

**PUBLIC SAFETY & PUBLIC INFORMATION COMMITTEE
of the
Suffolk County Legislature**

Minutes

A regular meeting of the Public Safety & Public Information 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 **December 11, 2002**.

Members Present:

Legislator Angie Carpenter - Chairperson
Legislator David Bishop - Vice-Chair
Legislator Lynne Nowick
Legislator Joseph Caracappa
Legislator Maxine Postal
Legislator William Lindsay

Also in Attendance:

Paul Sabatino - Counsel to the Legislature
Doug Sutherland - Aide to Legislator Carpenter
Tom Donovan - Aide to Presiding Officer Tonna
Ed Hogan - Aide to Legislator Nowick
Neal Capria - Aide to Legislator Bishop
Jim Spero - Deputy Director/Budget Review Office
Rosalind Gazes - Budget Analyst/Budget Review Office
Joe Michaels - Deputy County Executive for Public Safety
Bill Faulk - County Executive's Office/Intergovernmental Relations
Walter Denzler - Undersheriff/Suffolk County Sheriff's Department
Donald Sutherland - Undersheriff/Suffolk County Sheriff's Department
Alan Otto - Chief of Staff/Suffolk County Sheriff's Department
Joseph Rubacka - Lieutenant/Suffolk County Sheriff's Department
Michael Donegan - Special Counsel/NYS Commission of Corrections
Jim Lawrence - Director of Operations/NYS Commission of Corrections
John Gallagher - Commissioner/Suffolk County Police Department
James Abbott - Chief Deputy Commissioner/Suffolk County Police Dept
Salvatore Manno - Deputy Inspector/Suffolk County Police Department
Donald Papavero - Lieutenant/Suffolk County Police Department
William Linkenau - Sergeant/Suffolk County Police Department
Mike Pirone - Suffolk County Police Department
Richard LaValle - Chief Deputy Commissioner/Department of Public Works
William Laverty - Wiedersum Associations Architects
Debbie Eppel - Public Information Office
Bill Maggi - President/Correction Officer's Association
Bill Ellis - Director of Public Relations/Correction Officer's Assoc.
Jeff Frayler - President/Police Benevolent Association
Tom Muratore - Vice-President/Police Benevolent Association
Elie Seidman-Smith - Director/Community Service Program/ARC

Valerie Burgher - Newsday
Joseph Sullivan - Newsday
All Other Interested Parties

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Minutes Taken By:
Alison Mahoney - Court Stenographer

(*The meeting was called to order at 9:55 A.M.*)

CHAIRPERSON CARPENTER:

Good morning. Welcome to the Public Safety Committee. And I apologize, the committee had a briefing meeting earlier this morning and it ran a little late. So I really apologize to everyone who's been waiting patiently. Let us begin with the Pledge of Allegiance led by Legislator Caracappa.

Salutation

Thank you. We had scheduled a discussion this morning on the jail and I know that the representatives of the Sheriff's Department are here, Chief Otto, and we had invited the Commissioner of New York State Commission of Corrections, Allen Croce. I spoke with him the other day, he had indicated that he would be coming and I understand that Michael Donegan, Special Counsel, and James Lawrence, Director of Operations are here from the New York State Commission of Corrections in his stead. So if you gentlemen would like to come forward and representatives from the jail, too, to answer any questions collectively as you go forward with your presentation, we would appreciate it. Good morning.

MR. DONEGAN:

Good morning. My name is Michael Donovan, I'm special Counsel for the New York State Commission of Correction. Myself --

MS. MAHONEY:

Could you pull the microphone closer, please?

MR. DONEGAN:

I'm sorry. How's that, better?

MS. MAHONEY:

Yes. Thank you.

MR. DONEGAN:

We're here on behalf of Chairman Croce and the Commissioners of the Commission of Corrections to try to answer any questions you folks may have regarding the situation of the overcrowding and variances at the

Suffolk County Correctional Facility.

If I may, if I could just give you a brief overview of who we are and what we do and then I'll turn it over to Mr. James Lawrence who is our Director of Operations to give you more factual aspects or possibly to answer your questions.

CHAIRPERSON CARPENTER:

That probably would be a good way to approach it. Thank you, Mr. Donegan.

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MR. DONEGAN:

Certainly. The State Commission of Corrections is an executive department agency under the Executive Department of the Governor, separate and apart from the Department of Correctional Services which actually operates the state prison system. We are an oversight and regulatory agency charged with -- in general terms, our mission is to maintain a safe, stable and humane correctional system throughout the State of New York, including the state prison system and all local correctional facilities. To that end, we're authorized by Correction Law to promulgate rules and regulations that have the force and effect of law, we enforce those regulations when necessary in various different manners.

We are charged with overseeing the essential services of -- especially pertinent to your situation, local correctional facilities. We set the maximum facility capacity of a correctional facility, how many inmates you can hold in a particular facility at any given time. We give on occasion variances from that maximum facility capacity which are temporary in nature and generally to deal with unusual circumstances such as overcrowding or a failure of primary services within the facility. We are charged with approving any construction or renovation to correctional facilities to the extent that a project cannot go out to bid for the construction of a correctional facility, an addition to a correctional facility or any type of substantive renovation to a correctional facility until such time as plans have been approved by the commission. We set the minimum staffing levels in local correctional facilities, how many correction officers you need to oversee the inmates and run the program that the facility is responsible for.

Basically, as I said, we're involved in the day-to-day operations of correctional facilities all over the State. We're involved with construction projects for correctional facilities all over the State and we have -- we hope to be able to show you we have a certain historical background that might be able to give you some perspective on things we've done with other counties who are or have been in similar situations to the overcrowding situation in Suffolk.

At this point in time, Mr. Lawrence can either give you some background about where we are, how we got to where we are with the variances or he can answer questions for you. It might be helpful to give you a little historical perspective.

CHAIRPERSON CARPENTER:

I think a background would be helpful. Thank you, please.

MR. LAWRENCE:

Mr. Donegan introduced me, I'm James Lawrence, I'm Director of Operations at the State Commission of Corrections. To give you a little bit of an historical overview so that we're all on the same page with regard to how the Suffolk County Correctional System came to be where it is today.

The physical plant consists of essentially two separate plants. The Riverhead facility, which is a high security facility, was originally erected in 1969 and then added on to in 1988. Taken together, that

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facility is certified -- both designed and certified by the commission to hold 770 inmates. The facility at Yaphank which was essentially a minimum security facility, at least in our -- in the commission's view, is a very old facility that in our view has essentially outlived its usefulness; it was erected around 1950 and that facility is certified by the commission to hold 558 inmates. So the combined designed capacity as certified by the State for the Riverhead/Yaphank Complex is 1,328 inmates, and that is the expectation that we have on an ordinary, routine day-to-day basis that will be the maximum facility capacity of the Suffolk County Correctional System.

This is simply akin to the Fire Marshal sign you see on the wall that says no more than 25 people may occupy this room. It's a little more complicated because we require that the Suffolk County Correctional System classify inmates in a very sophisticated and advanced way which makes on a day-to-day basis not all of those individual spaces that are designed for occupancy usable for occupancy. That usually works out as a rule of thumb in a large jurisdiction like Suffolk County about 90%. So about 90% of the maximum facility capacity is available for day-to-day use to house inmates, that brings the actual real operational capacity as we call versus design capacity, the real operational capacity of the complex down to around 1,195.

Given the current population of the Suffolk County Correctional Facility Complex, the classification that we require by State regulation which is an objective, quantifiable system for separating inmates and housing them safely based upon the risk factors presented by those prisoners and their special needs they may have, that kind of

classification system as required by State regulation can't realistically be followed or operated on a day-to-day basis in the Suffolk County system. And so on a day-to-day basis, the County is in violation of that regulation which we consider to be very important, purely on the basis of overcrowding; there are too many inmates to be able to classify them properly. Other essential services such as visitation are also severely compromised when the number of inmates exceeds design capacity and operational capacity by a considerable amount.

The Suffolk County system began operating at or above 100% of its total capacity, its total design capacity, and far above its operational capacity -- those two are distinguished from each other -- as long as 1992, ten years ago.

MR. DONEGAN:

If I could just clarify that. When we're going to start talking about dates here, we're focusing on the post 1988 addition to the jail. There were prior overcrowding situations that came and went over the course of years, so we're picking it up after the 1988 addition to the jail.

MR. LAWRENCE:

That's correct.

MR. DONEGAN:

What we refer to as the 240 unit at the jail. I'm sorry.

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MR. LAWRENCE:

Thank you, Mike. That is correct. But with regard to recent history done, at least ten years ago the facility was severely overcrowded both from the design and operational standpoints. Counts during that period -- the average daily count on an average day, if you average out the whole year, was about 1,165 inmates, and there were many days in which the high population peaked at over 1,350 inmates. So that was ten years ago that a facility essentially designed to operate at 1,195 inmates was operating above 1,350. That state of affairs has not abated, rather it has become exacerbated as time has passed.

By 1995, three years later and seven years ago, the facility was at 100% of its total capacity, not 100% of its operational capacity. But now 100% of the actual spaces that were even available irrespective of what kind of nominal operations you would want to do on an average day. About 1,320 every day of the year minimum with many peaks day in and day out in times of high court activity of above 1,700 inmates, again, for a facility that was designed with 1,328 spaces and intended to be used -- of which 1,195 were intended to be used.

CHAIRPERSON CARPENTER:

What was that high peak number again; did you say 1,720?

MR. LAWRENCE:

The peak number is above 1,700.

CHAIRPERSON CARPENTER:

Okay.

MR. LAWRENCE:

And that's not one peak, there were several points during the year, many points during the year in which -- and that's another point that's well taken, Madam Chair, that these number of peak days, another symptom of the aggravation of the overcrowding situation at the facility is that the number of peak days where you reach highs, that high, there's more of those peak days rather than just an occasional peak day. So earlier in the course of the overcrowding you had peaks that were high but there were few of them, later in the course of the overcrowding you had higher peak days and more of them. So it was an intensified, aggravated situation.

CHAIRPERSON CARPENTER:

Can you give me a guesstimate as to what that -- over the course of the year that number of peak days is?

MR. LAWRENCE:

I don't have it right at hand. I would say, oh, 15 to 20 days in the year that those peaks are actually reached, a good number more that the peak is nearly reached, it's quite high above the average daily census figure that we would look at.

CHAIRPERSON CARPENTER:

It would be helpful if we could get that information.

MR. LAWRENCE:

Sure, I will try to provide that for you. Around that time, it became

apparent to both the State and Suffolk County that there was going to have to be some relief afforded the correctional system in order for it to be able to operate at all, let alone operate nominally. And so the County applied for and was granted variances from the commission's maximum facility capacity regulation in 1995. The first two applications were granted in that year and that added 244 temporary spaces on the floors of the day room areas of the maximum security jail, these are areas that are intended for exercise and time out of cell for the inmates who are committed to the jail, and instead these spaces became used as actual living spaces around the clock for the additional inmates. So the spaces originally intended for exercise

and free time out of cells were thereby used for -- to house inmates, and this involved almost uniformly sleeping on the floor. And in many cases cots were brought in but there were not sufficient cots available and a good deal of the living conditions, the conditions of confinement involved literally living on the floors of these places, these day areas. These were considered temporary relief in 1995, not permanently -- not permanent capacity adjustments and the County was well aware of that at that time. These are conditions of confinement that are not suitable over the long-term.

Two years later, in 1997 which was five years ago, inmate populations continued to remain above 1,700 on the busiest days, which is still more than -- 175 to 180 inmates above this emergency capacity that we had established. And so the County could not even comply with the terms of the variances that we had granted which was to stay within the additional spaces we had accorded, yet -- and so a large number of additional prisoners were living in conditions of confinement that were really not acceptable and for trial inmates probably unconstitutional.

That number continued to rise steadily throughout that year and into the next. By 1998 those figures on high days were more than 1,800 inmates in the facility. This sparked an application by the County for a third variance for maximum facility capacity regulations, this time to allow double-celling in the more modern part of the facility, what we call the 240 unit which was constructed in 1988. Now, normally the State Commission of Correction permits limited double-celling in County correctional facilities, none of which presently -- I will correct that, very few of which in the present day are designed for double-celling, none of which at that time were designed for double-celling. Our policies permitted limited double-celling in those facilities due to severe overcrowding up to 25% of the census of the facility.

The variance that was granted in Suffolk County, the third variance in order to try and get a handle on the severe overcrowding, allowed for 80% of that 240 unit to be double-celled, essentially waiving the commission's Statewide policy that was enforced virtually everywhere else. That became and still is the largest double-celling compliment in the New York Jail System which typically, as I say, allow 25% of the facility to be used double occupancy in enclosed cell situations.

Today, at the present time, on the average there are 160 inmates incarcerated in the jail over its design capacity, on Monday you were 200 over, and on a high volume day there are 400 more inmates than the

facility was designed to house. The agency's projections, the State Commission of Corrections projections for the near term or

intermediate term future, typically we make projections when we're talking about new facility development, we make projections over the time period that we believe it would take to develop a new facility and bring it out of line. That typically, in a large jurisdiction like this, tends to be five or six years; from the day that you decide that you're going to finalize your blueprints to the day that you cut the ribbon, typically five or six years pass. With all of the fits and starts and issues that arise in developing a major public work correctional facility. So we talk about projections in those terms.

For Suffolk County, that brings us to around 2007 and we believe that your average daily census during that time period will rise to 1,700 inmates every day, 400 inmates above your capacity, and that your high counts -- and there will a lot of them -- will be over 1,980 inmates, nearly 2,000 inmates on peak days, 600 inmates above your capacity. This comes from looking at the last ten years of activity in the jurisdiction and it comes, frankly, from looking at some of your crime and prosecution data for as late as the first six months of 2002.

Therefore, for the past seven years, and even longer but certainly forth past seven years, the commission has allowed operation of your correctional system with an artificially inflated capacity which has also entailed violation of certain minimum rules and regulations setting such minimum standards. The Commissioners, as Michael Donegan pointed out -- a three member deliberative body each appointed by the Governor, confirmed by the Senate -- have not taken a vote on this matter, these variance issues of late but have given us as the senior staff who were asked to appear here today every indication that this state of affairs will not be allowed to continue indefinitely. The facility is severely, chronically overcrowded, it's in violation of State regulations and standards, and the variance relief is really no longer viable as a means of addressing this problem, mainly because it hasn't addressed the problem.

The populations remain in excess of virtually all the variance space that has been granted. And since there does not appear to be any progress either in reductions in the population of the facility or in the development of space that will provide decent housing for the inmates committed by the courts of the County, the variances really have not achieved their purpose from the policy -- from the standpoint of our policy, including our public policy on criminal justice, and will not be continued past the immediate near term future.

The variance relief was capped, the population of the facility was capped in a letter that was sent to the Sheriff in February from the Commission setting an absolute hard cap above which no inmates can be housed. The term of the variance which was typically one year, year in and year out, was reduced to six months and a letter was sent in August of 2002 to the Sheriff and to the relative Legislators warning that this relief, that the life of these variances was going to be

indeed short and terminated in the near term future. Absent some tangible commitment to the development of new space or some miraculous reduction in the number of prisoners that would be committed by the courts of this County, the senior staff of the agency will not

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recommend that these variances be continued when they expire in February of 2003.

CHAIRPERSON CARPENTER:
Okay.

LEG. LINDSAY:
I have a question.

CHAIRPERSON CARPENTER:
Yeah, I will move to questions. Legislator Postal, go ahead.

LEG. POSTAL:
What action by the Legislature and the County would enable the County to receive an extension of the variance?

MR. LAWRENCE:
A credible belief on the part of the Commission that the County was engaged in a process that would provide new correctional space of a dimension that will literally address the problem, rather than just, you know, some sort of a gesture that would just continue the problem chronically at a somewhat lower level. The agency, as far as the past performance of the Commissioners with regard to these issues, would want to see the County in design development now for a facility that will meet needs.

LEG. POSTAL:
And if the County did that, you said that it customarily takes five years.

MR. LAWRENCE:
Uh-huh.

LEG. POSTAL:
Would -- as the process moves along, the County is in design and the County was then in the actual construction, is it realistic to expect that these variances would continue as the construction proceeded, until it was complete?

MR. LAWRENCE:
You said actual construction, right?

LEG. POSTAL:

Yes.

MR. LAWRENCE:

We -- the policy of the State Commission of Correction would certainly not be -- not to place itself in a position of penalizing the County while it's actually trying to build or actually building -- amend that, not trying to build a building. If you're in construction according to a plan that will actually address your needs as opposed to any construction, the whole universe of possible construction, if you were in that actual construction phase, the State would be -- although I can't speak for my Commissioners as though they were here, our past policies have been not to place the Counties in a penalized

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situation for that, to actually try and reward that by supporting them.

LEG. POSTAL:

Thank you.

CHAIRPERSON CARPENTER:

Thank you. Legislator Lindsay.

LEG. LINDSAY:

Thank you, Gentlemen, for coming down here today and sharing your knowledge with us. I realize that you have a much broader perspective than we do on these things because that's what you deal with all over the State every day. Is both our maximum and our minimum security facility overcrowded or is the overcrowding in one more than the other?

MR. LAWRENCE:

The most severe overcrowding is in the Riverhead facility but you're overcrowded in both and you have variances that are giving you relief for maximum facility capacity regulations in both facilities.

LEG. LINDSAY:

The proposal that was voted out of this committee at our last session and will be going before the entire Legislature next week calls for us to accelerate our Capital Budget and go into planning steps I think a year earlier to start planning this facility, but it only calls for 200 and I think 62 cells which would -- you know, is that correct, fellas?

UNDERSHERIFF DENZLER:

Two eighty.

LEG. LINDSAY:

Two eighty? Which still would mean that even if we opened the door

tomorrow we'd still be over crowded.

MR. DONEGAN:
That's correct.

MR. LAWRENCE:
That's correct, Mr. Lindsay.

LEG. LINDSAY:
And how does the State feel about that?

MR. LAWRENCE:
Depending on how the plans materialize, we would consider that in the most positive light a good first step. Putting the most positive spin on it, a good first step if it were, for example, the first phase of a phased plan that would actually over time, reasonable period of time, bring on the necessary spaces to actually address the entire problem and obviate the need for variances altogether.

LEG. LINDSAY:
Are we building a lot of jails around the State?

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MR. LAWRENCE:
Yes, we are. We have about 16 projects in progress Upstate.

LEG. LINDSAY:
And you people approve all of them, the design and all that?

MR. LAWRENCE:
Yes, and I think it would be fair to say that we compelled a good measure of them.

LEG. LINDSAY:
Is there -- again, with that broad perspective, is there any innovative programs out there as alternatives to incarceration? Do you see anything on --

MR. LAWRENCE:
Yeah. Mr. Lindsay, there are many innovative programs for its alternatives to incarceration and I must say that this County is one of the leaders in that regard. I think you have as far as the range of programs, the ethicacy of the programs and the innovation of the programs probably one of the best alternatives to incarceration pictures already in place in New York State, that's on the positive side. On the negative side, I think you've probably maxed out the capability of those programs to reduce your population and that's evidenced by the population trends over the past five years, a period during which you had very innovative and advanced programs including

bail reduction, intensive supervision, prerelease supervision, a whole series of programs associated with alcoholism problem and driving while intoxicated, programs that many parts of the state have never even -- have not ever embarked upon. And by the way, some of which sadly may be in jeopardy from the State funding's point of view in upcoming -- as the State deals with its upcoming fiscal crisis. A good many of them are State funded.

LEG. LINDSAY:

In your roll of approving design of new jails, is there any kind of boiler plates available? I mean, we're going to go into a design phase and we'll probably spend quite a bit of money designing a new jail. I mean, is there any help from the State on that level?

MR. LAWRENCE:

Yes. I would say that boiler plate might not be the perfectly descriptive term but I know what you mean. There are architectural firms throughout the State. As I said, there are 16 projects ongoing and we've put on, oh, 4,000 cells over past ten years in the Upstate local jail setting that are already built and on-line, all of which were designed by architectural firms, not just one but a host of architectural firms that are active throughout the State and who have vast experience in building modern correctional facilities, designing modern correctional facilities that are cost effective to build and operate. So there's really nothing new under the sun with regard to that. We are in a phase where we're building what we call third generation jails, the modern model of jails, that phase is about ten years old and there's really nothing new or on the horizon. So they're approving designs that are cost efficient to build, that are staffing efficient to operate and that have been successful throughout the

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state and that you could go and look at to your heart's content actually if you were interested in a fact-finding mission Upstate to see what's available

LEG. LINDSAY:

But the State correctional group doesn't have per se a blueprint for a jail, a 250 cell jail or a --

MR. LAWRENCE:

No, but we could point you to a half of dozen architects who have first rate ones that you could actually see how they turned out on the ground.

LEG. LINDSAY:

Because I don't think, you know, anyone here is interested in creating an architectural beauty.

MR. LAWRENCE:
Nor should you be, sir.

LEG. LINDSAY:
We want something practical that will work.

MR. LAWRENCE:
Absolutely. There's an abundance of --

LEG. LINDSAY:
For both time and money, you know, for going into a design phase now, it just seems to me that there could be some savings there in both time and money.

MR. LAWRENCE:
Well, architecture is expensive even when you use off-the-shelf applications, architects as a profession being what they are. There's no, you know, bargain basement way out of that. But having said that, there's absolutely no reason to reinvent the wheel here, there are excellent designs out there that are available.

MR. DONEGAN:
Let me also add that in terms of a design phase, when we're talking about a phased-in program that would meet all of your needs, economies of scale would suggest that you want to get into a design phase for all of your intended Capital Projects or phases at one time, not necessarily just the first phase, if I'm making sense there.

LEG. LINDSAY:
No, you are making sense. I believe the facility that we're going to talk about next week has the 280 cells but it also has the infrastructure, the kitchens, the medical facility, right, to accommodate a larger population. So the basic idea is to do what you are talking about.

MR. LAWRENCE:
Fine. Having said that, then, the bottom line here is you need 1,200 beds.

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LEG. LINDSAY:
Twelve hundred new beds?

MR. LAWRENCE:
Yeah.

LEG. CARACAPPA:
For both facilities.

MR. DONEGAN:
Over the course of time.

MR. LAWRENCE:
Over the course of time.

LEG. CARACAPPA:
For both facilities.

MR. LAWRENCE:
Well, you preserve Riverhead I think at 770 and then you'd have to -- you'd want to -- in our view, you'd want to replace Yaphank, it's 50 years old. So the smart play would be build a free-standing, 1,200 bed facility and then operate Riverhead and that; that would be our advice if it were solicited, over time. When you cut the ribbon in 2007, you'll have an inmate for virtually every space that you build there.

LEG. LINDSAY:
Thank you.

CHAIRPERSON CARPENTER:
You just made a statement if you were solicited as far as offering your input; is this something that you do? And I think that goes along the lines of what Legislator Lindsay was driving at. Are you a part of the process in trying to help us fasttrack it once the decision is made and are there any services that you can offer that would help cut our costs? Because as you gentlemen indicated, the State is facing a fiscal crisis and that crisis is filtering down and affecting the counties. And part of what we have to deal with is being driven by forces outside our control and any help that we can get, I think we all can agree that the need is there and we want to address it; certainly no one wants to be derelict in their duties in doing the right thing. But we need to work in this together and we need that kind of assistance, so is that available coming from the Commission?

MR. DONEGAN:
Yes, absolutely. Technical advice and assistance are one of our primary functions. One of our main programmatic areas is what we refer to as NITAP which is New Institution Transition Program --

MR. LAWRENCE:
Assistance Program.

MR. DONEGAN:
And Assistance Program where we have people that work on that aspect of the correctional system throughout the State. In other words, they

have certain other duties but one of their primary programmatic areas is to work with any jurisdiction that is planning, designing, building right through -- we start from the time that you say, "All right, we've made the decision we've got to build a facility," okay, from that moment until the time six months after you put the first inmate in that facility these people work hand in glove with you to walk you through, to go around some of the foibles that you might run into without their assistance. We work in conjunction with the National Institute of Corrections which runs programs on planning of new institutions and operating new institutions, people from the jurisdiction can be enrolled in those and those -- the NIC programs are at no cost to the Counties or the State, the Department of Justice funds them completely. Actually, you end up going out to {Long Mountain}, Colorado at their expense and going through the program there and our people teach at those programs and work hand in glove with them. So yeah, there's plenty of technical assistance to help you get through this.

CHAIRPERSON CARPENTER:

Well, that certainly is very encouraging and I know that we have representatives here this morning, the Deputy Commissioner of Public Works is here along with other representatives of the department. And the resolution did get moved out of committee to actually make the commitment for the County and start that process to add those additional beds. And I'm very hopeful that with the information that was shared here this morning by your appearance, with the full Legislature next Tuesday that we will, in fact, be able to move forward with that and certainly demonstrate to the commission that there is a willingness on the part of the County to move forward in addressing the problem. We also have a resolution on the agenda today to move forward with a jail needs assessment.

And I am glad that you shared that you felt that we have been very proactive and successful in utilizing alternatives to incarceration because I think there have been some that feel that that was the answer to our overcrowding problems. That if we, you know, employed those kinds of things that we could address the situation. But my sense from what I've heard here this morning is that, you know, we've already done that and that there's no way to get around putting the additional resources into expanding the number of slots that we have at the correctional facility.

MR. LAWRENCE:

That's correct, Madam Chair.

CHAIRPERSON CARPENTER:

Okay, thank you. Legislator Nowick.

LEG. NOWICK:

Yeah, I just had one concern. I think that you said that the

variances would be removed come February, 2003 and the only way -- and correct me if I am wrong -- they would stay is if we were actually in construction, which obviously we couldn't be. Would they stay if we

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were to pass this resolution to show that we were in the process of adding additional beds and more space, or would they be removed in February, 2003?

MR. DONEGAN:

If I could ask, what do you anticipate the time frame of getting into actual design, of hiring an architect to design?

LEG. NOWICK:

We're very slow in the County.

CHAIRPERSON CARPENTER:

That's not always true, and DPW is here today.

LEG. NOWICK:

Well -- oh, great.

CHAIRPERSON CARPENTER:

And they're here today and they can address that.

LEG. NOWICK:

Because I'm very concerned about the removal of the variances because I believe we have to then shift the prisoners Upstate at an additional cost that's --

MR. DONEGAN:

That would be correct. Let me try to be as clear as I can on this. Unless -- I would suggest to you -- again, without speaking for the Commissioners -- that from a senior staff point of view, unless you are in a design phase, actually in a design phase with an architectural firm by February, your variances are at risk.

MR. LAWRENCE:

And to add to that, that design phase needs to be a process which when we sit down and look at it with you, with your architects, leads to the kind of scope that we're talking about, that we're talking about here on our side of the table here which is over a period of time, whether it be a phased development or not, you would bring about 1,200 new beds on line at a time when you're going to absolutely need them.

LEG. NOWICK:

So time is truly of the essence here.

MR. LAWRENCE:

Right. So that we would look at the fact that you're in design development, that means you've retained an architectural firm and they have been given the job to design a new public works for you or whatever process you use to get to that. And that those designs when we look at them, we look at bubble drawings, what we call bubble drawings, for example, which are just schematic drawings like a table of organization, it looks like a table of organization.

LEG. NOWICK:

Talking about architectural renderings, professional --

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MR. LAWRENCE:

Correct, correct, that brings that scope of a facility into reality downstream in some reasonable future time frame. Other than that -- a study, for example, wouldn't do this, another study. For example, we talked about a study in 1998, if that study had been done in --

LEG. NOWICK:

You're not looking for a study. Do we have the bid?

MR. LAWRENCE:

But a study wouldn't be an appropriate response from the standpoint of the Commissioner, as far as I can tell.

MR. DONEGAN:

Right. Planning to plan isn't going to do it, if that's any clearer.

MR. LAWRENCE:

As far as the February expirations are concerned.

LEG. NOWICK:

You also said that you have architects that have these renderings already and -- well, I guess it would have to be bid out.

MR. LAWRENCE:

Well, you'd have to do whatever process you do to get engaged with a design and development operation, whatever your internal process is to do that would be your own. But they would have to be demonstratively progressive, we would have to see progress.

MR. DONEGAN:

For example, and correct me if I'm wrong, if you had an RFP out to actually hire an architect.

LEG. NOWICK:

That would be good?

MR. DONEGAN:

That would be --

MR. LAWRENCE:

Yes.

MR. DONEGAN:

Not one to do a study to potentially hire an architect, but actually hire an architect and an engineering firm.

CHAIRPERSON CARPENTER:

Well, I think that that, you know, clearly is what the resolution that's on the floor that will be before us on Tuesday at the Legislature is for moving forward with hiring the firm to start the process. But again, I think it's important to understand that some of the things that we have to do in the process are things that are regulated by State law in the procurement process. And unless we, you know, are given waivers of going around those, you know, hurdles that we have to go over, it's going to take X amount of time to do it. Even though, you know, we would all love to have it done by February,

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because of the process and the way it's defined by State law, it may take us longer than that. But I think, you know, again, we are all understanding the fiscal situation that we all find ourselves, in certainly we as a County are not unique and you as a State are facing them also. If we make that commitment by a vote on Tuesday, that I would hope that that would be taken into consideration by the members of your commission in allowing those waivers to go forward as we go through the process.

MR. DONEGAN:

With all due respect, Madam Chairwoman, I'm not entirely clear on what the parameters of this resolution you're speaking of would be. My experience with other counties that we've been through with this has been sometimes they will enter into a needs assessment phase rather than an actual design phase.

CHAIRPERSON CARPENTER:

No, this is an actual design phase. In fact, there had been much discussion to move forward with the jail needs assessment study before we moved forward with that but this committee felt very strongly, because of the waivers that we're operating under now, that we needed to demonstrate a willingness to make the commitment. And it's not a light commitment that we're making because this particular first step that we're taking is a \$40 million commitment on the part of this County to add those, you know, slots at the facility.

MR. DONEGAN:

Right. Were you to pass this resolution, do you have an approximate

idea of when you would actually be going out to bid for an architect?

CHAIRPERSON CARPENTER:

Well, this is something that, you know, we have Public Works here today and when they come up to discuss something else I'll certainly ask them that question and we can get you that information. But we also have the Chairman of the Public Works Committee here today and he's -- if you are done with your questions, Legislator Nowick?

LEG. NOWICK:

Yes.

CHAIRPERSON CARPENTER:

Legislator Caracappa.

LEG. CARACAPPA:

Thank you, Madam Chair. Well, first and foremost, one quick editorializing comment. Anyone who thinks we're going to get an RFP out prior to six months down the road from this point on is kidding themselves, and I think that's a fact. My questions to you gentlemen -- and thank you so much for coming down, we appreciate it. Out of the 16 facilities that you mentioned, how many of those are brand new facilities starting from the ground up and how many out of those are additions to current facilities?

MR. LAWRENCE:

I don't have the figure right at hand, but virtually none of them are additions. The only addition I would have right off the top of my

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head would be 400 beds in Monroe County which is tantamount to a facility -- you're talking about the 16 that are in some phase of development, right, that I had mentioned.

LEG. CARACAPPA:

Yes.

MR. DONEGAN:

In addition to that, since 1992 there are ten new facilities that have already been built from the ground up and completed and that are open in addition to the 16 that are currently built.

LEG. CARACAPPA:

So 26 as a whole.

MR. DONEGAN:

Right.

MR. LAWRENCE:

Very few, very small number, very small fraction. Almost all of them are new facilities from the ground up.

LEG. CARACAPPA:

Okay. The point -- my questions are in a line of thought here. How many of those construction projects, the 26 or the 16, it doesn't matter which one you pick, how many of those were driven by overcrowding conditions?

MR. LAWRENCE:

Virtually all of them.

LEG. CARACAPPA:

Okay. Out of all of those, how many had their variances pulled or threatened to be pulled by the State?

MR. DONEGAN:

Most.

MR. LAWRENCE:

Well, a handful were pulled, another group came within days of having them pulled. And I would say probably, off the top of my head, roughly half of the 16 projects that we're talking about today were involved in some sort of enforcement action or withdrawal of relief action from the State in order to get the process over the hump as it were.

LEG. CARACAPPA:

What did those municipalities do when their variances were pulled? Here in the past, even though we had variances, we had to ship inmates to other municipalities at a tremendous cost to the taxpayer; was that something that was done there as well?

MR. LAWRENCE:

Yes.

LEG. CARACAPPA:

What other penalties or sanctions, if you will, are imposed by the State upon local municipalities once those variances are pulled, other than forcing us to send inmates to different municipalities for it being -- you know, for correction purposes?

MR. DONEGAN:

Typically that is the most common. I mean, we are well within our power under the Correction Law to enforce limits on maximum facility capacity through litigation, but we're loathed to do that, it ends up being an additional expense and headache for everyone involved. Generally what happens is once counties start boarding out and, if I

could be frank, the expression I use is bleeding cash on a day-to-day basis, it becomes quite clear to them that the cash they're bleeding to pay other correctional systems to hold their inmates would more than cover the debt service on the Capital construction that they need to do.

LEG. CARACAPPA:

Out of the 16 or 26 -- again, your choice -- municipalities that are constructing, how many of them did a comprehensive correction needs assessment study such as we're about to embark upon here?

MR. LAWRENCE:

Virtually all of them, but most of them it's in the neighborhood of two years prior to the point where you find yourself.

LEG. CARACAPPA:

Does the commission advocate those types of studies to be done first and foremost before we or any municipality goes forward with the commitment of tens of millions of dollars even for planning purposes?

MR. LAWRENCE:

No, not in the terms that you've stated it. It depends on the severity of the situation.

LEG. CARACAPPA:

So the commission does not advocate a study or a needs assessment prior to committing tens of millions of dollars.

MR. DONEGAN:

If the County has the luxury of time to do that without having the severity of an overcrowding situation that has occurred for so long here in Suffolk County, certainly we would not be against their assessing their needs. But the time for such a study here in Suffolk County has come and gone, as I think what Mr. Lawrence was trying to allude to, several years ago. Counties that have achieved the kind of constant chronicle crowding that exists here in Suffolk County typically do not wait around to do that kind of a needs assessment, or they may do it in part and parcel of moving forward with a concrete building program, but they don't wait, they don't hold back the building program to wait for some sort of a needs assessment that is not going to deal with their current problem on the ground at that point in time.

MR. LAWRENCE:

Yeah. I think to be as frank as we can, the planning process that I think you're talking about is largely irrelevant to the commission's position here.

LEG. CARACAPPA:

That's where we find a problem between some Legislators and, of course, the people from our correctional facilities in the State. Some of us are very worried about moving forward with that major commitment before we know what we need. Though we know we need beds, we also know we need to try and reform the correction process if we could. You said we were leading the State in areas in things other than incarceration, alternatives, and we would like to advance that even more so and I think that we can. So wouldn't the commission be happy to see that the County of Suffolk is trying to advance that before we make the commitment, or you're just saying now it's way too late, time's up, build beds, brick/mortar, do it now.

MR. LAWRENCE:

Time's up.

LEG. CARACAPPA:

Time's up. One final question and it goes back to the -- what my colleagues were saying with relation to the planning resolution. Would our study that most likely is going to be passed today, at least the funding for it when we move forward the study and the start of the planning process, is that a good enough or good faith effort enough for the commission to say, Listen, they're doing their study in conjunction with planning, we're very satisfied with that at this point in time", even though our RFP won't go out, as I mentioned in the beginning of my comments, probably for six months, maybe longer.

MR. DONEGAN:

I would say that from our perspective, your planning study -- or your study, rather, is moving far from some parallel and separate track in the design and development. If you want to do that, that's fine for you, but for us we need to see design and development to alleviate the overcrowding and that's what's going to satisfy us. Now granted, I know there are restrictions and so forth upon getting an actual RFP out, but I think we're talking about seeing a firm commitment on the part of the Legislature to get an RFP out within the fastest, reasonable period of time to get a construction project off the ground. That's really what we're most concerned with. The plan is -- you know, as clearly as we can say, the planning is nice if you want to do it but it's really not necessary to what we're looking at at this stage of the game, I would say.

MR. LAWRENCE:

I think we're pretty clear on your needs, whether you are or not, with all due respect.

LEG. CARACAPPA:

No, I appreciate that. Again, thank you for your comments, your questions and coming down and making things rather clear for us.

MR. LAWRENCE:
You're welcome.

CHAIRPERSON CARPENTER:
Thank you. Gentlemen, you stated a number that you felt that we would need to be at as far as beds and I believe it was 1,700? You projected our --

MR. LAWRENCE:
No, no. You mean new beds?

CHAIRPERSON CARPENTER:
With what -- what was the number that you felt?

MR. LAWRENCE:
We think your counts -- we're reasonably sure, we're very sure your counts on an average day in say 2006/2007 fiscal year will be 1,700.

CHAIRPERSON CARPENTER:
Okay, so that was the number I heard.

MR. LAWRENCE:
Right. Now, what that translates to in terms of beds, given what you might be able to do with Riverhead, translates to us to about 1,200 beds.

MR. DONEGAN:
The way we arrive at that number, where the discrepancy comes in is in order to house 1,700 inmates because of what Mr. Lawrence referred to earlier in his presentation, being able to properly classify inmates. Certain groups of inmates -- I don't know how familiar you are with that, have to be separated from other groups of inmates by law, others have to be separated for good correctional practice in order to keep your correctional facility running in an optimal fashion. In order to do that, you can only house 90% of the total capacity of your jail. So in order to house your average daily census of 1,700 inmates, you need 1,900 beds to do that.

MR. LAWRENCE:
In addition to that, there will be days, many days, which -- in which, irrespective of your classification margins, you will be at 1,900, those peak days.

MR. DONEGAN:
Peak days, right.

MR. LAWRENCE:
With an average daily census of 1,700, there will be many days when

you're at 1,900, 1,980, 2,000 inmates. And so you will need every single -- there will be days when you will need every single bed in the building, on an average day you'll be able to classify properly so that your violation of classification regulations will be ephemeral, temporary only occasional, in which you have to pack the facility full every day -- I mean, on certain days, but that will go away hopefully as you slide back toward an average daily census of 1,700. All of this argues for about 1,200 beds in addition to the 770 at Riverhead

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to be available to you by that period of time in the future, it will take that long to build them.

CHAIRPERSON CARPENTER:

So when you arrived at this projected number of beds that we -- that you feel that we as a County are definitely going to need, you factored in -- I mean, you didn't just look at the numbers, but did you take into consideration the fact that we have been progressive in alternatives in incarceration?

MR. DONEGAN:

Well, those numbers do go together, you have been progressive.

CHAIRPERSON CARPENTER:

Okay. Now, we have been.

MR. DONEGAN:

But your numbers continue to rise and we look back five years in order to look forward five years, we also take a look at your crime stats which are -- your felony arrests and your felony indictments are up substantially in this County which is what --

CHAIRPERSON CARPENTER:

Well, actually I remember us having a presentation in this committee and our crime stats were down a little bit. So I don't -- I don't know and I need to know that we were looking at that data.

MR. LAWRENCE:

Madam Chair, felony -- yes, there are a great many crime stats, but generally what drives jail populations over a period of time -- in other words, enduring jail populations -- people who are committed to jail and stay rather than rapid turnover or just processing and then released, but people who stay in jail are generally driven by felony arrests and felony indictments and in this County they're up, they're up almost 20% from 2001, the indictments; the arrests are up 2 1/2%. The County's growing and we don't see any real reason to believe there's going to be a dramatic abatement or even a reversal of that in the near term future.

The whole suburban picture is the same so that you're in a matrix of counties, Nassau and northern metro area, north of the city, which are in the same situation with felony arrests up 1.6%, felony indictments up 10%, OCA indictments for the first ten -- Office of Court Administration data which comports with our DCJS data for the first ten terms of 2002 through October, up 2.8%. And pending dispositions, pending felony cases where people who generally are in jail with what amounts generally to be a backlog for the whole suburban area up 34%. So this is a growth area that we don't see huge abatements in that kind of activity which causes us to believe that there's not going to be a dramatic reversal here.

CHAIRPERSON CARPENTER:

Okay. One further comment I would like to make. I would just hope that you take back to the commission members that -- and I know you stated here today that the overcrowding problems, going back to '92 that this has been a problem for the County. But prior to 2000, the

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year 2000, a part of that overcrowding problem was exacerbated by the fact that we had hundreds of State-ready prisoners in our jails that really should have been jailed in State facilities that we were burdened with housing in our facilities that were not being moved out in a timely fashion.

MR. LAWRENCE:

That's absolutely correct, Madam Chair, and is part of, with all due respect, the reason for the length of the State's forbearance in this matter.

CHAIRPERSON CARPENTER:

Okay, we appreciate that. Are there any further questions or comments? I really appreciate your coming down and I'm going to make an effort, I don't know if it's possible, but we'll try to get the minutes of your presentation this morning distributed to the members of the full Legislature on Tuesday when they're considering moving forward with that resolution and hopefully we will have a positive outcome and you can continue to be patient with us and work with us in addressing the situation.

MR. LAWRENCE:

Thank you, Madam Chair.

MR. DONEGAN:

Thank you.

CHAIRPERSON CARPENTER:

Thank you very much. I have been told from the Clerk's Office that they will have the minutes. Alison, thank you very much, I think that

will be helpful on Tuesday. I know we had said we had an excused absence, but I am so glad that Legislator Bishop was able to join us this morning, we'll be sure that you get those minutes of the presentation.

Okay, I would ask the Police Commissioner if he would like to come forward. Mr. Donovan and Mr. Lawrence, perhaps you could touch base with Mr. LaValle, the Deputy Commissioner of the Public Works Department, that might be helpful.

COMMISSIONER GALLAGHER:
Good morning.

CHAIRPERSON CARPENTER:
Good morning.

COMMISSIONER GALLAGHER:
Chairman, Members of the Committee, really the only matter that concerns the department, you know, that we would like to address the committee on that is obviously any of these resolutions that touches directly on us we have an interest in, but they are -- for the most part I think our position has been well stated on all of them that I know of, and that's the Quartermaster Building. I understand that you have requested Public Works Commissioner LaValle to come --

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CHAIRPERSON CARPENTER:
Yes.

COMMISSIONER GALLAGHER:
-- who's here and he -- I would have to defer to him to establish any -- answer any questions you have on the cost estimates of the building, but it's back to our, you know, plea that if we can get that building under way it would be a tremendous assistance to us, free up some space. And it's also the first time in my recollection we have had a joint venture with other agencies, in this case the Sheriff's Department, where we're both benefitting from the same Capital Project.

CHAIRPERSON CARPENTER:
Um --

COMMISSIONER GALLAGHER:
That's prime 2295.

CHAIRPERSON CARPENTER:
2295, yeah. Rich, maybe you could come forward now, if you wouldn't mind. Let you us address that particular resolution. And Doug, if you could step out and see if you can get Chief Otto to come in, that

would be helpful.

The situation with the Quartermaster Building is something that's been ongoing for quite a bit of time. It was Budget Review who made the suggestion that a joint effort between the Police Department and the Sheriff's Department would bring us some cost savings or efficiencies in this particular facility and both departments were very willing to sit down and come up with a way to work together on this. It was my understanding that the plan was already in place for the Quartermaster Building for the Police Department and we had a meeting a number of months ago with the architects from DPW to look at the feasibility of reconfiguring it to meet the needs of both departments and it was felt that it could be done with some modifications. The modifications, it's my understanding, have been made.

There is some question about the cost of the facility, it's different from what it had originally been projected to be. Budget Review has been working on identifying some offsets for some projects that the department felt they would not be moving forward with that we could use for offsets and that's where we are today. And I just need to get on the record so that everybody understands why the difference in the cost. So Rich, perhaps you can address that.

CHIEF DEPUTY COMMISSIONER LAVALLE:

Sure. The original building -- well, the building that was designed for the Police Department dates back in 1999. It was at that time that the department made a funding request to the Legislature for that building. The estimate of the cost of construction at that time was \$4,525,000, specifically IR 2131-99. That resolution failed when it was placed before the full Legislature, that was three years ago.

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Recently we estimated the cost of the building at \$5.73 million. In reviewing that, we recognized the fact that there was significant change so we went back and based on construction cost escalations from the '99 estimate, the cost of the project increased just based on escalation costs some \$660,000, just as a rough check against what we had.

In addition to that, the Police Department and the Sheriff's Department requirement for shelving that will be utilized in the facility we're estimating to cost about \$150,000. The original estimate, the original estimate included only \$25,000 for shelving and I can't address -- that was a very low estimate at that time and we're not sure why that number was used but it was used. So essentially in addition to the 660,000 for escalation, we're talking about another \$125,000 would have to be added to the original estimate for shelving. In addition, since that time, we're also now involved with project labor agreements and due to staffing problems we require additional

funding for construction inspections. So between project labor agreements and construction inspections, it's another \$450,000 on top of that. So if you tag all that on to the original estimate of \$4.525 million, you're up to just about what we're estimating now, slightly higher than what we're estimating the cost of the present building.

CHAIRPERSON CARPENTER:

Rich, how confident are you that that number, this new number now, is -- and I know this is really not terribly fair, but I just don't want to see a situation where we move forward with this and four, five, six months down the road we're faced with another resolution to add, you know, X amount of dollars to the cost of the project. Do you feel confident that we can deliver this particular project at this number and not have to come back to the Legislature?

CHIEF DEPUTY COMMISSIONER LAVALLE:

At this point I would have to say yes. We have gone over this a number of times with the consultant and we're comfortable with it at this point; what happens in the future I can't say. The economy takes turns, we don't know what's going to happen when the contract is bid on, the project. But certainly we'll look to stay within that figure of 5.7 million; if we have to make adjustments we'll make adjustments, but not to the detriment of the building and anything that would impact the operation of either the Sheriff or the Police Department in the use of the building

CHAIRPERSON CARPENTER:

Okay. The other question I have is the offsets. I know Budge Review and DPW had been communicating and I just want to make sure that everyone is comfortable with the offsets that have been identified in the corrected copy that was filed on Monday.

CHIEF DEPUTY COMMISSIONER LAVALLE:

We don't have a problem with it. They're funds which we don't need this year.

CHAIRPERSON CARPENTER:

Okay.

CHIEF DEPUTY COMMISSIONER LAVALLE:

We had originally programmed them a year ago but we're not at the point where we can use them. Both of those projects I believe are Federal aid type projects and I don't anticipate us using or having a need for that money until later next year and if we do have to have access to funding, we shouldn't need an offset because of the Federal funding that backs them up.

CHAIRPERSON CARPENTER:

Okay. Jim, did you have a comment?

MR. SPERO:

The County Executive has also filed resolutions authorizing the same sewer project offset, there are five resolutions using almost \$2.1 million of that offset money for other projects, mostly in the Parks Department. So obviously they can't all be adopted, so some choices will have to be made.

CHAIRPERSON CARPENTER:

Well, I'm hoping that there's representatives from the County Executive's Office today who heard that and perhaps they can go back and look at their projects because this is something that had been supported, you know, by the County Executive, the two departments, you know, are working together and we need to get this done. This dates back to '99 and probably sooner for the Sheriff's Department and, you know, I would like to be able to see us move forward with this today and also on Tuesday. Chief Otto?

CHIEF OTTO:

Yes, Legislator Carpenter, I'm not certain but I believe that the resolution that's before you today doesn't address the additional amount. In other words, I believe it only addresses three point something million which means they're going to have to come back.

CHIEF DEPUTY COMMISSIONER LAVALLE:

No.

CHIEF OTTO:

I haven't seen the latest resolution or the offsets.

CHAIRPERSON CARPENTER:

The corrected copy was filed on Monday, so you might not be looking at that.

CHIEF DEPUTY COMMISSIONER LAVALLE:

There was a corrected copy that we worked with BRO with regard to the funding issue.

CHAIRPERSON CARPENTER:

Because we had a deadline of five o'clock on Monday, so I think it is in there. Jim, did you have --

MR. SPERO:

There is a technical problem with the corrected copy, unfortunately, I just reviewed it this morning. And the planning funds, it calls for an additional 30,000 for planning funds but they were put in the

construction line, so those funds need to be broken out in the appropriation, a separate appropriation line for planning.

CHIEF DEPUTY COMMISSIONER LAVALLE:

We needed an additional 30,000 above the construction figure, \$30,000 for planning because we have to modify the existing building. The interior site layout has to be revised in order to accommodate the joint operation. In addition, the HVAC system has to be modified and there are some other minor changes that have to be made so we need some additional funding for planning purposes in order to do that. We would anticipate, if this is passed this month, that we'll be going out to bid late January, early February at the latest and we should be under construction within three months thereafter.

CHAIRPERSON CARPENTER:

So now what are you saying actually as far as this \$30,000; are you saying you need an additional 30?

MR. SPERO:

No, it was put in construction lines.

CHAIRPERSON CARPENTER:

Oh, you need to just rework the line. Okay.

MR. SPERO:

Rework the line, a separate planning line. I don't think we can treat it as a scrivener's error, though.

MR. SABATINO:

No, it requires a Certificate of Necessary to make the change but because there are all these other issues with the offsets, we're probably going to need a corrected -- I'm sorry, a Certificate of Necessity to ultimately resolve the six resolution issues. So just a question of where the final CN is going to wind up to reconcile whatever prioritization is concluded, because I don't know how the other five bills are going to be treated. But under any circumstance we're looking at a CN to get through the meeting of the 17th.

MR. SPERO:

If all the other bills were approved, this resolution would have to be amended to reduce the funding allocated for the Quartermaster Building and then we would have to come up with additional funding next year.

CHAIRPERSON CARPENTER:

Well, I don't see that being a viable solution because this is something, again, that has been in the works a long time and something too that, you know, originally been recommended by Budget Review to get the two departments to work together and I think the uniqueness of that warrants that this particular resolution move forward. So what I'm going to do is move to discharge this, or actually approve this

today with the understanding that we'll work with the County Exec's office to -- you know, I'm certainly willing to look at other offsets if we have to but, you know, we'll get that CN, you know, if in fact it's needed on Tuesday. But I do want to move forward with it today.

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Are there any questions or comments on this particular resolution?
I'm going to make a move to take this out of order, 2295.

2295-03 (P) - Amending the 2002 Capital Program and Budget and appropriating planning funds for the construction of a combined Police/Sheriff Quartermaster Supply and Storage Building, Yaphank (CP 3181.310) (Carpenter). I will make a motion to approve, seconded by Legislator Postal. All those in favor? Opposed? It's approved. Thank you very much, gentlemen.

LEG. BISHOP:
I'm opposed.

CHAIRPERSON CARPENTER:
Legislator Bishop is opposed. Approved (VOTE: 5-1-0-0 Opposed: Legislator Bishop).

Okay, then we will move to the agenda. Thank you very much. Oh, I have one question while you're there. The resolution, Legislator Bishop's resolution of establishing a website for tracking traffic accidents.

COMMISSIONER GALLAGHER:
Yes.

CHAIRPERSON CARPENTER:
Does that actually -- and Legislator Bishop, maybe you can answer this. Are you suggesting that we post high accident locations or, you know, ones that are problematic or just listing on the website where there have been accidents?

LEG. BISHOP:
All traffic accidents.

CHAIRPERSON CARPENTER:
So just listing where there have been accidents.

LEG. BISHOP:
With a map.

CHAIRPERSON CARPENTER:
Okay. Do you care to comment on that?

COMMISSIONER GALLAGHER:

Just that we will provide the information. I believe the understanding was we would get back to whoever in the Legislative staff is going to be working on putting this website up.

LEG. BISHOP:

Right. All we're asking from the department is a copy of all the accident reports.

CHAIRPERSON CARPENTER:

Okay.

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COMMISSIONER GALLAGHER:

Yes; if he haven't already, we're supposed to be providing them.

CHAIRPERSON CARPENTER:

Okay, thank you. Okay, then let us go to the agenda.

LEG. BISHOP:

Paul, I asked for a change.

MR. SABATINO:

We filed it.

LEG. BISHOP:

Okay, thank you.

TABLED RESOLUTIONS

CHAIRPERSON CARPENTER:

Okay, 1829-02 (P) - Adopting Local Law No. 2002, a Local Law authorizing property tax exemption for volunteer firefighters and ambulance workers (Cooper). There are two resolutions, 29 and 32, we've been tabling these consistently waiting for a State law. I understand that the State is going into session on the 17th, so why don't we table it one more cycle. Bills do not expire at the end of the year this year so they will be carried over to the new year.

MR. SABATINO:

Just one reminder. What I had said at the last committee meeting was that on 1829 a corrected copy was filed to basically implement it on the basis of whatever the State law turns out to be, that was just to provide an option if there was a desire to vote before the actual change occurs. This way you would be at least locking in the \$14 average reduction that would occur under the State law the way it's written with the error, because there's no guarantee that the State is going to change that. But you don't have to, it was an option that was presented, the bill was changed to allow that opportunity if you

want to do that; if you want to wait for the State to act you still have that option for probably another month or so.

CHAIRPERSON CARPENTER:

Okay, thank you. Okay, I will make a motion then to table 1829 and 32, seconded by Legislator Postal. All those in favor? Opposed? Tabled (VOTE: 6-0-0-0).

1832-02 (P) - Adopting Local Law No. 2002, a Local Law implementing Volunteer Firefighter and Ambulance Worker County Real Property Tax Exemption (County Executive). Tabled (VOTE: 6-0-0-0).

1878 -02 (P) - Appropriating funds in connection with the renovations & additions to Police Precinct Building - 4th Precinct (CP 3184). Again, I have not gotten word that this plan for redoing the Hauppauge Complex or actually a plan for the Hauppauge Complex has been completed.

LEG. LINDSAY:

Who's working on it?

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CHAIRPERSON CARPENTER:

DPW I understand, is that true?

LEG. CARACAPPA:

(Shook head yes).

CHAIRPERSON CARPENTER:

And do you have any indication, Legislator Caracappa, on when that's going to be completed?

LEG. CARACAPPA:

No, we can ask.

CHAIRPERSON CARPENTER:

Is there any problem with continuing to table this, will this also go into the new year?

MR. SABATINO:

What would happen is if you table it you actually create yourself an offset that you might be able to use for the other bills because the \$450,000 would otherwise expire, it would be in the Capital Budget. So if there's really no way to do it before the end of the year, it would be something that might be helpful to your other situation.

CHAIRPERSON CARPENTER:

Okay. Well, then let's -- yes?

LEG. CARACAPPA:

Just one comment. Further, as most of us know, there is of course a plan being developed for Hauppauge North, the problem is we're discussing that we should put a tower type building here in the complex. And if the precinct should occupy the first floor of that tower, many of us know that the police do not want to occupy a building with shared space. So there are still policy decisions to be made as well as planning decisions, so it's probably going to be some time before we really have an answer as to which direction this is going.

LEG. LINDSAY:

So we should table it.

LEG. CARACAPPA:

I would recommend it.

CHAIRPERSON CARPENTER:

All right, we have a motion by Legislator Caracappa to table, second by Legislator Lindsay. All those in favor? Opposed? Tabled (VOTE: 6-0-0-0).

2137-02 (P) - Adopting Local Law No. 2002, a Local Law to post warning signs in connection with use of mobile telephones when refueling vehicles at motor-fuel dispensing facilities (Cooper).
This hearing was closed at the last meeting, yes, Counsel?

MR. SABATINO:

The public hearing was closed and a corrected copy was filed in the

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intervening period. The corrected copy just picked up some suggested technical changes from the Police Department, so the bill is eligible.

CHAIRPERSON CARPENTER:

Okay. Is there a motion?

LEG. POSTAL:

Motion to approve.

CHAIRPERSON CARPENTER:

Motion by Legislator Postal.

LEG. CARACAPPA:

Explanation, please.

CHAIRPERSON CARPENTER:

Explanation; Counsel, if you would.

MR. SABATINO:

This would basically require that a warning sign be posted where gasoline purchases are being made. The essence of the sign would be that a live use of a mobile telephone could result in an explosion and please turn off the cell phone before you pump. It would just be a sign requirement.

LEG. CARACAPPA:

Are there case studies that show that cell phones have triggered explosions at a gas station somewhere throughout this world, not only Suffolk County?

MR. SABATINO:

There were four or five reports that they have cited in the actual Legislative Intent.

LEG. CARACAPPA:

Cell phone was linked to an explosion at a gas station?

LEG. BISHOP:

Where?

MR. SABATINO:

I believe that that's what the study showed.

CHAIRPERSON CARPENTER:

It's going to be on the website.

LEG. NOWICK:

Yeah, I feel the same way but the Commissioner last week or two weeks ago actually said there was a study. I'm thinking the same way you are, but --

LEG. CARACAPPA:

There's some watches that run on the same amount of batteries and frequencies that cell phones do. I'm not going to get into it too much, I think it's ridiculous.

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CHAIRPERSON CARPENTER:

Okay, we have a motion. Is there a second? We have a motion to approve. Is there a second? I'll make a motion to table. Second by Legislator Postal. The resolution is tabled (VOTE: 6-0-0-0).

Okay, 2241-02 (P) - Establishing County website for tracking traffic accidents (Bishop). Legislator Bishop?

LEG. BISHOP:

Motion to approve.

CHAIRPERSON CARPENTER:

Can you just tell me what the changes were on it?

LEG. BISHOP:

MIS will be working on creating the software and the database but the actual plugging in of the reports into the system would be done by LADS.

CHAIRPERSON CARPENTER:

Okay. We have a motion and a second. Second by Legislator Caracappa.

LEG. CARACAPPA:

Cosponsor, please.

CHAIRPERSON CARPENTER:

Cosponsor. Is there anyone else on the committee who would like to cosponsor? I will cosponsor that. All those in favor? Opposed?

LEG. NOWICK:

I will cosponsor.

CHAIRPERSON CARPENTER:

Okay, Legislator Nowick. All those in favor? Opposed?
The resolution is approved (VOTE: 6-0-0-0).

2278-02 (P) - Amending the 2002 Capital Program and Budget and appropriating funds in connection with improvements to the County Correctional Facility C141, Riverhead for the installation of tamper-proof security grilles (CP 3014) (County Executive). I do believe that's grilles with an E, not BBQ grills. I'll make that motion.

LEG. POSTAL:

Second.

CHAIRPERSON CARPENTER:

Second by Legislator Postal. Any questions? All those in favor? Opposed? Approved (VOTE: 6-0-0-0).

2284-02 (P) - Accepting and appropriating a grant in the amount of \$109,000 from the State of New York Governor's Traffic Safety Committee to target speeding and aggressive driving with 92.87% support (County Executive). Motion, second by Legislator Nowick. All those in favor? Opposed? Approved (VOTE: 6-0-0-0).

2289-02 (P) - Amending the 2002 Capital Program and Budget and appropriating funds in connection with a Corrections System Needs

Assessment Study (CP 3008) (County Executive). We have already approved that.

LEG. BISHOP:
No.

CHAIRPERSON CARPENTER:
No, we have not; we have not, I'm sorry. This is for the Correction System Needs Assessment Study. Is there a motion?

LEG. BISHOP:
On the study.

CHAIRPERSON CARPENTER:
On the study.

LEG. CARACAPPA:
To fund it.

CHAIRPERSON CARPENTER:
To fund it, right.

LEG. CARACAPPA:
I will make the motion.

LEG. BISHOP:
Second.

CHAIRPERSON CARPENTER:
That was \$150,000.

LEG. BISHOP:
They're actually going to use it this time?

CHAIRPERSON CARPENTER:
Yeah, I believe so. Legislator Caracappa.

LEG. CARACAPPA:
Jim, back when I originally sponsored the legislation for the funding back in 99-2000, as the year came to an end I remember transferring it to Capital which would have saved the appropriation. Now, what happened with that, why can't we just find it and do it instead of reappropriating and amending the current year's Capital Budget?

MR. SPERO:
I think this was the project we had a snafu with, the Treasurer's Office did not move the money as per the resolution that was adopted. So actually they should correct the situation and move the money now.

LEG. LINDSAY:

The question is do we need a resolution?

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LEG. CARACAPPA:

Exactly, do we need a resolution amending this year's Capital Budget to appropriate money that is basically still there?

MR. SPERO:

The appropriation was there, the cash was never moved to cover the appropriation. Technically no, I don't think you would actually need to do it again, it's just a question of the bureaucracy responding to what the Legislature has already done.

CHAIRPERSON CARPENTER:

Well, given the history of this particular thing, I would say that if there's any doubt, you know, I would move forward with this resolution.

LEG. LINDSAY:

But aren't we funding it twice then?

CHAIRPERSON CARPENTER:

Not if they haven't moved the money to the right line.

MR. SPERO:

Well, this would just reinforce the action you've previously taken.

LEG. LINDSAY:

So we're not funding it twice?

MR. SPERO:

No.

CHAIRPERSON CARPENTER:

All right, we have a motion. Is there a second?

LEG. BISHOP:

Second.

CHAIRPERSON CARPENTER:

Second by Legislator Bishop. All those in favor? Opposed?
Approved (VOTE: 6-0-0-0).

LEG. BISHOP:

Madam Chair, the next resolution was already approved?

CHAIRPERSON CARPENTER:

Yes.

LEG. BISHOP:

Can I ask the committee, I wasn't here for that.

CHAIRPERSON CARPENTER:

No, you had come in just after.

LEG. BISHOP:

May I ask --

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CHAIRPERSON CARPENTER:

To be included with the majority?

LEG. CARACAPPA:

You voted for the Quartermaster.

LEG. BISHOP:

Oh, Quartermaster; Yes, I was here for that.

CHAIRPERSON CARPENTER:

Oh, okay.

LEG. BISHOP:

Oh, we sent that other one to the floor.

LEG. CARACAPPA:

A ha.

CHAIRPERSON CARPENTER:

A ha. See? You'll have your chance.

TABLED SENSE RESOLUTIONS

Sense 69-2002 (P) - Memorializing Sense Resolution requesting the United States Congress to enact joint resolution authorizing use of force against Iraq (Binder).

LEG. POSTAL:

Motion to table.

CHAIRPERSON CARPENTER:

Motion to table, second by Legislator Nowick. The resolution is tabled.

LEG. CARACAPPA:

Opposed.

CHAIRPERSON CARPENTER:

One in opposition. Tabled (VOTE: 5-1-0-0 Opposed: Legislator

Caracappa).

And I think that we will adjourn.

LEG. POSTAL:

Very good.

CHAIRPERSON CARPENTER:

Thank you.

(*The meeting was adjourned at 11:18 A.M.*)

Legislator Angie Carpenter, Chairperson
Public Safety & Public Information Committee

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