VETERANS & SENIORS COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

MINUTES

A regular meeting of the Veterans & Seniors Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on November 30, 2006.

Members Present:
Legislator Steven H. Stern, Chairman
Legislator Jack Eddington, Vice-Chair
Legislator Cameron Alden (not present)
Legislator John M. Kennedy, Jr.
Legislator Elie Mystal

Also In Attendance:
Legislator Edward P. Romaine, First District
George Nolan, Counsel to the Legislature
Ian Barry, Assistant Counsel to the Legislature
Richard K. Baker, Deputy Clerk
Verna Donnan, Budget Review Office
Deborah Harris, Aide to Legislator Stern
Holly Rhodes-Teague, Director of the Office for the Aging
Joanne Gallagher, HIICAP Coordinator
Tom Ronayne, Director of Veterans Service Agency
Ben Zwirn, Assistant Deputy County Executive
Richard Mallett, Merchant Marine representative
Dennis Brown, Assistant County Attorney
All Other Interested Parties

Minutes Taken By:
Diana Kraus - Court Stenographer

Minutes Transcribed By:
Denise Weaver, Legislative Aide

(THE MEETING COMMENCED AT 9:30 AM)

CHAIRMAN STERN:
We'll get started this morning. Committee on Veterans and Seniors will come to order and everybody rise and join us in the Pledge of Allegiance led by Legislator Kennedy.

SALUTATION

Will everybody please remain standing to observe a moment of silence keeping all our very brave men and women fighting for our freedoms overseas in our thoughts and prayers.

MOMENT OF SILENCE OBSERVED

Thank you. Good morning everybody. First on the agenda we'll go to the public portion. I would invite Richard Mallett. Mr. Mallett, please join us this morning.

PUBLIC PORTION

MR. MALLETT:
Thank you. I'm Richard Mallett. I happen to be National Historian for American Merchant Marine Veterans. I'm here to address you today. And I appreciate the opportunity to support the resolution that will be before you to gain recognition -- the gain the recognition of Suffolk County of the role of the United States Merchant Marine in World War II by flying the flag of the Merchant Marine with those of the other services at Suffolk Armed Services Plaza.

In this cause it is important to know the scope of the service and sacrifice of those who sailed in the Merchant Marine in World War II. The extent of their losses is sharply defined by the fact that during the first years of the war 3.8% of merchant seamen were killed by enemy action. And over the full course of the war, the casualty rate was over 3%.

Further, from mid January to mid March in 1942 alone, German U-boats sank 145 ships in U.S. coastal waters, killing 600 seamen. In May 1942, another 41 ships were sunk in the Gulf of Mexico. By the end of the war over 8,000 seamen were killed and over 10,000 were wounded or injured in the sinking of over 800 ships resulting in a casualty rate as great or greater than that of any of the armed services. Equally important is the fact that 1810 U.S. Navy armed guard sailors were killed on the merchant ships they defended. And that 610 seamen were taken as prisoners of war.

It is also significant to know that every single person who served in the Merchant Marine volunteered with many beyond or under the age of conscription. And that all of them went to the front lines in ocean going service. In spite of that record, attainment of veteran status took many years and was not finally achieved until 1998 by an act of Congress. In that process I'm pleased to be able to say that every vote taken in the Congress was supported by all Long Island representatives democratic and republican every step of the way.

Since then we have obtained some of the recognition the Merchant Marine deserves and which we now hope to obtain from you today. In that regard I believe it is important for you to know that the United States Merchant Marine insignia is alongside those of the armed forces on the mountings of the two American flags which mark the entrance to the National World War II Memorial in Washington as placed there by the National Battle Monuments Commission.

Also that the Merchant Marine flag is alongside those of the other armed forces at the New York State World War II Memorial in Albany, at the World War II Memorials in Eisenhower Park in Nassau County and the in Circle of Flags in the reception center at the National Cemetery in Calverton. And

that the Merchant Marine insignia is engraved alongside those of the armed services at Town Hall in Huntington. And I believe it is important to recall that the Merchant Marine Academy, which many Suffolk residents have attended is the only academy entitled to carry a battle standard since it alone sends its cadets to war as cadets. Oh, by the way, it is the Merchant Mariners who have crewed the ships that have carried 95% of all the vehicles, arms, and equipment to our troops in Iraq in both Gulf Wars. Thank you.

CHAIRMAN STERN:
Mr. Mallett, thank you. And let me for the record publically recognize Richard Mallett for his hard work, his dedication to this issue and to the cause. And all of our veterans throughout Suffolk County. Thank you. Thank you for your efforts.

MR. MALLETT:
Thank you.

LEG. KENNEDY:
Mr. Chair.

CHAIRMAN STERN:
Legislator Kennedy.

LEG. KENNEDY:
Mr. Chair, I've have just one quick question I guess either for Mr. Mallett or Mr. Ronayne. And that goes to -- with Merchant Marines obviously it's very proper that we go ahead and give them the recognition that they should have by having their flag stand along side the branches of the military. But my question goes to the recognition of the service that individuals put in -- in their time in the Merchant Marine service. And again it's a technical question I come up against on occasion. But Mr. Ronayne knows very well we had a veteran that we worked with just recently who did spend time in the Merchant Marines service. And so my question goes to has the federal government moved in that aspect of recognizing time, that, you know, these brave men and woman put in in moving materials as military service? Valid military service is something that equates to eligibility for military pension.

MR. RONAYNE:
Yes. I think the shortest answer to that question would be that eventually, and I don't have the date, I'm sure Mr. Mallett has the actual date, Congress and the Department of Defense did ultimately elect to grant veteran status to the majority of Merchant Seamen who served overseas. They were -- to that end they were granted and issued discharge certificates and DD214's, which is the defining document. If you have a DD214, you're a veteran.

LEG. KENNEDY:
Good.

MR. RONAYNE:
Okay.

LEG. KENNEDY:
Simple answer is, is that, you know, they've gone that far as far as recognizing for the purpose of benefits and eligibility of other types of things, the time that these folks did give to supporting their country.

MR. RONAYNE:
Yes. But -- and just to -- to further clarify that, not in all cases. And this holds true as well with members of the regular uniform services where there are certain criteria that define wartime service and peacetime service, combat service, noncombat service, things of that nature. The differences in those degrees of recognition do have a bearing on certain benefits and certain eligibilities. A combat

soldier who served -- obviously if you're a combat soldier you served in theater, is going to be eligible for certain benefits that a peacetime soldier, for example, would not be eligible for. But again the short answer is that, yes, they have recognized them by issuing discharge certificates and DD214's.

LEG. KENNEDY:
Good. Okay. Then we need to follow-up for that gentleman, which we'll do later on, I guess. Thank you, Mr. Chair.

CHAIRMAN STERN:
Sure.

MR. RONAYNE:
Shall I stay?

CHAIRMAN STERN:
Yes, exactly.

Good morning, Director Ronayne.

MR. RONAYNE:
Good morning, Chairman. Thank you. I know we had a couple of -- couple of items on the table today that were going to be discussed. Obviously this Merchant Marine flag being one of them. If I can just expand a little bit on -- and I had a brief conversation with the Chairman before the meeting convened with regard to one of the impacts of adding this flag at Armed Forces Plaza. While this has been voted on at the County Executive's Veterans Advisory Board and it was unanimously supported by that board and the recommendation went forward out of there.

By adding one flag -- the way the monument is presently laid out, there are five service flags flying. And we have a main mast with the American flag and the P.O.W. M.I.A. flag flying forward and slightly higher than the five Service flags. By adding the Merchant Marine flag to one end or the other of the monument will distort the symmetry of the monument. The American flag will no longer be centered on the row of -- on the row of flags being flown to represent the services. And I just thought that out of respect for the -- for the -- what the monument symbolizes, that perhaps by adding a second flag pole to the other end -- if we add the Merchant Marine on one end and add a second flag pole on the other end, we -- that would allow us several options.

First of all, it would preserve the symmetry of the monument, which I think we would all be interested in doing. Then we would have the option of flying, I would say either A, the Suffolk County flag on that second pole or to take the P.O.W. M.I.A. flag off of the main mast where it flies directly below the American flag. And fly that on its own staff, which is within flag protocol.

LEG. EDDINGTON:
Mr. Chairman, could I?

CHAIRMAN STERN:
Legislator Eddington.

LEG. EDDINGTON:
Tom, I understand that the Coast Guard does not have a flag.

MR. RONAYNE:
The Coast Guard in fact does.

LEG. EDDINGTON:
It does have a flag there?

MR. RONAYNE:
Yes, it does. Yes.

LEG. EDDINGTON:
Oh, It does. Okay. I wasn't aware of that. Okay. Thank you.

MR. RONAYNE:
Yeah. That would have been the ideal solution.

CHAIRMAN STERN:
But there are viable options?

MR. RONAYNE:
Yes, there are. Yes, there are.

CHAIRMAN STERN:
To kind of equalize them.

MR. RONAYNE:
But I think the most cost effective and the most practical would be the second flag versus relocating the American flag pole, adding another one. I think practically and economically that second pole would be the most practical approach.

LEG. KENNEDY:
Through the Chair.

CHAIRMAN STERN:
Legislator Kennedy.

LEG. KENNEDY:
Tom, is there any other branch of service or recognized group, defined group, that is now represented by way of a flag at this point? I mean we have the four main branches of service, I guess.

MR. RONAYNE:
Well, actually we have the five.

LEG. KENNEDY:
I'm sorry.

MR. RONAYNE:
We also have the Coast Guard.

LEG. KENNEDY:
Right.

MR. RONAYNE:
Beyond the five services now what we would get into is individual units and special forces and things within the individual services. I think at this time and adding the Merchant Marines already having the Coast Guard included will complete the monument.

LEG. KENNEDY:
Pretty much has everything covered.

MR. RONAYNE:

Yes.

LEG. KENNEDY:
Okay.

CHAIRMAN STERN:
I understand that, however, there is an issue. So I want to call on George -- Legislative Counsel, to bring us up-to-date on some of the discussions regarding this issue.

MR. NOLAN:
Yes. The sponsor of this particular resolution referred this to the Symbols and Naming Committee. And it has not been approved yet by that Committee. I'm told they're meeting again on the 14th of December. And hopefully they'll move that out at this point. So this bill is going to have to be tabled in this Committee today.

CHAIRMAN STERN:
George, this issue is already on their advanced agenda. Do we know that it's going to be considered on that date?

MR. NOLAN:
It was before them already and they tabled it to that date.

CHAIRMAN STERN:
Okay. Legislator Kennedy.

LEG. KENNEDY:
Just to ask that maybe there be some kind of a follow-up query to this Committee, having attended the last meeting to speak on a resolution that I had introduced and which actually was approved by the group, my observation was there was still some discussion about adopting some protocol, some rules, some parameters. And while I was not able to stay for the whole committee meeting, it did not appear to me that it was definitive that they would have a full set of guidelines and parameters in place so that they might be able to go ahead and conduct a full agenda on the 14th.

So this being of the importance that it is, I guess I'd ask that, you know, this be confirmed; that the Committee's going to have the ability to go ahead and hear, you know, a full range of matters that are in front of it because of their evolutionary status at this point or what it appeared to be.

CHAIRMAN STERN:
So question for Counsel. Is it possible for us to approve this resolution and have it come out of committee and have that on the record prior to this Committee making its determination?

MR. NOLAN:
We should wait for the other committee to make its recommendation first.

MR. ZWIRN:
If I may, Mr. Chair. The only thing that I'm concerned about and with all due respect is that I think Legislator Kennedy makes a good point. Is that because of the timing it would not be able to be done this year unless -- or we could do it by CN, I expect, on the 19th. But that would be I think the only way. Because the naming Committee's not meeting until the 14th and won't make a recommendation until sometime immediately thereafter. I think this is the time -- so with that understanding that -- I would think that it would be a unanimous request for a CN and be -- everybody would be unanimous cosponsors so that we could do it by the 19th.

CHAIRMAN STERN:
But that's assuming that the Committee gets to this issue on its agenda and has some parameters in place and is able to make that determination.

MR. ZWIRN:
That's -- that's true. I didn't know that this would be something that would have to go before the Naming Committee. It just seemed a little bit different.

CHAIRMAN STERN:
I guess that question for Counsel, do you believe -- do we believe that this is something that needs to go before that Committee in the first place?

MR. NOLAN:
That's a good question. You know it talks about symbols without really defining what a symbol is. I'm not sure this is the type of -- that a flag was what the Legislature had in mind in terms of having to go before that Committee. But the sponsor having sent it to that Committee, I think we should wait to see if the Committee acts at their next meeting before we take action. I think this law might need some clarification to be --

CHAIRMAN STERN:
Legislator Mystal.

LEG. MYSTAL:
Couldn't we ask the Committee to expedite this? Somebody make a phone call to the Chair of the Committee.

MR. ZWIRN:
It's your Committee. I'm just saying --

MR. NOLAN:
You have a representative on it, Ben. Come on. That has actually been communicated to Legislator Nowick's aide, that we're very interested in having this move out of the Committee as soon as possible; Or have them look at it and make a recommendation one way or the other. It's just a recommendation which we can accept or disregard.

CHAIRMAN STERN:
If it's something that we can accept or disregard, would it be improper for this Committee to approve of this resolution today prior to the Committee meeting and approving it on their own?

MR. NOLAN:
It is advisory. Let me look at the exact language of the law, if you want to pass this one over for a moment.

CHAIRMAN STERN:
Okay. All right. Thank you. So we'll continue through the agenda and we'll come back and hopefully we'll have a definitive answer by then. But, Director Ronayne, anything else for us today?

MR. RONAYNE:
Well, I think we have another issue -- another matter coming before the Committee. But the only thing that I would like to do is make the Committee members and everybody else in attendance aware of a ceremony taking place on December 7th. The American Air Power Museum at Republic Airport in Farmingdale holds an annual event. And it's very impressive. It begins at 10:00 am. And what happens is they have a squadron of airplanes that leave Republic and they fly to the Statute of Liberty. And I don't have the exact time. I think they arrive over the Statute of Liberty at 12:05. The exact moment that the attack on Pearl Harbor began. They will be flying over the Statute of Liberty and dropping x number of American Beauty Roses, which -- it's actually much nicer than I've been able to make it sound, I promise you that.

CHAIRMAN STERN:

Very good. Thank you.

MS. RHODES-TEAGUE:
Good morning.

CHAIRMAN STERN:
Good morning.

MS. RHODES-TEAGUE:
We've been asked to talk a little about Medicare and the changes to Medicare. And before I start that I would just like to introduce Joanne Gallagher who is our new HIICAP Coordinator in our office. She started in May right before everything got crazy. She's done a great job coordinating meetings for us and learning the information. And she has increased the number of HIICAP volunteers we have. But for those -- and the HIICAP Program is the Health Insurance Information Counseling Program that is a strictly volunteer program. And we took it over about a year-and-a-half ago from a contractor because we felt that we could do a better job with all the changes that were coming into Medicare.

So Joanne has been doing that for the last six months. She's doing a great job. And she's the person who in our office if somebody has an individual question on Medicare or Part D, Joanne's the one who usually takes those calls and she'll either work with them herself or she'll get a volunteer to do that. So I just wanted to introduce Joanne as the person who really knows everything about Medicare. So just so you know.

Just quickly I wanted to go a little bit over the Medicare changes. There are changes to the regular Medicare Part A and Part B. The premiums will be going up January 1st for Part B, which is the doctor coverage. It's going from 88.50 to $93.50. And the deductibles for Part B are going from $124. To $131. And for Part A the deductible is 952 this year going to $992. So for anybody on Medicare, their costs are going up, which is not a shock.

And for the first time under the Part B premium if you have an income over $80,000 as an individual or $160,000 as a couple, you will be paying a higher premium. You know, in the past it's always been the same premium no matter what your income. That is changing as of 2007. So you may be hearing from your constituents that there's a, you know -- that they don't understand why. And it was put into the federal legislation that that would start January 1st, 2007. So that's for Part A and Part B.

The Part D, which is the prescription drug coverage, the open enrollment period is November 15th to December 31st. We are in that, you know, that time period now. We are asking -- the biggest thing, we're telling people is please look at what you have right now and make sure it's going to do what you need it to do in 2007. Our issue is, is that a lot of plans have increased their premiums. They've reduced their benefits. And they need to know that before they just think that January 1st, 2007 they're going to have the same coverage. They probably will not. So that is a major message to get across to people.

So with the Part D, if you do not have creditable coverage -- a creditable coverage is any coverage that's as good as or better than Part D -- you will have a penalty if you do not sign up during the open enrollment period or when you first joined -- first were eligible to join a plan. And it's a one percent penalty per month that they -- they will add on once somebody does go into Part D if they have not had the creditable coverage beforehand. So that's an important message to get across to people, too, that they really should -- look to try to get into a Part D plan. Otherwise they're going to be penalized for life for the fact that they didn't join when they were supposed to.

Just so we -- the benefits under Part D as well are changing. The deductibles again, they've gone up. They go from 250 in '06 to 265 in '07. And the donut hole that everybody knows about is the initial coverage this year was $2250 when you reach the donut hole. And now it's gone up to 2400.

They've really made the plan, you know, more expensive for everyone.

In 2006 there were 21 providers in 46 plans. In 2007 there's 26 providers in 61 plans in New York State. Again, a reason why people need to look to see what's available for them. There are 15 plans that offer generic drug coverage through the donut hole. So if people are on generic drugs, they really should look at the plans that have that coverage so they don't have the out-of-pocket costs during that gap.

Plans range. One of the issues we had is they've gone up. The lowest plan in '06 was 410 a month. It's now 1480. The lowest plan in '07 will be now at 950. It's a totally different plan from the one in '06. Again they need to look.

There are people on Medicaid and Medicare that do eligibles. After January 1st '07, they will -- Medicaid will only the drugs that are not by standard Part D. The anti-psychotics that, you know, there's ones that Part D does not cover. Medicaid will cover but they don't have the same wrap around that they had in '06. So that's something else that people need to look at.

And the other thing that I just wanted to mention is that there is help available for low income Medicare beneficiaries through social security. Some people have ignored letters to that effect. It really is in their best interest to at least explore the low income benefits. They may have a lot less out-of-pocket costs. You know, we do have information on that if anybody has individuals that are not sure if they're low income. They could call us. They could call the Social Security Administration.

That in a nut shell is some of the changes in Part D and the Part A and the Part B. But if people call our office they can ask for help, you know, from one of our case managers or they could call our HIICAP number, which is the 853-6651. And they will get a volunteer counselor who can help them. So either way they can call our office or call the HIICAP number.

CHAIRMAN STERN:
Holly or maybe, Joanne, this is a question for you. Welcome, by the way. Good to have you with us today. Have you been -- obviously everybody's so very different. But have you been able to see some general rules, some general trends if somebody calls. If they are participating in the EPIC Program, is it better to stay there? If they are receiving some kind of benefits through their employer or former employer, some kind of retirement plan, is it better to stay there? It they have Empire Blue Cross Blue Shield, is it better to stay there? Have there been some general rules, some general trends that you've seen?

MS. GALLAGHER:
In general if they're in the EPIC Program, they're better staying in the EPIC Program. If they have coverage outside of Medicare from an employer or a retiree out plan, they're better off there; most cases. I mean, it's possible that there could be individuals who wouldn't. I haven't come across any yet so.

CHAIRMAN STERN:
Okay. Thank you. Legislator Mystal.

LEG. MYSTAL:
Good morning. I just listened to your explanation as to all the changes going you're through. And I'm going this is a lot of information. Is the County doing anything in terms of education to the senior centers?

MS. RHODES-TEAGUE:
We did training for our contractors and our different, you know, the different townships. We had about 80 professionals come to a training in early October. Our HIICAP volunteers were also trained on all the new changes. We then did 10 informational meetings throughout Suffolk County. They

just finished up about a week and a half ago. The turnout, I have to tell you was not like it was last year when the program was brand new. But we did offer it in every town. We did put a listing in Suffolk Life, you know, a half page ad. And I could tell you what's happening is people are going, I can't hear you. Because they don't want to know about it.

I just -- that is my -- that's my estimation as what's going on. There have been some articles in Newsday. The phones are not -- they're ringing, but they're not ringing in the numbers that we thought they would. So we are asking anybody who's out in the public to let people know, give our office a call. We'll be happy to help them. And we're still doing outreach with the different towns.

CHAIRMAN STERN:
And it's interesting because in what I see and speaking with senior citizen groups out in the community, and I'll ask whether or not they've made, you know, these very important decisions and it's fascinating actually that there are more people coming out for the information that they need. And there aren't more calls because when I ask by a show of hands, you know, how many have made these important decisions, the majority still have not. So I agree, Holly. I think you're absolutely right. It's a complete shut down. And too many seniors and their families are just walking away from this very important issue.

MS. RHODES-TEAGUE:
I think they were brutalized last year, you know. And I think they figured all right, I've got a plan, I'm just going to stick with what I have. And that's why we're asking the message to go out, please look at your plan because it's not the same plan in '07 that you had in '06 for the most part.

CHAIRMAN STERN:
That's the critical message.

MS. RHODES-TEAGUE:
Right.

CHAIRMAN STERN:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. My question to you, Holly, if it's possible, kind of goes to exactly what Legislator Mystal and Chairman Stern have been talking about. I was going to ask you if you could to frame this for us kind of on the other end, on the macro end. Do you have anything that shows, I guess, or demonstrates what the pool of eligibles would be and then the number of seniors and/or SSD recipients who have actually gotten in? Do we get that from the Federal Government? Otherwise do we have, you know, maybe 150, 200,000 eligibles and a 100 in? Or do we --

MS. RHODES-TEAGUE:
I have not received that information in a number of years. I know how many roughly are in EPIC. And up in Suffolk County there's about 28,000 people in that. What the private insurance -- there are an awful lot of people in Suffolk County who have insurance from a previous employer. So those people are not really looking at Part D because they have creditable coverage already. And those in EPIC who are not low income, are not looking because they're already doing well where they are. Low income on EPIC may be better off having Part D and EPIC together, but that's, you know, that's a small number of people in Suffolk. I think there are about 5,000 people in Suffolk who are in that category. But I don't have numbers as to how many people are out there just floundering around.

LEG. KENNEDY:
Well, when we describe, I mean, I'm sure it's still going on at this point, you know, years and years and years ago, {SOFE} used to go ahead and give us, I guess, a count, a per capita count, I guess by County of the number of individuals that were age 65 and over. So that would give you your macro. And then the oversight Medicare agency, isn't able to give us any kind of a general head

count? I know we have to preserve --

MS. RHODES-TEAGUE:
I haven't asked for that. I had it a couple of years ago. I haven't asked for it in a while because I haven't had a really a need for it at this point.

LEG. KENNEDY:
I guess I would ask you if it's not too big of a challenge to just make that query again to your contacts so you're -- so that we can get some sense from a general stage. We all know it anecdotally because we know the individuals call the office and as Chairman and Legislator Mystal had said. When we go out to groups we hear about the confusion, you hear about the confusion. But -- I don't know. I think it would help a little bit if we can train the issue on a larger perspective as far as what the impact is for us as a County.

MS. RHODES-TEAGUE:
Are you looking to find out how many people don't have insurance creditable coverage? Is that really the number you're looking for?

LEG. KENNEDY:
Not so much the uninsured, but I guess the eligibles who are in this kind of freeze frame and haven't gone forward to go into the Medicare Part D. And I don't know if that can be captioned.

MS. RHODES-TEAGUE:
I don't know if it can either because you have those who have creditable coverage for private insurance. You have those who are in EPIC. That's a different one. And then you have those who for some reason or another have not done anything or they have Part D because they joined last year.

CHAIRMAN STERN:
That's really the challenge. You're never going to be able to find out that accurate number as to those who have creditable private insurance. That's just not going to be listed anywhere.

MS. RHODES-TEAGUE:
Yeah. They may have some numbers on it. But I'll check with CMS and see if they have anything.

LEG. KENNEDY:
Anything you could find out, I'd appreciate it.

MS. RHODES-TEAGUE:
Yeah. I'll check.

LEG. KENNEDY:
Thank you.

CHAIRMAN STERN:
Legislator Mystal.

LEG. MYSTAL:
Let's see if this is an imposition. Is it possible -- to me this so important. Is it possible that you could come Tuesday at the full Legislature? Because I think everybody needs to hear this.

MS. RHODES-TEAGUE:
To hear about the --

LEG. MYSTAL:

To hear about the changes that are going on. Because this is serious stuff for people that are going around thinking that they are going to have the same coverage in 2007. And from what I'm hearing from you it's just not going to be the case.

MS. RHODES-TEAGUE:
Oh what --

LEG. MYSTAL:
And I think a lot of people are in the dark or like you said, in shut down mode and don't want to hear it. I'm trying to see if we can generate some kind of a publicity, some kind of public relation or something, an alarm, you know, in people's head by saying, hey, listen, you got to look at this. And maybe we can get the news out or something.

CHAIRMAN STERN:
I think that would be a fantastic idea and a thing to do. You know, we in this committee always benefit from, you know, from your professionalism, your expertise. And we get to hear the important message that you send, but our colleagues don't necessarily have that opportunity. And as we come up on the end of the year, those who might not yet be in plans, may not have had their decisions, may not have otherwise creditable coverage, might say to themselves, okay this is the year. We're coming up on a new year, this is my resolution. I'm going to make this very important decision going forward and could be relying on information from last year, which has changed entirely.

MS. RHODES-TEAGUE:
Okay. Yeah. I'd be happy to. I just have to figure when. What time on Tuesday. Okay.

CHAIRMAN STERN:
Legislator Eddington.

LEG. EDDINGTON:
I'm wondering if, Joanne, you could help me because Legislator Mystal asked a question. And -- a general question and you gave a really, I thought, good general answer. A guideline. And, you know, when I was in college I was a veteran and I was going full time and working full time and thank God for clip notes. And I'm thinking in terms of that again. There are some general questions, you know, if you have this and this, what is the best? Could you put something together just so that -- I mean I'm not going to say I'm the end all. I'm going to refer them to you. But at least I could say, well here's my understanding, because I'll tell you right now, I feel like Holly -- described the elderly. You get more information. And it's just -- I don't know which page to go back to; which of the 200 pages I've read is the information. And I need something to just grab on, pass it on. And then say with that information, seek more. But at least you're not -- they're no longer in the panic mode. And that's what I want. Something to just say this is what my understanding is, but check with these people because they will give you the real answer. Because I get people that when they leave me, they still feel panicked. And I'm like, I feel panicked after they leave, like did I say the right thing?

MS. GALLAGHER:
So do I.

LEG. EDDINGTON:
Yes, so, maybe you could do something just, you know, in 16 point. Just something I can look at and say well here's my -- if you have this and this, oh, this is my understanding.

MS. RHODES-TEAGUE:
Jack, you know what we'll do, we'll go through what you have. You know, we get, you know, bombarded with information from the federal government, state government, about all these issues. So what we'll do is go through and see if we can put something together that's easy. Or if there's

one available, we'll come up with a cheat sheet.

LEG. EDDINGTON:
That you would be great. I appreciate that.

CHAIRMAN STERN:
Anyone else? Anyone else? Thank you. Thanks so much for being with us today. Okay. We'll go to the agenda starting with tabled resolutions.

TABLED RESOLUTIONS

First on the agenda is **IR 2115, A Local Law to Extend Protections to Residents of Planned Retirement Communities.** I'll entertain a motion.

MR. NOLAN:
The bill sponsor would like to table this for two weeks.

CHAIRMAN STERN:
Okay. So I'll make a motion to table.

LEG. KENNEDY:
I'll second.

CHAIRMAN STERN:
Second by Legislator Kennedy. Anybody on the motion? Legislator Romaine.

LEG. ROMAINE:
With your permission, Mr. Chairman. I'm not member of this committee. But I just want to give you -- I think everyone received a copy of the correspondence that kind of summarizes the problems of people in Greenwood Village. This is from Patricia -- Sister Patricia Duffy; is a PhD and a catholic nun. Her mother died in January of 2006 at the age of 89. At the time of her death her mother was paying $380 in monthly maintenance. She's now been informed by management that if she sells her mother's house, the new owner will have to pay $860.

As a result, her ability to sell her mother's home and her mother's long illness, depleted her limited resources and forced her to borrow money to keep the home. She never would have accepted public assistance and did not want to be a burden on anyone. And she's imploring that this legislation be passed. I know we're working on some of the technical ends of it.

I also passed out a letter from the New York State Division of Housing Community Renewal in which -- and I know Mr. Brown -- Dennis Brown from the County Attorney's Office made the point about manufactured homes. But here the state says that Greenwood Village does not constitute a manufactured home park as defined by section 233 of Real Property Law. And the Department of Housing and Community Renewal has no jurisdiction. I'm returning your complaint per our phone conversation. And this is to the Attorney General's Office.

So again, these people are not -- if they're covered by State Law, State Law certainly isn't being enforced. And the state is saying that they're not covered by State Law. I think I've handed out copies of that as well. So I'm going to give this two weeks. I'm tabling this because I want to work out all the details. And I want to make sure that whatever law we pass is enforceable because these people in Greenwood Village are suffering a terrible imposition on them. And I appreciate the forebearance of my colleagues. And I will table this for two weeks so we can get all the legal ducks lined up in a row so whatever bill we pass can be enforced and will be effective. But clearly there's some urgency as expressed in Sister Duffy's letter. And clearly the state has to make up its mind because it's not enforcing any protections that these people may or may not have. And with that, I appreciate your forebearance.

LEG. KENNEDY:
Mr Chair, on the motion.

CHAIRMAN STERN:
Yes. Legislator Kennedy.

LEG. KENNEDY:
Thank you. It occurs to me, I guess, that we ought to hear from Mr. Brown as to where things are at with the County Attorney's Office now, particularly in light of this information that the sponsor circulated.

MR. BROWN:
Sure.

LEG. KENNEDY:
How does that -- well, let us know. What's your research? What's your thinking?

MR. BROWN:
Well, the letter is -- sort of hits the problem on the head. And at the last committee meeting as you pointed out I think your recollection and my recollection also is that the community members that came to give testimony at the public hearing, some of them said their homes were stick built and some of them said they were trailers or manufactured homes or mobile homes, whatever you want to call them, but not stick built.

And I think that's where the root of the problem is, at least partly. The Real Property Law Section 233 which governs manufactured homes specifically defines what a manufactured home is; mainly that it's a mobile home or a trailer. And so you have like a mixed use community here, where so -- a portion, which is what I said at the last committee meeting. So the law as it's written, could be preempted with respect to some of the homeowners and not with respect to others. And I think that's the root of the letter from New York State. But the law is written to apply to manufactured homes is definitely -- is a preempted area.

LEG. KENNEDY:
But it occurs to me, and I guess, you know, the sponsor knows this well from all the meetings that he's had with the community that we are continuing to go back and forth regarding this situation where we're trying to -- define or get at the legal oversight, responsibility or aspects of it. And yet at the same time we're hearing individually from many, many people who are suffering and sustaining some real hardships, day to day hardships and some life consequences.

Somebody allowed this arrangement to occur in the first instance. Whether it was the developer who circumvented the responsibilities and attempted to characterize this as something other than what to me in a larger level clearly appears to have most of the characteristics associated with a condominium type of an arrangement and should have had the oversight associated with those sections of the Real Property Law. The fact that they were able to go ahead and insert some units, that might have been mobile units, seems like it was almost designed to, you know, undermine the protections we gain there.

MR. BROWN:
I can't speak to that issue. I really don't think that it takes on the form of a condominium. As you know, condominum is -- there's common ownership and certain common elements and individual ownership as far as the units are concerned. And also I believe from the -- from when the -- the community members were here, they testified about the -- from the Public Hearing, I think there's been a change in ownership from the original developer to the present. And my understanding of it, and Mr. Romaine certainly knows more facts than anybody else on this issue, is that these people have their homes, whether they be stick built or manufactured on leased land. And my guess, and I

haven't seen the leases but I'm sure Mr. Romaine knows the answer to the question, is that the lease is assignable provided that the landlord gives his consent. And my guess is that the landlord is not giving his consent. So what it looks like to me is that it almost looks like a private taking as opposed to a public taking of their property interest. How that can be fixed -- and many of you addressed that at the Public Hearing -- how that can be fixed from a legal perspective, I don't know if it can. It seems to me a contract issue; a private contract issue.

LEG. KENNEDY:
You know, I don't want to monopolize it here, and I know that there's got to be some way that where collectively we have this group of folks that are stuck in this quagmire. There out to be a way that we can move forward to compel, you know, the owners to at least operate in an equitable manner. You know, how we got here from there can have been many paths. I mean we can talk about whether or not people were properly represented and whether or not, you know -- and it was illustrated in the contracts. We all know that there's, you know, good contracts and bad contracts. That being said, this is not just, you know, a couple of folks that may have not had what might have been called, you know, stellar representation. This is hundreds of people that are impacted. So there's got to be some method that we can come to. Hopefully we get some resolve through the sponsor. Thanks, Mr. Chair.

CHAIRMAN STERN:
This particular resolution, I think, not only addresses these particular residents who are clearly in a tough spot, but it's a much larger issue here. And goes so far as defining a planned retirement community which really hasn't been done in New York State. So I guess my question for our Counsel, for County Attorney, can we as a Legislative body determine and define a planned retirement community that has all of these requirements and all of these rights and all of these responsibilities for this community and other communities going forward into the future that perhaps only cover some structures within the community and not others? Can we have this broader definition of a planned retirement community and not run afoul of section 233 that clearly has precedence over some of the structures within the community but not others?

MR. NOLAN:
Just at the outset I should say that we introduced this bill put together after speaking with the Attorney General's Office here on Long Island. And really the underlying presumption is we were not dealing with manufactured homes because manufactured homes are clearly covered by the state law.

And the Attorney General's Office had indicated they had no jurisdiction over this particular community and, therefore, the County could regulate in this area. And that's why we went ahead with it. Since the bill was originally introduced, there's been a question are some of these homes in this community manufactured homes. And that's something we're trying to clarify right now.

I think the Attorney General was relying on this letter from New York State Division of Housing Community Renewal from 2003 where they said these were not manufactured homes and, therefore, they had no jurisdiction. However, I've spoken to the person {Alfred Alison} who wrote this letter. He relied on a local inspector from the Town of Brookhaven who went out and looked at it and described the homes in the community. And I think it's a little unclear now. And I'm trying to reach the Inspector of the Town of Brookhaven to have him take another look at it, have the State take another look at it and see exactly what we're dealing with here; is it a mixed community. And that's why we're tabling the resolution today. I think that's why the sponsor wants it tabled so we can resolve some of those questions so we know exactly what we're doing and what we're regulating.

CHAIRMAN STERN:
Thank you. Anybody else? Okay. Per the sponsor of the resolution, there is a tabling motion. All in favor? Opposed? Abstention? Motion is tabled. **Resolution is table. (Vote: 4-0-0-1. Leg. Alden not present)**

Next on the agenda **IR 2286, a local law expanding income eligibility limits for real property tax exemption for seniors.** I'll make a motion to approve.

LEG. MYSTAL:
Second.

CHAIRMAN STERN:
Second by Legislator Mystal. All in favor? Opposed? Abstention? Resolution is passed. **(Vote: 4-0-0-1. Legislator Alden not present)**

IR 2288, a local law expanding tax exemptions extended to veterans. Motion to approve by Vice Chairman Eddington. I'll second the motion. All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-1. Legislator Alden not present)**

INTRODUCTORY RESOLUTIONS

Introductory resolutions. IR 2346, resolution to authorize the flying of the Merchant Marine Flag at Armed Services Plaza at the H. Lee Dennison building in Hauppauge. Motion to approve by Legislator Mystal, seconded by Vice Chairman Eddington. On the motion, Counsel.

MR. NOLAN:
I read the statute. I believe this Committee can vote it out to the full Legislature, but the full Legislator will not be able to act on it until they receive recommendation from the Committee. But the Committee can vote it out.

CHAIRMAN STERN:
Very good. Thank you. With that in mind, there is a motion and a second. All in favor? Opposed? Abstention? Motion carries. (**Vote: 4-0-0-1. Legislator Alden not present)**

CHAIRMAN STERN:
IR 2432 establishing an East End VA Clinic Feasibility Committee.

LEG. EDDINGTON:
Motion to approve.

CHAIRMAN STERN:
Motion to approve by Vice Chairman Eddington. I'll second the motion. I see representative from the County Executive's Office and Director Ronayne.

MR. ZWIRN:
On behalf of the County Exec's Office we're supportive of this resolution. But I think the Director of Veterans Affairs can give you an update on where we stand because there has been work going on this. It was in the budget that the County Executive submitted. And I know the Space and Management Committee has been looking for space to increase the size, I think, from the one that it is in Westhampton Beach now. But there is one out on the East End at the Gabresky Airport but I'll let Director Ronayne just give you an update on it.

MR. RONAYNE:
This has been a subject that has been ongoing. There is a satellite clinic -- there is an East End VA facility located at Gabresky Airport. It's been out there for sometime. Unfortunately it really for all the admirable intent the facility under serves the population on the East End for several reasons; one of which being that it is on -- it is located physically on an active military base which we can all appreciate the post 9/11 the security concerns on an active facility have changed. And that to some extent restricts access and it makes access to the facility more difficult.

A couple of the other things ironically enough the facility is not ADA compliant. It's not handicapped accessible, which for obvious reasons presents challenges to a veterans population.

And thirdly, and I think this is very important, is again going back to the security concerns parking for the facility is quite remote. You have to park at a distance and negotiate your way on foot from the parking areas to the facility. So there are some challenges inherent to using the existing facility. And size is one of them.

Sometime ago the VA had made a request that the County consider providing space to the VA to operate a facility. And the long and short of it is they would look to the County to donate the space. The County would be responsible for the expenses incurred with regard to building out the space and essentially providing a turn key facility for the VA to staff with their own personnel. They would staff it. They would equip it. They would operate it. But it would be space donated by the County.

They had made two requests initially. I think the one was they would have an ability to operate a small, almost a modular type clinic at about 1500 feet. And they had a second request that was for a space of about -- approximately 4,000 square feet.

A number of months ago the County Executive did instruct me to meet with the Space Planning Committee and attempt to identify space. That meeting took place. There was an evaluation done. And at this time I can report to you that we have a tentative space identified in the County Center in Riverhead, which the VA, if they have their druthers that's exactly where they want to be. They want to be in downtown Riverhead because it provides equal access to the East End, North Fork and South Fork communities.

We are at the point now where we think we have -- we know we have potentially usable space. What we need to do at this point is finalize the costs associated with the build out which we know to be considerable. We don't have hard and fast numbers right now. But I think it's reasonable to suggest that the number is going to approach a million dollars in construction costs.

The other thing, and I think this is equally important, is we have not yet had an opportunity to visit and physically inspect the space with representatives of the VA, this may or may not be suitable space for them to go forward with in the first place. So that being said I just wanted to give you a summarization of where we are with this.

CHAIRMAN STERN:
Thank you. And any kind of a time period? Any kind of tentative plan on meeting with and bringing representatives from the VA to the potential site?

MR. RONAYNE:
I hope to accomplish that next week. Okay. I had a conversation with Joe Sledge from the VA yesterday on this.

CHAIRMAN STERN:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. Two questions, I guess. First, nine years out there in the County Center and there was very little, if any, surplus space other than what I recall up on the second floor in the north wing around where the maintenance areas were. And Public Health had some space up there on the second floor as well. What is it that's appearing to be the area that they're going to be able to go to?

MR. RONAYNE:
I have not physically been in the space myself. I can't tell you that --

MR. ZWIRN:
2700 square feet, you said?

MR. RONAYNE:
It's about 2700 square feet. My understanding is that it is at least a part of the Health Department's old space.

LEG. KENNEDY:
Ben, do you know?

MR. ZWIRN:
No, but I will find out immediately after this meeting and I'll contact you. I don't know where it is either but I know it's in the County Center.

LEG. KENNEDY:
I would assume that it's got to be ground floor.

MR. ZWIRN:
I assume it is, too.

LEG. KENNEDY:
All right.

MR. RONAYNE:
We do have the elevator at the back of the building. I don't know that that's --

LEG. KENNEDY:
Please, please, please. Again, I mean, you know, as it is now to access the Vets Office on a second floor in the Senior Citizens Office on the second floor it's -- I will not say some of the things that I think. How's that?

MR. ZWIRN:
But I'll find out right away from the representative from the County Executive Space Management Committee and get that information to you.

LEG. KENNEDY:
Which is -- I appreciate that. But more importantly a million dollars to renovate 2700 square feet? How do we get there from here?

MR. ZWIRN:
I don't know if the numbers --

LEG. KENNEDY:
I mean I know the price of concrete and steel has gone up. I hear about that all the time.

MR. ZWIRN:
I'm sure you do.

LEG. KENNEDY:
Daily, don't I?

MR. ZWIRN:
I'm sure you do. And not even in the Legislative building.

LEG. KENNEDY:

Right.

MR. ZWIRN:
At Thanksgiving you probably heard about it as well.

LEG. KENNEDY:
Yeah, well, you know. I choked on turkey. But who gave this estimate of a million bucks?

MR. RONAYNE:
My understanding is that DPW had done an evaluation on the space. And I'm sure that a part of it goes to the abatements and things of that nature that would have to occur in the spaces. Again, Ben --

LEG. KENNEDY:
Okay. I'm respectfully going to request that, Ben, you not only find out where but find out how that number evolved.

MR. ZWIRN:
Yes.

LEG. KENNEDY:
Because all of us, you know, are of the mind that this is the right thing to do, but I would hate to see this initiative get sidetracked.

MR. ZWIRN:
Yeah, I don't think we're trying to -- I think we all recognize there's a need. And I think it has already progressed. And I think Riverhead would be a good location. I believe that would be a great spot because it's centrally located. It has transportation.

LEG. KENNEDY:
Very much so.

MR. ZWIRN:
But I've asked one of our aides to go out and find out maybe before this meeting's over I can tell you what space in the County Center that they had in mind.

LEG. KENNEDY:
Good. That would be helpful thing.

CHAIRMAN STERN:
Legislator Mystal.

LEG. MYSTAL:
Ben, since we are on the subject of Riverhead and renovations, what is the status at this point of the renovation of the whole building? We're talking about a million dollars to do just 2700 square feet; a million dollar here, a million dollar there, pretty soon we're talking about some serious money. You know, what is the status of renovating the whole building? Because we've been talking about that for ten years now.

MR. ZWIRN:
Yeah. I know the escalator's not working but -- but short of that I'd have to get you -- I know they are doing work out there. I don't know -- part of the -- new courtrooms have opened up. The new courthouse, I think, is now in operation.

LEG. ROMAINE:
It's a mile away.

LEG. KENNEDY:
Well, through the Chair --

MR. ZWIRN:
But there's been work going on out in the Riverhead area -- the County Center. We know when we go out there -- when you go out there you'll be able to take a look at it at Tuesday's meeting and see what progress has been made.

LEG. MYSTAL:
The meeting on Tuesday is in Riverhead?

MR. ZWIRN:
Yes, Tuesday in Riverhead.

LEG. MYSTAL:
Oh, God.

MR. ZWIRN:
It's the County seat.

LEG. KENNEDY:
Through the Chair if I can just follow up --

CHAIRMAN STERN:
Legislator Kennedy.

LEG. KENNEDY:
Thank you -- Legislator Mystal's question. I think the question actually goes to Ben is that the Riverhead Center was envisioned, I think, in two phases. And I believe that initial phase which goes to about six or seven million was committed and let for the expansion of the Consella Court Annex. However the balance of the renovation which is the gutting of the interior for systems and retrofit I do not think has been let yet. And that would be very important for us to know particularly in light of this matter here.

MR. ZWIRN:
Yeah. I know it's a lengthy agenda for Tuesday's meeting. But if you would like I will ask the Chief Deputy Gil Anderson to comment during the public portion if you so request and give an update on what's going on at Riverhead.

LEG. KENNEDY:
I'd very much like to hear it and see it and know where things are at. And particularly I'd like him to speak to the gamut of the project which my recollection was about 32 or 33 million and the actual work that's been let, which I believe is just for the expansion and the status of the balance of the work.

MR. ZWIRN:
Okay. In the public portion that would be -- if he came in and spoke for --

LEG. KENNEDY:
Well, actually, I guess we're going to have to ask the P.O. if he'll allow us to engage in some queries since normally we don't get the opportunity to question in public portion.

MR. NOLAN:
There's a part of the agenda where there can be presentations by people from the County Executive's.

LEG. KENNEDY:
Oh, and at that point we do have the opportunity for give and take?

MR. ZWIRN:
That's in the afternoon. It's usually after the public hearings. Would that be better?

LEG. KENNEDY:
That would be great. Thank you.

CHAIRMAN STERN:
Legislator Romaine.

LEG. ROMAINE:
Thank you, Mr. Chairman, for your forbearance since I'm not a member of this Committee. This is a resolution that would establish a feasibility Committee to look at an East End VA Clinic. I got to tell you I'm hearing what the Executive is working on. And a million dollars to me is surprising, shocking. And I think what you -- we should take a look at -- and a Committee like this could evaluate and bring back recommendations to us as Legislators is, you know, there's a lot of empty stores that are suitable; commercial space in downtown Riverhead. We might actually be -- cheaper leasing that space than trying to spend a million dollars for which we'll probably go out to bond and have to pay off over 20 years that will wind up costing us more like $2 million. We might be better off -- and I don't know. Maybe we're not better off, but a Committee like this could do it.

I've asked Mr. Ronayne to serve as its Chairman. He said he would gladly serve with myself and Legislator Schneiderman would appoint veterans from the East End. The Chairman of the County Space Management Committee would be included. A representative from the VA Medical Center and far more importantly a representative appointed by Congressman Tim Bishop who represents the East End because I believe we can try to appeal to the angel of his better nature, and there are many with Mr. Bishop, where we could attract federal funding.

Clearly, as Tom can tell you, the veterans on the East End are grossly underserved. If they need transportation there's just no way -- they have to meet a bus in Riverhead around 6:30, 7:00 in the morning. And that bus doesn't get to the VA Center until well after 9:00. They have to get all their appointments done because the bus leaves either at 12 or 1:00. They have a very tough time. Many of the veterans. And we have a growing veterans population for Suffolk County.

Your senior citizens are on your East End. Almost 40% of Shelter Island are over 62. 35% of Southold are over 62. Your senior citizens tend to retire and move to the East End. As you know, I don't have to tell anyone, Suffolk County is the number one county in the United States for Vietnam vets and probably in the top ten in terms of the number of veterans that served that could utilize the medical services of the VA.

This is critically important that we open up, not the small inaccessible difficult to get -- thing that they have in Westhampton, which by the way, my father utilizes, but they only utilize it to draw blood; because they can't perform a whole array of medical services. We would hope that an East End Clinic -- and I'm hopeful and I'm happy to hear that the County Executive is supportive. And should this resolution pass, I'd be happy to accept this report with the County Executive about feasibility of where these could be located in the most cost efficient way to the County. We may be able to attract federal funds. I certainly want to weigh re-doing the building in Riverhead for which both John Kennedy and I -- I was in that building for sixteen years. I'd be amazed that there's space available. I mean unless you're evicting title searches, I don't know if there's space available that I'm aware of. And I know every inch of that building after sixteen years there. But, you know, if you've identified space, I'd certainly take a look at it. But the million dollar price tag -- I'd like this Committee to look at other alternatives. Maybe even lease space, as I said. Space is leasing pretty cheap in downtown Riverhead. And it certainly would benefit the downtown revitalization initiative

which I know the County Executive is supportive of.

But, Mr. Chairman, I would urge this Committee to allow a feasibility committee to be established that I think could report back to us. There's no harm in people looking at this and coming back to this committee and issuing a report. We don't have to act on it. We can ignore their recommendations or they may be valuable to this Committee. So I certainly would urge passage. I think the Executive would support this and probably would be prepared to sign it because I know he's concerned about veterans as well. Thank you.

CHAIRMAN STERN:
We have a motion and a second. All in favor? Opposed? Abstention? Motion passes. **(Approved. Vote: 4-0-0-1. Leg. Alden not present)**

LEG. MYSTAL:
Motion to adjourn.

CHAIRMAN STERN:
Motion to adjourn by Legislator Mystal, second by Legislator Eddington. We are adjourned.

(THE MEETING CONCLUDED AT 10:32 AM)
{ } DENOTES SPELLED PHONETICALLY