SPELLED PHONETICALLY