

**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 **March 4, 2003**.

**MEMBERS PRESENT:**

Legislator Fred Towle - Chairman  
Legislator Joseph Caracappa - Vice-Chair  
Legislator David Bishop  
Legislator Andrew Crecca  
Legislator George Guldi

**MEMBERS NOT PRESENT:**

Legislator William Lindsay

**ALSO IN ATTENDANCE:**

Paul Sabatino - Counsel to the Legislature  
Greg Miglino - Aide to Legislator Towle  
Bill Doyle - Aide to Legislator Towle  
Anthony Figliola - Aide to Presiding Officer Postal  
Ray Zaccara - Aide to Legislator Bishop  
Tim Laube - Aide to Legislator Lindsay  
Tom Donovan - Aide to Legislator Guldi  
Eben Bronfman - Aide to Legislator Guldi  
Rosalind Gazes - Budget Analyst/Budget Review Office  
Kevin Duffy - Budget Analyst/Budget Review Office  
Joe Muncy - Budget Analyst/Budget Review Office  
Joe Michaels - Deputy County Executive for Public Safety  
Bill Faulk - County Executive's Office/Intergovernmental Relations  
Theresa Lollo - County Executive's Budget Office  
Alan Otto - Chief of Staff/Suffolk County Sheriff's Department  
John Gallagher - Commissioner/Suffolk County Police Department  
James Abbott - Chief Deputy Commissioner/Suffolk County Police Dept  
James Maggio - Deputy Commissioner/Suffolk County Police Department  
Phil Robilotto - Chief of Department/Suffolk County Police Department  
John Blosser - Lieutenant/Aviation Division - SCPD  
Stuart Cameron - Captain/Special Patrol - SCPD  
Donald Paravero - Division of Staff Services - SCPD  
Thomas Brandon - Deputy Inspector/Special Patrol - SCPD  
Mike Pirone - Suffolk County Police Department  
Dr. Jeanne Alicandro - Director of Emergency Services/DHS  
Robert Kearon - Bureau Chief/District Attorney's Office  
Debbie Eppel - Public Information Office

Bill Ellis - Director of Public Relations/Correction Officer's Assoc.  
Mike Polchinski - 3rd Vice-President/SC Correction Officer's Assoc.  
Tom Muratore - Vice-President/Police Benevolent Association

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Tedd Godek - Suffolk County Architect/DPW  
Ken Phalen - Architect/Department of Public Works  
Vincent Iaria - Director/Department of Probation  
Anne Martin - Deputy Director/Department of Probation  
Dave Fischler - Commissioner/Fire, Rescue & Emergency Services  
Donald Gackenheimer - Deputy Director/Suffolk County Fire Academy  
Thomas Cost - Asst. Deputy Director/Suffolk County Fire Academy  
Brad Maier - Chief/Town of Babylon Chief's Association  
Gil Hanse - Town of Babylon  
Gregory Anderson - President/SC Fire Chief's Council  
Richard Vandekieft - Ex-Chief/Mastic Fire Department  
Jim McDermott - Ex-Chief/Centereach Fire Department  
Gary Kreidler - Ex-Chief/Centereach Fire Department  
Paul Thorn - Chairman of the Board/Centereach Fire Department  
William Xikis - Chief/Selden Fire Department  
Ruth Cusack - Suffolk County League of Women Voters  
All Other Interested Parties

MINUTES TAKEN BY:

Alison Mahoney - Court Stenographer

(\*The meeting was called to order at 1:30 P.M.\*)

CHAIRMAN TOWLE:

Okay, we're going to call the meeting to order. If Legislator Caracappa would lead us in the Pledge of Allegiance.

Salutation

Good afternoon. We have a couple of cards filled out this afternoon, I will call those up first if we could. Chief Brad Maier, President of the Town of Babylon Chiefs Association. Chief, why don't you come on up to the table.

CHIEF MAIER:

Good afternoon, Members of the Legislature, and thank you for allowing me to speak. I'm Brad Maier, I'm the President of the Town of Babylon Fire Chiefs Association. And today I came out to speak on behalf of restoring the money that was taken out of the training budget for the Suffolk County Fire Academy.

We're asking that the \$400,000 be restored in support of that. Today our first responders face severe threats of terrorism, bioterrorism, nuclear, chemical and dirty bombs, explosives and some things that

have never even been imagined yet. The academy provides the essential training to our 10,500 plus volunteers who give freely of their time, talents to the residents of Suffolk County. Our training schedules have been decreased due to the cuts. The academy is looking to cut the fire ground training from eight sessions to four, the classes in the fire stations to be cut, the amount of people that have to attend the classes to get a minimum class has been increased, and this will definitely have a -- take its toll on the membership of the fire departments.

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Thanks to your support, you've enacted a recruitment campaign and most departments have a lot of new members. My department alone in Babylon we have about 35 or 40 new members thanks to the recruitment being so successful, and after 9/11 that really started to happen and we thank you for that, we appreciate your support. On the top of the pamphlet that's on the website it says your motto is to get volunteers to work for pride and not for a paycheck and volunteer, and it goes on to say, "Be a good neighbor," and it answers questions, one being training. And the answer, it says right on there, "It will cost you nothing, thousands of dollars of valuable career training will be made to you free of charge; " are we being a good neighbor to our people by cutting those training hours out.

Today we have to train our new people in the basic rudiments of fire fighting and we also have to retrain our seasoned vets in the new threats that are out there. This terrorism on a daily basis is terrible. Our first -- safety to our first responders is paramount. Tom Ridge has proposed a budget of \$37 billion and many of the Senators and Congressmen agree that this is just a tip of the iceberg. There are many problems that are facing the communities today, we can't afford to train -- if we can't afford to train our first responders, our first line of defense in homeland security is going to be lost; that's very, very important we do that. New York is on a code orange level of terrorism threats. This weekend they captured {Kayad Sheik Mohammad}, he was arrested and in finding, there were many, many details of destruction of bridges, hijacking of tanker trucks, running them into buildings, gasoline stations and whatnot; we have those depots right here on Long Island. He's in jail right now but I'm sure his well trained army is still in the field and they're being funded, probably a lot better than anybody could imagine. We're also in a terrific threat of nuclear problems with North Korea and we just don't know what's going to happen. Long Island's got airports, fuel depots, across the sound in Connecticut is the electric boat division where all of our nuclear submarines are built. Sunrise Highway and the Long Island Expressway have thousands of trucks traveling end to end every day; this is a threat. We need to train our people.

Basically homeland security is right here, right now and our first responders are the most important. { Al quaida} has not cut their training budget and their cells are being trained and deployed but who knows where. Basically there are 1.4 million residents of the County of Suffolk, the budget request is for \$1.8 million; this is approximately a dollar and thirty cents per year per resident, the cost of a medium cup of coffee or a 16 oz bottle of soda with the five cent deposit. We respond to over 130,000 fire rescue calls a year. Please restore the training, we need to train our people. Thank you for your time.

CHAIRMAN TOWLE:

Chief, we appreciate your appearance here today. There is a bill that's going to be before the Budget Committee, as Legislator Caracappa pointed out, but obviously all the Legislators get copies of these minutes as well. And we are going to have a conversation this afternoon, so if you would hang around for a little while till I get through the cards, we're going to get into the academy. Legislator

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Caracappa? Chief, if you'd hang on one second, I think we have a question for you.

LEG. CARACAPPA:

It's really for information purposes so that people are understanding what's going on as the testimony progresses. There is a resolution sponsored by myself before the Budget Committee which meets Thursday, it's for a number that is -- it's being disputed, the number we have from our Budget Review Office with relation to the cuts that were left unaddressed; after all was said and done through the budget process, it was \$147,000 for which I sponsored the resolution to cover with relation to restoration. After speaking with people from the fire service, they say it's \$400,000, so now there's a process where I'm a part of where we're trying to come up with a number in-between. Now that resolution Thursday that's going to be voted on before the Budget Committee is for \$200,000, so that's the number in the resolution. We're still trying to work out the final details if that is the correct number, but that's where we're at at this point in time.

CHIEF MAIER:

Thank you very much. And I will yield to the people from the fire academy who are here who can provide better information.

LEG. CARACAPPA:

Thanks for coming down, we appreciate it.

CHAIRMAN TOWLE:

Gregory Anderson, the President of Fire Chiefs Council.

CHIEF ANDERSON:

I'm Gregory Anderson, President of the Suffolk County Fire Chiefs Council. I also represent the five different fire service organizations from the Joint Council of the fire service which is the Suffolk County Volunteer Firemen's Association, the Suffolk County Fire District Offices, the Suffolk County Ambulance Chiefs Association and the FRES Committee made up of the fire service. We have a Joint Council meeting to try to coordinate the efforts of the fire service in getting what they need.

Not to repeat what Brad said, I mean, he did a great job on that, but I meet with each of the townships Chiefs Councils and they all have the same problem; they all have a lot of new members, they all have to train and I would just like to point out a couple of things. You know, with all these problems with sending people into fires, you have seen it in a number of cases across the nation, we cannot put fire fighters in certain situations if they don't have the training, it leaves the Chief open for litigation for liability; there was a Chief in Upstate, New York, who ended up getting convicted because he made those decisions. So there's this large demand that Brad outlined so well and the thing is is that you're going to put the Chiefs at risk if they don't have their men trained. They're going to have to make a decision on whether they'll allow their men to go into any of these calls. So I just make that one point of the importance of getting this training. I mean, these fire fighters all volunteer, work separate jobs and they're using all their free time to not only answer calls but taking more of their free time and away from their families

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to go to the training, to make sure that they're trained and make sure that they're qualified when they go into a call like a dirty bomb or anything like that or a biological incident.

I mean, Dave Fischler from FRES has gotten us equipment to take care of some of these situations, but we have to have the training on how to use that equipment in order to be able to protect our communities. So I'll not take up too much more of your time. Thank you.

CHAIRMAN TOWLE:

Legislator Caracappa, you had a question?

LEG. CARACAPPA:

It's an interesting statement you made with relation to new fire fighters or enrollees through certain respective fire departments can't go into any sort of fire that maybe they're called to. If you could, I don't know if you can, an overall percentage of new enrollees throughout Suffolk County that pertains to.

CHIEF ANDERSON:

As Brad indicated, he has 30 new -- there's 110 fire departments in Suffolk County, Brad got 30 new members, I'm Nesconset, I got 15 new members. If we even take an average of that that somebody got 10 new members, we're talking, you know, over a thousand fire fighters

LEG. CARACAPPA:

Your ten new members --

CHIEF ANDERSON:

Fifteen in Nesconset.

LEG. CARACAPPA:

Have they been precluded from getting training based on the budget problems or they've received some training?

CHIEF ANDERSON:

They've received some training but, you know, the problem with that is that, again, these guys all work for a living, okay.

LEG. CARACAPPA:

Sure.

CHIEF ANDERSON:

And sometimes they work night shifts, sometimes they work day shifts, these are the guys who are volunteering. So if we're limited to what they call a Firefighter I which is the basic course a firefighter has to have to even enter a burning building, he has to complete that training so he knows what the dangers and what the safeties are of doing that. When he attends that course, if I'm limited in a township or limited in a County that I'm only going to get so many Firefighter I courses or so many -- so much field training and I have to work those days, then I'm going to miss those training. The more options I have available and days that I can go take that training, the better to get the volunteers trained when they're available.

LEG. CARACAPPA:

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Understood. Thank you.

CHAIRMAN TOWLE:

Thank you. We appreciate your appearance today. We've received also some correspondence on this subject. You know, for those people that are here for the first time regarding the subject of the fire academy, obviously it's the Legislature's intention to restore that money. Now, as Legislator Caracappa pointed out, our presentation today is what is the bottom line.

We have received a letter from the Suffolk County Fire District

Officer's Association which I'll add to the record asking to restore those funds. We received a letter from the Town of Southampton from Supervisor {Scapini} and Linda {Cabbot}, a Councilwoman, along with a resolution in support of restoring those funds. We also received a letter from the Southampton Town Fire Chiefs Council asking for the restoration of those funds.

Since our last meeting, we did receive a memo and a packet from Commissioner Fischler; if he and Chief Gackenheimer would join us this afternoon. As they're coming up, Commissioner Fischler points out in the memo to myself, "If the Suffolk County Legislature restores \$147,000 in the Fire Academy's 2003 budget, the money will be used as follows: \$140,250 will go into per diem budget line that will be increased, the total number of training sessions will be increased by 1,866. Field training for each of the 109 departments will increase by two sessions per department. Currently each department is scheduled for four field training sessions for the calendar year 2003. 109 departments times two sessions each equals 218 sessions, times an average of five instructors per training, evolution totals of 1,090 training sessions or \$81,750. Firehouse training will increase -- will be increased from 140 sessions per month to 205 per month which is an increase of 65 sessions per month. The figure is still below the 250 plus sessions per month that were taught in 2002. 65 sessions per month times 12 months equaled -- times \$75 per session equals \$58,500 bringing the total to \$140,250. The balance of the money, \$6,750, will purchase administrative supplies like paper, printing, copying, CD writing and projection bulbs, etcetera." And that is Commissioner's Fischler's breakdown on the \$147,000 which I will also add to the record and I believe was distributed to the other members of the committee.

Commissioner and Chief, how are you this afternoon?

CHIEF GACKENHEIMER:  
Fine.

COMMISSIONER FISCHLER:  
Very good.

CHAIRMAN TOWLE:  
Chief, I believe you're going to make a presentation I guess on this memo, at least that was my understanding, and I know the committee members have some questions.

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CHIEF GACKENHEIMER:  
Yes, I would like to make a presentation. Before I do that, though, first of all, I would like to congratulate you on your Chairmanship.

CHAIRMAN TOWLE:

Thank you.

CHIEF GACKENHEIMER:

We're here to work with the Legislature. You know, we're all after the same goals, it's just that we're in very difficult times and we understand --

CHAIRMAN TOWLE:

You're going to just have to speak into the mike, Chief. I'm sorry.

CHIEF GACKENHEIMER:

To start with, I think it's only fair that we take a look at what's going on around us. And I know everybody in this room realizes this; we are at war, there's no other way to say it. Whether you talk about North Korea which we haven't done anything in yet, but definitely {Al Quaida}, we are definitely in a war. And the question becomes, knowing what happened on 9/11/2001, are we prepared? If you were to ask me that question, I would tell you categorically no, we're not.

CHAIRMAN TOWLE:

Guess they forgot to call you this morning for that Newsday article that said we were.

CHIEF GACKENHEIMER:

We are partially prepared. Are we where we should be? I don't think so.

CHAIRMAN TOWLE:

I would concur with you, by the way, which is going to be another subject for today's meeting.

CHIEF GACKENHEIMER:

If you take a look at Suffolk County, we have -- we are in the top 25 sites in the nation, we have them here in Suffolk County and basically they're Brookhaven and Plum Island. What scares me more than that is do I see {Al Quaida} coming into Suffolk County to kill two or 300 people with some type of an incident? I really don't. But I do see them going into Manhattan where they're going to get two or 3,000 and I do -- and my personal -- again, my personal opinion is I can definitely see them using biological agents. And guess what, where do most of the people that work in Manhattan live? They're going to come back out to Suffolk County, the people that live here, and once it's in the County it's going to spread through the County. We're going to be involved whether or not we like it.

We started to bring fire and rescue personnel in the County up to speed, but unfortunately with the budget as it has been, as it has been adopted by the County Executive, it's going to slow us down quite a bit. To give you an idea, last year on {DCON} training, doffing and

donning the hazardous -- the encapsulation suits, we trained 221 people in the County. If you add to that the people already trained

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which are basically the people that have hazmat technician level training, you're probably going to add another hundred; could we handle an influx of say 10,000 people coming into Suffolk County with 300 plus people? We probably could but it would be very, very difficult. We're really going to stress those people out. We need to double that number, triple that number, quadruple that number to be ready.

Take a look at our fire fighters, rescue personnel, they're all citizens of Suffolk County. They are all volunteers. They stepped forward to do a job, our responsibility to them is to train them and make the training available to them when they can take it. The problem is now on the cutbacks, I can't make that training available as it should be. What's going to happen? Put yourself in that position. You volunteered, I'm telling you in essence you may have to take time off from your job to attend training, you're not going to volunteer, you're going to back out; we're going to lose people. And the training I'm talking about, and we're talking pretty much about terrorism right now, is in addition to regular firefighting training, this is something that's added on to it. They don't come in just to be an expert in terrorism, they come in to be a firefighter, we still have to do the basic. The total time involved right now in the program to be what I would consider a firefighter that's up to speed that can get on the truck and can make entry into that burning building is probably close to 200 hours if you throw the terrorism in with the regular fire training, but it's required, that's what the standard says you have to meet. And unfortunately, standards, NFPA standards, it's been a lot of people's attitude that, "Ah, it's a standard, you don't have to meet that, we can do it with less." And some departments, some individuals opt to do it with less.

Unfortunately, New York State is an OSHA State and going back into the 90's, the President of the United States signed a Presidential Edict that was called Consensus Standards which gave OSHA the right to adopt these standards and make them part of code. So if you're not in compliance and you got somebody hurt on the scene or killed on the scene of a fire and he isn't trained, guess what, who's going to be liable? The incident commander. So we're asking these people again in some ways to put their well-being and their family's well-being on the line and I think we have to take a look at that.

We talked about numbers and figures. If you take a look at these packets I'd like to have handed out, if I could, with these packets I think we'll get to the bottom of these numbers that are being thrown around, 147, 200,000, 400,000. To start with, the first stapled group

that's on top there are the numbers in training for 2002 from the Fire Academy. On the second page there's a graph and it has the numbers up on the upper left hand corner comparing 2001 to 2002. In 2001 we had 34,694 student contacts, in 2002 I had 46,265. If you are not aware of it, I will make you aware now; the Suffolk County Fire Academy is the largest training agency in the United States. We do more fire training than any other jurisdiction in the country and I think that's a feather in the County's hat.

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The second set of charts, the fourth page in there is just Firefighter I, new entries into the fire service that we have caught coming through the Firefighter I training; in 2001 we had 8,557, in 2002 I had 14,520. People want and need the training; if we can't make it available to them, shame on us.

The next page up in this packet, the numbers that are highlighted on the bottom are the number of certificates issued by the Suffolk County Fire Academy and the subject matter they're issued in. In 2001 we issued 2,022 certificates, in 2002 we issued 3,086 certificates.

Getting down to the nuts and bolts of today's meeting, the next two pages up are my actual expenditures and my budgeted amount for 2001 and 2002. 2001, the County's portion of my budget was \$1,487,206, I spent in 2001, \$1,736,664.76; the difference, \$249,458.76, came out of my State aid money. 2002, the County's portion of my budget was 1,561,133, the actual expense to do the program was \$1,935,221.31; \$374 -- excuse me, \$374,088.31 came from my State aid money. We had -- we're allowed to keep our State aid money and we have two years to spend it. The idea in our contract is that it be spent for the betterment of the program. Unfortunately-- fortunately, we did have some funding put aside in that two year period plus the State aid that came in. An example of the State aid that came in in 2002, I received \$239,028.60 from the State. Put that together with what I had put away, that's where the 374,000 came from. Unfortunately, that pot that we've been drawing on, this two years that we have to spend that money that's been set aside, it's not there anymore, we spent it in 2001 and 2002; we're hand and mouth now. But last year my program cost me 1.9 to run. I asked the County in my proposed budget for approximately 1.8. Taken aside that I should receive \$200,000 this year in State aid, that should fund the program. When I go down to 1.4, 1.6, I'm in trouble, I don't have the money to do everything, I have to cut back, I have no choice. It's either that or we can run the program full tilt until July and then close. That's the budgeted amount, that's the actual figures, you have them in front of you.

The next page up is all the salaries of everybody that works at the Fire Academy full-time. The next two pages after that is what my per diem instructors. All my instructors, by the way, are per diem

instructors; they only get paid when they work, they have no benefits.

The next page up is what I've spent in maintenance costs on my facility. We do have a maintenance budget in FRES to maintain the field, that field does not belong to me, I am just a tenant there. But unfortunately things happen and we don't have enough money in that maintenance account, it's either -- as an example, in 2002, if we didn't fund that \$9,300, the pump test facility would have closed, that's one of the things that would have happened because it broke down and it had to be fixed and there was no money available.

The next page is what my proposed budget was initially this year. And just for you gentlemen's edification, don't ask me what my budget is, I don't know. The last number I was officially told was 1.489; I put together a budget on that 1.489 and we did a lot of cutting on that to get to that number.

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Last but not least, just looking at the sessions from month to month from 2001 to 2003; 2001 I did 217 training sessions, total number of sessions done in that year was 6,208; 2002, in January I did 234 sessions, total number of sessions in that year seventy-two, seventy-four point seven five. So far this year, and we've cut back, we did 212.5.

The ball is in your court, gentlemen, I can't say any more. We're at a position I think in the County where some decisions, and they're hard decisions, have to be made. Unfortunately, somebody's going to suffer and I think it's not in the interest of the citizens of Suffolk County to make those emergency workers that respond whenever they pick up the phone be the ones that suffer. Thank you.

CHAIRMAN TOWLE:

Chief, we appreciate your appearance here this afternoon. I also appreciate the time you took to put the presentation you sent us together, it was obviously extremely thorough and detailed. It shows, at least from my perspective as a Legislator the tight constraints that you've worked under and the volume of things that you're dealing with on a day-to-day basis for us.

Obviously, we have banted around a bunch of numbers today. What is the bottom line from your perspective to meet the demand? Not what we could do to get by, the demand that you see on your facility for training classes for the people that are volunteering their time away from their families to respond to emergencies, disasters and God forbid some type of terrorist attack. Without question, not to provide them with training is irresponsible; it's almost negligent, in my opinion. And clearly, the Legislature does not support cutting the Fire Academy, we have not supported that and that is why for the last

two meetings we've debated this issue.

CHIEF GACKENHEIMER:

Mr. Chairman, I would say the bottom line number that I need to continue at the pace that we continually worked at last year which I consider right now the pace that we're going to see is going to be the 1.8 that I proposed initially in the year.

CHAIRMAN TOWLE:

Basically approximately \$400,000 short of where you need to be.

CHIEF GACKENHEIMER:

Approximately, yes.

CHAIRMAN TOWLE:

And the 147 number, where do you believe that's coming from?

CHIEF GACKENHEIMER:

I had a talk with Legislator Caracappa and that came from Joe; where it originally came from, I honestly don't know.

CHAIRMAN TOWLE:

It came from our Budget Review Office. Let me ask you -- just hang on one second, Chief. If I could ask Budget Review where did they come up with the number of 147,000? Because I've heard that from other places

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besides Budget Review, so that's clearly not Legislator Caracappa's number, that's the number we're being given. We just didn't make up the number out of thin air, I mean, that's what we were being told.

MR. MUNCY:

Right. I'm not quite sure where the 147 came from as well. But what I do know is that the budget was adopted at 1.6 million and I'm coming up with \$165,502 less in the Operating Budget provided that the Executive puts that in a special account which he has -- you know, plans to implement.

CHAIRMAN TOWLE:

But if you look at the bottom line, if he's at the numbers that Chief Gackenheimer has told us today, there would be a difference of \$400,000.

MR. MUNCY:

Well, if you take the 1,489,518 and you add \$165,502, that comes up to the adopted -- the modified adopted level of --

CHAIRMAN TOWLE:

But it doesn't come into what the Chief requested; obviously the

number he requested and what we wound up with in the end is \$400,000 --

MR. MUNCY:

He had requested it in his -- to the Executive 1.8 million and the Executive gave roughly 1.4 million. The Legislature --

CHAIRMAN TOWLE:

Stop at that point. There's our \$400,000 shortfall. What you asked and what the Executive gave you is a \$400,000 shortfall, right off the bat.

CHIEF GACKENHEIMER:

Yes.

CHAIRMAN TOWLE:

You know, at the last meeting we were being accused of cutting your budget in the Omnibus which clearly did not happen.

CHIEF GACKENHEIMER:

I don't believe you did that.

CHAIRMAN TOWLE:

Nor did we.

LEG. BISHOP:

Wait, it may have happened.

CHAIRMAN TOWLE:

But go ahead.

LEG. CARACAPPA:

No, go on.

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MR. MUNCY:

The Executive recommended roughly 1.4 million, the Legislature through the Omnibus added 250,000 to the Executive's recommended budget --

LEG. BISHOP:

It's 1.65.

MR. MUNCY:

-- which brought it up to 1.6 million.

CHAIRMAN TOWLE:

And then he implemented a 10% across the board cut into the new year.

MR. MUNCY:

After the budget was adopted, yes.

CHAIRMAN TOWLE:  
Which puts us back to square one again.

LEG. BISHOP:  
It puts us back to what?

MR. MUNCY:  
Back to what Don has --

CHAIRMAN TOWLE:  
Back to square one.

CHIEF GACKENHEIMER:  
One point four eight nine.

MR. MUNCY:  
What it is budgeted at right now.

CHAIRMAN TOWLE:  
Back to square one again, that's where the \$400,000 hole is coming from. Legislator Bishop.

LEG. BISHOP:  
No. It puts you \$90,000 above what the Executive recommended, correct?

MR. MUNCY:  
I would have to do the finer mat to find out exactly --

LEG. BISHOP:  
Well, I'm just going by what you said. You said 1.8 was requested, 1.4 was budgeted by the Executive.

MR. MUNCY:  
Roughly.

LEG. BISHOP:  
The Legislature through its budget process provided 1.65. The Executive through executive action cut 10% of that which is 160,000, so it's one point --

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LEG. CARACAPPA:  
That's 147.

LEG. BISHOP:  
Right.

CHIEF GACKENHEIMER:

That's where it came from.

CHAIRMAN TOWLE:

But clearly, the 147 doesn't get you back to what you said you needed when you sent your budget over to the Executive. We can argue about the 147 all day, but that's not going to solve the problem. What's going to solve the problem is the number you told the Executive you needed.

CHIEF GACKENHEIMER:

That's correct, that's what I need to continue the program at the level of training.

LEG. BISHOP:

It puts you above what the Executive --

CHAIRMAN TOWLE:

The bottom line, though, is it's not a question of whether the Executive is right or whether we're right. The question is chief Gackenheimer has put down in paper what he's done in 2001, what he's done in 2002 and what he needs to do business in 2003. And we're either going to be committed to the volunteer fire services and provide them with the appropriate training or we're not; I mean, that's really what it comes down to. And when people are risking their lives to do a job on behalf of the residents of Suffolk County, particularly during these tough and difficult times that are our nation is facing, we should not be cutting training for people that are volunteering particularly or our law enforcement communities; I mean, that's just not a viable option.

LEG. CARACAPPA:

Mr. Chairman?

CHAIRMAN TOWLE:

Legislator Caracappa.

LEG. CARACAPPA:

I do not believe it's the goal of anyone on this committee to cut training. I think my goal is to get the dollar amount back up to where you can adequately train people who are in -- joining the fire service. As is across the board in the County, every department, every employee of County government, we're all trying to do with a little bit less but also provide a valuable service and what more valuable service than emergency services. So I don't think we're trying to decimate or reduce training with relation to the Fire Academy, we're trying to get that number back up where we can continue to do business or they can do their business in an effective manner and that's what we're trying to do here. And I think -- and again, going back to the numbers, the one -- if you were to receive that 147,

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that brings you up to the adopted levels by the Legislature which included the -- which brings us to your number, basically, at the beginning of the year; am I correct?

CHIEF GACKENHEIMER:

No, it brings me to 1.6, my number proposed was 1.8.

LEG. CARACAPPA:

Which was adopted by the Legislature.

LEG. BISHOP:

Even after --

CHAIRMAN TOWLE:

Legislator Bishop.

LEG. BISHOP:

Even after the Executive cuts, he is in a better position than what the Executive proposed.

CHAIRMAN TOWLE:

But we're not talking about that.

LEG. BISHOP:

However, he never got what he asked for. Well, nobody in County got what they asked for this year and very few if anybody got more than what the Executive proposed initially.

CHAIRMAN TOWLE:

That's not true.

LEG. BISHOP:

But I'm a little confused on this issue because it would seem to me that this is an area where the Federal Government has committed to step up and provide the localities with aid, and I read in the New York Times three weeks ago that that aid has not been forthcoming. So I had my aide call Mr. Fischler and ask him about that and at that time I was told that everything was fine, so I'm confused. What's fine, what's not fine and why isn't this --

COMMISSIONER FISCHLER:

I explained to your aide that all the funding that's coming from the Federal Government related to the terrorism work is all devoted to purchasing equipment. There is no training funds available, there's nothing developing, hiring people. There's other legislation out there that hasn't passed Congress to allow hiring additional people, putting funding in for those items, but the equipment that is

basically homeland security equipment over -- since the project started has been devoted to buying equipment to get the equipment to all the public safety responders so they can respond. There is, and I explained, that we had been receiving a lot of --

LEG. BISHOP:

Let me just segment this because I just want -- that's how I -- to compartmentalize is how I can understand it. So the equipment to deal

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with a biological/radiological/chemical attack we're okay on, pretty much.

COMMISSIONER FISCHLER:

We're getting -- we're ahead -- in a similarly situated County in the country, we're right up top in terms of what we have done, what this Legislature has also done. It isn't just one entity, it's also the Legislature itself has put dollars into this program both for my department, the Police Department and Health Department.

LEG. BISHOP:

But I'm interested in the post 9/11 world that we live in and the Federal Government relationship to the County government and to our volunteer services. In terms of equipment we're all right, a lot more needs to be done, where are we at?

COMMISSIONER FISCHLER:

We're in reasonably good shape. There's obviously -- we need to go a little bit further but not as much as other counties do.

LEG. BISHOP:

But in terms of training to use that equipment, the Federal Government has never come through with additional resources to conduct the proper training; is that correct?

COMMISSIONER FISCHLER:

There's certain resources, not enough for us to get up where we need. We're competing with everyone else in the country for those resources. There are training centers throughout the country, but more so -- in fact, some of our courses, Federal courses into our Fire Academy. Chief Gackenheimer is making some further arrangements this year to bring some other Federal training in there, so we're trying to get up there and bring that in to the level.

LEG. BISHOP:

The money that Chief Gackenheimer requested, the 1.6, that additional money, is that because of additional training that's --

COMMISSIONER FISCHLER:

He requested 1.858, that's what he requested and that's -- yes, additional training. I've asked him --

LEG. BISHOP:

For chemical biological/radiological -- it's related to that.

COMMISSIONER FISCHLER:

I've asked him to put courses -- it was related to that plus also, as you heard the prior comments, the Recruitment Retention Program which the County has been very active in in this Legislature, has funded throughout the inception until recently, where we've been recruiting people, we also have people just joining the Emergency Services. People came forward after 9/11 who said, "I want to do something. I can't just sit back in my community, I want to do something," and they've come forward as fire or EMS volunteers, so that's where additional training is. It isn't always -- it isn't a hundred percent related to terrorism, it's a combination.

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LEG. BISHOP:

But enough of it is related.

COMMISSIONER FISCHLER:

Well, we've asked -- right.

LEG. BISHOP:

It would seem to me, again, that -- I don't know, have you spoken to our Congressional Delegation, have you spoken to the offices of our U.S. Senators? There are billions of dollars in Washington --

COMMISSIONER FISCHLER:

Yes.

LEG. BISHOP:

-- dedicated to first responders; why isn't it finding its way down to our level where we train the first responders?

COMMISSIONER FISCHLER:

It's all equipment money.

CHIEF GACKENHEIMER:

It's all equipment.

LEG. BISHOP:

Okay.

CHIEF GACKENHEIMER:

I just attended a conference in New York City in January, it was the 40 senior fire training officials in the northeast. And the one thing

that came out at that conference, it's great that we have the equipment but if you don't give us the funding to train the people to use the equipment, what good is the equipment? We sort of put the horse before the cart here.

LEG. BISHOP:

Does Congressmen Bishop, Congressman Israel, Congressman King; are they aware of that, have they been written letters to that effect, have they responded that they're going to do something about it? This is what we send them to Washington to do. For that matter, Senator Schumer and Senator Clinton as well.

COMMISSIONER FISCHLER:

We have received recently the same articles that you've said you have read there, we have been talking to them. They have called us and asked where we were and we did, you know, comment that we had -- equipment wise we were pretty good, but training wise we needed to get more done and more money for the training effort.

LEG. BISHOP:

Okay. Any correspondence that you send regarding this, I'm sure the Chairman would like a copy of and he would distribute it to the committee.

CHIEF GACKENHEIMER:

I had a meeting with Congressman Israel a week ago yesterday and this

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subject was brought up about the funding for the training and he was going to look into it, I haven't heard from him since then, it's only been a week.

LEG. BISHOP:

We have to keep the pressure up on them because, you know, it's blood from a stone here, as you know.

CHIEF GACKENHEIMER:

You know, but the numbers so far, if you look at what we did in our training last year, our training last year we trained in DCON 221 people, that brings my total student contact number down to 46,044. It's still the fire training that's driving this. The fire training, it's become more intense, and in addition to being more intense, more is required of a person to stay current to be a firefighter, it's plain and simple.

CHAIRMAN TOWLE:

Legislator Bishop, are you okay with that?

LEG. BISHOP:

Yes.

CHAIRMAN TOWLE:

Commissioner, where are you at this point; is it 1.8, 1.6 or 1.4?

COMMISSIONER FISCHLER:

We support the 1.858. We did that at the beginning, we have always taken that position. When we go for our budget we always ask for that during that time. But as I stated at the last meeting, unfortunately during the process last year for my FRES budget itself I lost money, but that's something I think, you know, at this point I don't have to come back and ask you for it because it's contractual money.

CHAIRMAN TOWLE:

The equipment that you have received through Federal grants or to deal with bioterrorist attacks or other types of terrorist attacks, that equipment is with your department or you've distributed that to the fire departments?

COMMISSIONER FISCHLER:

It's being distributed in an organized manner, there will be -- we have a plan to distribute it throughout the County, not to every department but to areas that will have the capability to respond. The volunteers have to -- and this is one of the things that we talk, you know, going back to the training effort, there is a training component that the volunteers have to meet to use this equipment. We're in the process of getting that up and running, we had our first delivery of a trailer where they have met that training requirement but we know we need to continue doing that and building upon it. The Chiefs Councils who some of them are represented here, are working within their own Chiefs Council to identify the people to use the equipment. Not every firefighter can use it, they have to meet certain -- as chief Gackenheimer -- standards or OSHA requirements for wearing breathing apparatus, medical requirements, certain costs, hazardous material courses; even before they could put the equipment on they need to have

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these training sessions. Without doing the training, we're not going to have the people and we're not going to get the equipment out. But every township is working actively to identify the people and every township will have that equipment available to them.

CHAIRMAN TOWLE:

Of the 109 departments, how many departments are prepared? I'm scared to ask the question.

COMMISSIONER FISCHLER:

I don't think anybody in the department, I don't think you can say that anyone in this country could be prepared after what we saw happen

on September 11th. So we are -- as I mentioned before, in similarly situated counties we are a lot better off and probably on the top of the curve versus, you know, other places in the country.

CHAIRMAN TOWLE:

How many of the 109 departments are prepared for a bioterrorist attack within their jurisdiction?

COMMISSIONER FISCHLER:

As I said, I don't think anybody could be prepared anywhere in the country.

LEG. BISHOP:

Let me ask a question.

CHAIRMAN TOWLE:

Well, the answer is none, that's the answer, because we've got a ton of equipment that probably a lot of people don't know how to use because we've chosen to cut the training budget.

COMMISSIONER FISCHLER:

Right. We need to -- there's a lot of things that go into that training to get to use the equipment and they need to get trained and that's -- we need to continue that training.

CHAIRMAN TOWLE:

Okay.

LEG. BISHOP:

Can I go back?

CHAIRMAN TOWLE:

Legislator Bishop, go ahead; I wasn't done, but go ahead.

LEG. BISHOP:

No, go.

CHAIRMAN TOWLE:

I'm just trying to restrain myself from going crazy at this point, so I'm going to take a minute to calm down and I'm going to let you --

LEG. BISHOP:

All right, while you restrain yourself, I'll ask a couple of questions.

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LEG. GULDI:

None of us noticed.

**CHAIRMAN TOWLE:**

Yeah, I know.

**LEG. BISHOP:**

The equipment that we receive from the Federal Government, is that out in the departments; if I go to the Babylon Fire Department, will I see it there?

**COMMISSIONER FISCHLER:**

No, you won't see it right now there. The Babylon Chiefs, the Chiefs Council is working on identifying where that equipment will be stored and available to everyone in the township in developing a joint team of all the representatives of the fire departments to work with that equipment.

**LEG. BISHOP:**

How much -- how many pieces -- do they come in kits; is it kits for individuals?

**COMMISSIONER FISCHLER:**

It's a capsule and it's basically monitoring equipment, encapsulating entry equipment and decontamination equipment.

**LEG. BISHOP:**

All right. So there's enough equipment for each department in the County?

**COMMISSIONER FISCHLER:**

No, it's not going to each department because there is not enough equipment for each department.

**LEG. BISHOP:**

You have enough equipment now for how many, for roughly half the departments? If everybody qualified --

**COMMISSIONER FISCHLER:**

We're not going by departments, we're centrally locating this in each township.

**LEG. BISHOP:**

Okay. So you're not organizing it by departments, you're organizing it by towns.

**COMMISSIONER FISCHLER:**

It's a township response because of personnel, the training requirements, not everyone is going to have sufficient people. And working together in that response as a unit, as a team is going to be more effective for us.

**LEG. BISHOP:**

Let me give you a nightmare hypothetical. There's a chemical attack on Manhattan and there's a west wind; right now as we sit here today, what would happen? All these departments would report to Yaphank?

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COMMISSIONER FISCHLER:

No

LEG. BISHOP:

It's in their towns now?

COMMISSIONER FISCHLER:

No. When a team is identified in a town, if it's in your township the Chiefs Council is working on identifying the personnel and bringing them to the level, they will then receive the equipment once they're trained up on that equipment. If there was an attack in Manhattan --

LEG. BISHOP:

Well, let me just stop. You are a lawyer by training and you're also loquacious and I have to reign you, you know, I have to keep you -- these answers short.

COMMISSIONER FISCHLER:

It's horrible when two of us can't --

LEG. BISHOP:

Otherwise I can't understand it. The equipment currently is in Yaphank, it's not released to a town like Babylon yet because they are not qualified yet to have this equipment.

COMMISSIONER FISCHLER:

They are in the process of working, they had a meeting the other night for organizing their response to that, identifying personnel, identifying where that equipment will be stored within the town. And as soon as we get the personnel identified and trained in the use of it --

LEG. BISHOP:

Now, that's a process that I suspect will take months, not days.

COMMISSIONER FISCHLER:

We hope. If they have the prior training which there's a form that we put out, we ask them to have the Chief certify that they have already met this training, then there's only one final step of training which is like anywhere from three to six hours and it's over. So there isn't that much left to do if they have gotten all the other training which a town like yours --

LEG. BISHOP:

How many --

COMMISSIONER FISCHLER:

-- has pretty much already met all those requirements.

LEG. BISHOP:

How much personnel do you anticipate in the Town of Babylon coming for this final three to six hours of training?

COMMISSIONER FISCHLER:

We look for about 125 person team.

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LEG. BISHOP:

Okay. And so that, those 125 will receive -- then the equipment for the 125 will be sent to Babylon once they do the three to six hours.

COMMISSIONER FISCHLER:

Correct.

LEG. BISHOP:

And then that same process will be repeated in each of the towns. I assume in Brookhaven you're looking for --

COMMISSIONER FISCHLER:

Two teams, north and south.

LEG. BISHOP:

Okay. And so when will this happen, do we have a plan?

COMMISSIONER FISCHLER:

Yeah, as soon as the Chiefs Councils -- they've all been actively working to identify the people and the locations where the equipment will be centrally located. Only through -- the original plan was to just give them the equipment but we now, through this Legislature, were able to fund trailers so the trailers were delivered in the month of January, beginning of February. We just finished completing those, now we're just waiting for that training component for each township and the identification of the people to go forward. We delivered our first trailer last week to East Hampton, that's a joint team just by personnel between East Hampton and Southampton working together. And as the other departments come on-line, we're taking Brookhaven, we have been working through the Brookhaven Fire Chiefs Council, they've had special meetings on it and are asking their Chiefs to give them the forms and they're coordinating getting it to us.

CHIEF GACKENHEIMER:

I think just to add to what Commissioner Fischler said on the training end of this and to maybe encapsulate it or put it together so

everybody understands. There's a trailer with all this equipment on it that will be delivered to a central location within the town, that's where it will be stored. And to use the Town of Babylon as an example because I know you're from there I'm and familiar with it, in Babylon the training has been scheduled, the first class of training -- and by the way, it's not three to six hours, it's nine hours, it's a total of nine hours of training. The first class has been scheduled for 8th, 10th and the 15th of April for 25 people from Babylon and we'll continue on with that, we'll keep rolling them through as fast as we possibly can.

LEG. BISHOP:

They don't get their trailer with the equipment, though, until a full 125 have gone through?

CHIEF GACKENHEIMER:

That I don't know, that's up to the Commissioner.

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LEG. BISHOP:

Now, is that some law, is that our own regulation? Wouldn't it be prudent --

COMMISSIONER FISCHLER:

No. We need to have sufficient people, to put two people into a hot zone, you need eight people to just put two people in the hot zone, so we need numbers. Two people showing up who are trained cannot go in, okay.

LEG. BISHOP:

Right, but didn't you describe this as a final training, that a lot of them are precertified or pretrained?

COMMISSIONER FISCHLER:

Right, because they have to have certification. We're asking just their local Fire Chief to make it easier on everyone, the local Fire Chief to certify that they're medically qualified to where a breathing apparatus, they have taken the breathing apparatus course, they've taken the Hazmat operations, the blood-borne pathogens, things that are required by OSHA and we just ask them to sign as Chief, certified, we just give them the final component and they have it.

CHIEF GACKENHEIMER:

I think what it comes down to, Legislator Bishop, is this. Something that always sits in the back of my mind as a volunteer, and I know that Legislator Caracappa would know what I'm talking about, if something were to happen and that {kosh} of equipment is out at the Babylon Firehouse, every firefighter from Babylon, whether he's been in the department for 50 years or he's been in the department for two

weeks, is going to go in there and put this stuff on and he's not going to know what to do; he's only making a bad situation worse, he becomes another victim. We don't need that.

LEG. BISHOP:

It's tough to have -- it's tough to apply old standards and rules to new times is what I would say.

CHIEF GACKENHEIMER:

Yes.

LEG. BISHOP:

The way I would see it is that it would be more prudent to distribute now and continue the training in an expedited manner so that you have that situation where you have both training and equipment in place. I don't know if you want to, you know, keep it away from the western towns until they're completely trained because, you know, God forbid something happened three days from now.

COMMISSIONER FISCHLER:

Use of the equipment -- unfortunately, use of the equipment by doing that will be used by people, as Chief Gackenheimer just said, who are not certified, they will then -- you'll subject them to unnecessary endangerment by failure to use the equipment properly and react, you're putting them into a situation where their lives are now in danger or their health is in danger.

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LEG. BISHOP:

Maybe I don't know exactly understand --

COMMISSIONER FISCHLER:

That's not appropriate.

LEG. BISHOP:

-- what are they doing? Let's say they're determining the extent of the problem, right?

COMMISSIONER FISCHLER:

No, they're entering a chemically -- these people are going into a chemically contaminated area, chemicals that can have severe health related issues and can cause death.

LEG. BISHOP:

Right, but what are they doing when they're entering the area?

CHIEF GACKENHEIMER:

They're used for rescue personnel, fire personnel per se are used for rescue.

LEG. BISHOP:

Rescuing people, right, okay.

COMMISSIONER FISCHLER:

And therefore, failure to use that -- one of the scenarios --

LEG. BISHOP:

I've got no shot if there's nobody with the equipment, I've got at least some shot if there's somebody with the equipment who's not perfectly trained.

COMMISSIONER FISCHLER:

You still have no shot if there's somebody who's not trained who goes in there and becomes part of that problem and goes down themselves, and that's historically what occurs. Everybody, whether any of the emergency responders want to do right for the people, but if they're not properly trained -- and we're thinking outside the box, we're not thinking the way we used to think, we're thinking in a very organized approach to this that's taken by all the people responding. Nowhere in the country do we just hand out equipment to every person, every fire department and so on. It's being addressed as an organized approach through all emergency response agencies, no one agency alone. Therefore, to go and say we're just going to give this equipment to people for the sake of equipment is not an appropriate means of protecting our public. We need to have identified -- certain people, as you said eight people in the daytime is a -- to get two people into the hot zone, it's very labor intensive.

CHAIRMAN TOWLE:

Legislator Caracappa?

LEG. CARACAPPA:

Just to get back to funding again. The districts themselves, I as a County taxpayer, I'm paying -- and it's my pleasure to pay as much as

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I should for training for the volunteer fire departments. I as a taxpayer in a fire district, how much -- where's the training there? Where's my tax dollar for the fire department going into training? Do they coordinate with you on that level? How does it work?

COMMISSIONER FISCHLER:

Fire districts -- we don't charge any fire districts any money.

LEG. CARACAPPA:

Right, because you're getting subsidized through the County taxpayer.

COMMISSIONER FISCHLER:

Right, through the County. The first districts, you know, knowing what I know of fire districts, use that to go to either conferences, national conferences, special seminars that are conducted throughout the State and sometimes in Suffolk County, those type programs to train their people. They do send them throughout the country to get additional training. You know, as I said, there's the International Association of Fire Chiefs, there's the Fire Department Instructor's Conference, Firehouse Expo, within EMS there's different conferences up in vital signs up in Albany and Saratoga, Upstate, New York. So that's where they -- it goes above and beyond what we're doing, it gives them a flavor and sometimes it's appropriate because they bring back ideas from other parts of the country. Not that -- and one of the things that's noble are fire service instructors many times from our Fire Academy are instructors at these national conferences, but it's a matter of sharing and that's where you really learn, sharing ideas among each other how things worked, things didn't work. Like I said, we all improve.

LEG. CARACAPPA:

So to the best of your ability, and you're testifying to it, that aside from operation and maintenance of the fire department or fire district, that tax dollars do go into training on that level as well.

COMMISSIONER FISCHLER:

Yes.

CHIEF GACKENHEIMER:

Also, I think something else that happens with a portion of their training budgets on the district level does go in-house. Where a department has -- a department Chief will provide training within his house. And I use as an example when I train somebody to the Firefighter I level, this is a very generic level I train him to. When he goes to the Dix hills Firehouse or the Dix Hills Fire Department where he's a member and he goes in there, they may do things slightly different than the way we train because it's more convenient for them to do it that way in a fire attack or whatever it is. So a lot of training is done there with these new people, too. So some of that training money does go there; how much I couldn't tell you.

LEG. CARACAPPA:

Okay, as long as they're sharing the burden.

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CHIEF GACKENHEIMER:

Yes.

COMMISSIONER FISCHLER:

Most definitely.

CHAIRMAN TOWLE:

Commissioner, how long have you had the equipment that we've received through the Federal Grants to deal with?

COMMISSIONER FISCHLER:

Well, it started coming in probably around 2000 and that went out to the initial grouping in which we received the eight -- a little under \$800,000 was distributed to five townships with hazardous material response teams plus Suffolk County received dollars, that money or that equipment went to Town of Babylon {Hazmat} Team, Islip, Brookhaven, East Hampton, Southampton and Suffolk County Police, Suffolk County District Attorney's Office, Suffolk County Health Department and my agency. That equipment was distributed throughout -- it was a two year grant period, all of that went out after we bid through an obviously normal bidding process that became convoluted and that was, you know, probably the final grouping of that went out 2001. Last year, in 2002 you created a budget line, that's where we got the rest of the equipment from.

CHAIRMAN TOWLE:

So it took over a year to get the equipment purchased, train the people in these units and then distribute the equipment.

COMMISSIONER FISCHLER:

Exactly, I mean, it takes time.

CHAIRMAN TOWLE:

Do you find that time frame acceptable?

COMMISSIONER FISCHLER:

No, but we do have to get the people trained and we also have to have those people identified that, you know, by the individual Chiefs Councils. Some have been conscientious, some have not been that conscientious in identifying those people but we are working diligently with them to identify the people trained.

CHAIRMAN TOWLE:

It's going to be my intention at the next meeting of the committee -- we're going to move off this issue now. Legislator Caracappa obviously has sponsored a bill, we're going to need to come up with some additional money. We've kicked around a bunch of numbers today, obviously the ultimate goal being 400,000, we're going to try to get to that as close as possible --

COMMISSIONER FISCHLER:

That would be appreciated.

CHAIRMAN TOWLE:

-- because that is something that obviously everyone on this

committee is committed to do. But I am going to dedicate the next

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meeting, in lieu of this morning's article, since we've never been briefed on anything at this point, how -- and I'm going to ask Deputy Commissioner Michaels to coordinate this, to have the police Department and your agency, EMS through Dr. Alicandro and our Sheriff and District Attorney's Offices to brief the committee on where the County is, are we prepared to deal with emergencies, what else do we need to do, what other type of budget problems are we having and other difficulties. I mean, to buy equipment in this day and age that's taking us over a year to get the equipment and to certify and train people is ridiculous, it's unacceptable to me as a Legislator, and I imagine it's unacceptable to the rest of my colleague. It is just inexcusable that this type of coordination is not going on.

And I have a great many questions about your plan. I'm going to defer those questions from this meeting and I'll do it for the next meeting but, you know, I think Legislator Bishop brought up some interesting points. A lot of our departments buy a piece of equipment and train their people on it once the equipment arrives; in fact, using the equipment for the purpose of training. It seems to me that we've -- instead of, you know, distributing things out to the people who are responding, we've have now involved another level of government -- i.e. a town, possibly -- to get that equipment out. When I heard you say two units for the whole Town of Brookhaven for a half of million people and the units consist of 25 people, I mean, I'm just absolutely flawed that that few number of people would actually be trained for these types of disasters. But I'm going to reserve those questions for the next meeting but I would appreciate you being prepared to go over those.

COMMISSIONER FISCHLER:

No problem.

CHAIRMAN TOWLE:

Thank you, gentlemen. We have one other presentation today and then we'll move immediately to the agenda. Deputy Commissioner Michaels, Commissioner Gallagher and our representatives from the Department of Public Works in reference to the east end helicopter operations, particularly the building.

DEPUTY COUNTY EXECUTIVE MICHAELS:

Good afternoon.

CHAIRMAN TOWLE:

Good afternoon.

DEPUTY COUNTY EXECUTIVE MICHAELS:

I hope I have sufficient people here with me today to answer the questions that we weren't able to answer last month.

CHAIRMAN TOWLE:

I appreciate your preparedness and coming today to try to resolve this issue. Obviously I am going to -- with the Commissioner's assistance, I'm going to defer the conversation today in reference to the fourth helicopter and some of the difficulties that we had, I want to really just concentrate on the building today. I've had an opportunity since the last meeting to go out with the Commissioner's help in setting up

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an appointment to meet with the Aviation Unit to go over some of the problems they're experiencing with the MD-902 and to also look at some of their recommendations and I'm formulating some questions and some information myself in that regard. So I'm going to defer on the equipment if we could and move right to the building, because I think most of us were flawed to learn that for a very small building we're spending almost \$4 million and I think that was one of the bone of contentions at the last meeting.

There was also some discussion as to whether or not we should move to take a building that we're currently using I guess by rent -- somebody is renting from us and then we're subrenting from them; typical government fiasco.

LEG. BISHOP:

You're not going to go over all the grounds, right?

CHAIRMAN TOWLE:

Well, hopefully we won't, but I think there were some serious questions in reference to the dollar amounts, so maybe we could start at that point. I see you've brought some designs or floor plans.

MR. GODEK:

Just for the sake of --

CHAIRMAN TOWLE:

You've got to just flip the mike on and just make you state everybody's name for the record.

MR. GODEK:

Okay. Tedd Godek, County Architect. I'm sorry, I didn't have it on.

CHAIRMAN TOWLE:

That's okay. Good afternoon, Tedd. Thanks for coming.

MR. GODEK:

Mr. Chairman, members of the committee, just for the sake of a little

bit of a brief history here. Back the spring of last year on a Legislative initiative there was a resolution passed appropriating planning funds for the design and engineering of this facility. Subsequent to that, members of my staff met with representatives of the Police Department and established what we call a preliminary program. Basically what they did was they established the approximate building size, they identified certain basic improvements, features and equipment items that were to be included in the project, and subsequent to that an RFP was issued for a design and engineering consultant. We have since received responses to that RFP and are currently evaluating those responses. We expect the consultant to be on board formally by April.

CHAIRMAN TOWLE:

Tedd, what's the total cost of the consultant?

MR. GODEK:

We don't know yet. We're reviewing their proposals and the last, the very last thing that we look at is their cost proposal.

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CHAIRMAN TOWLE:

And in order to --

MR. GODEK:

We look at their qualifications first. We have not opened up those cost proposals yet.

CHAIRMAN TOWLE:

To build this building for the purpose of a helicopter, we need to hire a consultant, we can't do this in-house?

MR. GODEK:

We can do it better with a consultant, we can do it quicker with a consultant. We strive to put a consultant on that has more expertise in this area than we do. We strive to put on a consultant who can devote more time to this project than we can.

CHAIRMAN TOWLE:

What do you think we'll wind up spending when we're said and done, give me a ball park that I'm not going to hold you to but we're in the relatively same area; what do you think?

MR. GODEK:

Total project cost?

CHAIRMAN TOWLE:

Well, let's talk about the consultant first.

MR. GODEK:  
The consultant --

CHAIRMAN TOWLE:  
I mean no more than this, no less than probably this; where are we going?

MR. GODEK:  
All right, the consultant cost we generally allocate for consulting -- or I should say design I think is the proper term that we use in the program, the Capital program -- we generally run with a 10% figure. Now, that figure includes not only the cost of the architect and engineer, but it will include any costs incurred in taking soil borings, for example, in putting the project out to bid, printing costs which at times can be substantial, things of that nature. It's a total planning fee, not necessarily the cost of the architect and engineer himself.

CHAIRMAN TOWLE:  
So we're thinking about what?

MR. GODEK:  
The figure that was utilized initially when the appropriation went through was \$175,000; once again, an estimate.

CHAIRMAN TOWLE:  
Okay, so \$175,000. What is the size of the building when we're all said and done?

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MR. GODEK:  
We're looking at a building that is somewhere between 10 and 11,000 square feet.

CHAIRMAN TOWLE:  
Basically a 100 X 100 building.

MR. GODEK:  
Basically.

LEG. GULDI:  
Or 100 X 110.

CHAIRMAN TOWLE:  
Close enough, Legislator Guldi, for the purpose of my question. Okay, Tedd, why don't you go on for a second about what do we believe the construction costs for a 100 X 100 building is going to be?

MR. GODEK:

Well, once again, not having a lot of expertise in this type of structure and using the information that I believe to be the best available to me at the time, I put together an estimate of the project for the Capital Program, the '04 Capital Program. That prepreliminary, as I term it, budget estimate is \$2.29 million.

CHAIRMAN TOWLE:

For a 100 X 100 basic butler building.

LEG. CRECCA:

It's a hangar.

MR. GODEK:

It's a hangar building, yes. Let me give you a bit of a breakdown on that.

CHAIRMAN TOWLE:

Before you do that, let me save you some time. Because I'm not speaking for the committee, but we're not going to spend \$3 million on a building, that is ridiculous. I had my staff, between the last meeting and this meeting, call around and get some estimates on a 100 X 100 building with the same parameters that we did, I got a price for \$300,000 for the building.

LEG. GULDI:

Including design.

CHAIRMAN TOWLE:

Including the design, with a slab. I mean, this is ridiculous, \$3 million for a building. You guys are sitting here today expecting us to say, "Oh, okay, let's spend \$3 million for a building"; I'm going to spend that on a helicopter, not a building. You guys need to condense that number into reality, not fantasy, because \$3 million for a 100 X 100 butler building is ridiculous, is absolutely ridiculous. Legislator Guldi, do you have any questions?

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LEG. GULDI:

Yeah, I have a couple. Thank you, Mr. Chairman.

LEG. GULDI:

Tedd, how did you arrive at the \$230 a square foot figure for this structure, give me your breakdown on it because I don't get it, okay? Neither does my colleague.

MR. GODEK:

Okay. For the cost of the structure itself, the general -- what we would term the general construction contract, I went to a publication called Means, RS Means. Now, RS Means, just quickly, is probably the

industry standard in the gathering and publication of construction costs throughout the country. They produce what they call sample projects, various, different types of structures. They get the average costs of these different structures throughout the country and they publish them and they give us certain parameters that we should follow when estimating say the structure in New York as opposed to Kansas, okay? So as I said, it becomes -- it has become the industry standard. Means is my jumping off point on this and Means estimates this structure at approximately \$77 a square foot.

LEG. GULDI:

Square foot what; what does Means define that structure as, is that -- that's insulated steel hangar with door and --

MR. GODEK:

That's an insulated panel hangar with doors structure --

LEG. GULDI:

And an epoxied floor?

MR. GODEK:

The foundation, the floor and so on, yes.

LEG. GULDI:

Okay.

MR. GODEK:

That's the general construction.

LEG. GULDI:

So how do we get from \$77 to \$230?

MR. GODEK:

I'll run down that one too for you.

LEG. GULDI:

Okay. By the way --

MR. GODEK:

What that number does not incorporate, by the way, is any of the mechanical systems in the building.

LEG. GULDI:

Well, let's backup. The two million three, does that include the 175

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that was estimated for the design and engineering?

MR. GODEK:

No, that's net of that. Two million three is just the construction.

LEG. GULDI:

Two million three, so the two million three is plus 10, basically.

LEG. CRECCA:

Does it include the doors?

MR. GODEK:

The two --

LEG. GULDI:

I'll get there; one at a time. It will be hard enough one at a time, won't it. The two million three does include the overhead door or not?

MR. GODEK:

The overhead door?

LEG. GULDI:

I mean, excuse me, the \$77 a square foot --

MR. GODEK:

Yes.

LEG. GULDI:

-- from Means.

MR. GODEK:

Yes.

LEG. GULDI:

All right. So get me from \$77 to \$230.

MR. GODEK:

Seventy-seven dollars is the cost of the structure itself.

LEG. GULDI:

Don't tell me just multiply by three, that's not the way I want to get there.

MR. GODEK:

No. What does that not incorporate, though, are the mechanical systems, what we call the MEP.

LEG. GULDI:

Okay. So --

MR. GODEK:

Mechanical, electrical and plumbing costs.

LEG. GULDI:

So we're adding a bathroom, an air-conditioner and a furnace.

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MR. GODEK:

We could be that simple or we could be more realistic about it. And I went to my Facilities Engineering Division for an estimate of those costs and as I term an order of magnitude estimate, we're looking at somewhere in the vicinity of \$616,000 for the mechanical costs.

LEG. GULDI:

Six hundred and sixteen; can you give me the breakdown on it, do you have that?

MR. GODEK:

I can give you a breakdown on it, I don't have it with me but I can provide that to you.

LEG. GULDI:

Please deliver it to me. Now, you said facilities engineering department; let's try --

MR. GODEK:

My division, within Public Works.

LEG. GULDI:

Who? Who; put a name on it, who did that work for you?

MR. GODEK:

LaGuardia.

LEG. GULDI:

Okay, thank you. Go ahead.

MR. GODEK:

All right, that is our raw construction cost.

LEG. GULDI:

Six hundred and sixteen for your --

MR. GODEK:

Six sixteen and eight forty-seven, that totals out to a million four sixty-three.

LEG. GULDI:

Okay.

MR. GODEK:

Now, at this point in a project, one prudently adds in a design contingency and a construction contingency.

LEG. GULDI:

Okay, and those were, what numbers did you use?

MR. GODEK:

Which I have established at 5% a piece.

LEG. GULDI:

Five percent of the 847 and 616.

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MR. GODEK:

Yeah, exactly. All of these numbers, and I'm going to quote from here on in, are based on that raw number of a million four sixty-three. I've got a 5% design contingency, a 5% construction contingency.

LEG. GULDI:

So you've got another 147,000 there, right?

MR. GODEK:

Exactly.

LEG. GULDI:

All right. That gets us up to a million six, we're still --

MR. GODEK:

Add to that 20% for general conditions.

LEG. GULDI:

What's -- all right, when Mean comes up with a \$77 cost, they don't have mechanical, electrical, plumbing or general conditions in that cost? What's in the Mean cost then?

MR. GODEK:

The Mean cost is a raw cost.

LEG. GULDI:

A raw cost for what, materials unassembled?

MR. GODEK:

Labor and materials.

LEG. GULDI:

Just labor and materials.

MR. GODEK:

General conditions include the contractor's surety costs, temporary

utilities, construction trailers, programs like apprenticeship training programs and includes a premium for the Wicks Law which, parenthetically, some people have estimated to be 15 to 30% on its own. I have taken a figure of 20% to include all of those items, so there's another 292,600 to be exact.

LEG. GULDI:

Okay.

MR. GODEK:

Add to that 5% for the contractor's overhead, 10% for the contractor's profit.

LEG. GULDI:

Well, aren't those figures in Means cost?

MR. GODEK:

No.

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LEG. GULDI:

I mean, how do they get -- doesn't Means figure an overhead operation in the cost of putting together a structure? What is Means giving you then?

MR. GODEK:

Again, Means is giving me labor and materials.

LEG. GULDI:

Just labor and materials. By the way, I know you and I talked about the aircraft hangar industry and the fact that there are a couple of dozen manufacturers out there prefabbing and manufacturing and selling kit hangars in every size and description, including a 100 X 100.

MR. GODEK:

And I'd like to touch on that eventually.

LEG. GULDI:

Okay, go ahead. Did you go there and find --

MR. GODEK:

Well, at great expense to myself, I actually subscribe to Trade-A.

LEG. GULDI:

Well, I'll take your old issues.

MR. GODEK:

And we have -- I have been through the websites of the various

manufacturers and I've solicited proposals --

LEG. GULDI:  
Okay.

MR. GODEK:  
-- in an attempt to refine this number even more.

LEG. GULDI:  
And what did you find?

MR. GODEK:  
I have not yet received the proposals, I'm still working on it.

LEG. GULDI:  
Okay.

MR. GODEK:  
Now, let me say this parenthetically. I mean, I hope to sharpen this number up. Don't forget, this is a prepreliminary fat-penciled budget estimate which is really the only thing I can base it on right now. Hopefully as the consultant comes on board and he refines the different parameters, details the project better, we can narrow these numbers or sharpen these numbers up and reduce what we're currently estimating, as I said, 2.29, something more realistic.

LEG. GULDI:  
You did want to make sure they were high enough.

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MR. GODEK:  
Well --

LEG. GULDI:  
I think you succeeded, so does apparently Legislator Towle. But the concern I have is, you know, basically -- all right, let me go back one more step. You said you've got RFP's for consultants in hand; how many did you receive and who are the bidders?

MR. GODEK:  
We received four I believe. Who do we have ultimately? GPI I know is one of them, {Greeman} Peterson Associates.

LEG. GULDI:  
Greenman?

MR. GODEK:  
Greeman Peterson, right. I don't have the list -- yeah, McClean Associates. I don't have the list of the respondents with me. But

once again, I can provide those for you too.

LEG. GULDI:

Please. Could I actually have you -- are the bids -- the proposals public at this point?

MR. GODEK:

Are they public at this point; yes.

LEG. GULDI:

Yeah. I mean, are they FOIable public documents? If they are I'd like copies of them, if they're still being used for negotiations or anything else I don't want them until --

MR. GODEK:

Actually, yes, they are still being used for negotiations.

LEG. GULDI:

Well, at which point -- at the point that they're ready for a release I'd like copies of them.

MR. GODEK:

Okay, fine.

LEG. GULDI:

Whatever that point is.

CHAIRMAN TOWLE:

Once they receive them they're accessible to us.

LEG. CRECCA:

Freddy, she can't hear you.

LEG. GULDI:

Yeah, that's true.

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CHAIRMAN TOWLE:

Once they've received them they're accessible to us.

LEG. GULDI:

Yeah, well --

CHAIRMAN TOWLE:

Provide the committee with the copies of all four of them.

MR. GODEK:

Yes, sir.

LEG. GULDI:

Okay. And what did we use for a vendor list to solicit proposals? I mean, {Green and Person} and the McClaine Associates, they're general engineering firms in the region.

MR. GODEK:

They're A&E firms, they're architectural and engineering firms.

LEG. GULDI:

Yes.

MR. GODEK:

Yeah, they're local firms that we've done --

LEG. GULDI:

They're by no means specialists in airplane hangars, they do a whole wide array of other projects; is that true?

MR. GODEK:

That's true.

LEG. GULDI:

Do you know if they've done hangars before in other facilities?

MR. GODEK:

That's what we intend to find out through the RFP process.

LEG. GULDI:

All right. So how do we -- you know, I understand the way you derived the number, but I'm just not -- you know, I'm -- like my colleague and just from my knowledge of the industry, it only seems to me that the RS Means number starts at about twice what it should be and everything else should be unnecessary.

You know, my understanding is you can put up a 100 X 100 hangar in private sector for about \$250,000. Okay, Wicks Law compliance and everything else, add 30% to it, we'll give you 350. But or even, you know -- but the extra \$2 million seems to be problematic and I'd like to figure out exactly whether or not that's necessary. And I think you ought to be reimbursed for the Trade-A Plane subscription.

CHAIRMAN TOWLE:

Yeah, it's ridiculous.

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LEG. GULDI:

I'll send your boss a memo.

CHAIRMAN TOWLE:

We should obviously be paying for that. Tedd, I understand as well that we have inspected the facility that is currently on our property in which we're renting to put the helicopter in now; have we inspected that facility?

MR. GODEK:

Mr. Phalen did an inspection of that facility and if you have questions on that, I'll defer to him.

CHAIRMAN TOWLE:

Yeah. Why don't you give us a quick, brief summary of the update on that facility and its condition.

MR. PHALEN:

Bear with me a moment.

CHAIRMAN TOWLE:

No problem. Between now and the next meeting, while you're preparing yourself, I'm going to look, Mr. Michaels, to put together a meeting most likely at the facility to discuss this \$3 million number. Because we will take the next amount of time and start moving towards the Public Works Committee time frame if we continue this debate, but obviously that figure is just unbelievably high.

LEG. GULDI:

Yeah. Tedd, one of the things that just has a -- are there any specifics or you called it -- let's see, I'm looking for your words -- the features; any features in the hangar that were specified that are particularly expensive or unusual?

MR. GODEK:

Well, they're -- I'm making, again, assumptions here.

LEG. GULDI:

Uh-huh.

MR. GODEK:

I'm assuming in this estimate that we're going to be providing an emergency generator; it's a life safety type facility, one would expect a fine one there.

CHAIRMAN TOWLE:

Do we have a generator at that facility now?

MR. GODEK:

We have a generator at the Ronkonkoma, the Islip facility.

CHAIRMAN TOWLE:

We do.

MR. GODEK:

Yes.

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CHAIRMAN TOWLE:

You're sure about that. Because I was just at the facility the other day and my understanding is there is no generator there now. They use an extension cord to plug into another private facility in case the power goes out so that they're able to open the doors and take the helicopters out to respond to an emergency.

MR. GODEK:

Okay, you are more correct than I am; we have a Capital Project to install one at this time.

CHAIRMAN TOWLE:

Okay. We won't even get into how that's coming along, we won't even do that today because I only took one blood pressure pill this morning, I should have taken two.

MR. GODEK:

I did and it didn't help.

CHAIRMAN TOWLE:

Yeah, it didn't help for me today either, Tedd. And it's nothing personally with you but these --

MR. GODEK:

I understand.

CHAIRMAN TOWLE:

We're sitting here trying to scrounge pennies together to fund the Fire Academy and we're spending \$3 million on a building that we could build in the private sector for 300,000. Even if my number is off and it was a million dollars to build the building, another \$700,000, we're still \$2 million over building a building, it's ridiculous, a 100 X 100 building. Do we have the review from the building that's there?

MR. PHALEN:

Unfortunately I don't have that paper work with me, but we had two pages of items that were noted as problems with the building, we did take photographs of it as well. They're problems currently with the operating door, it's a bifold door that opens upwards; it's very slow, cumbersome, if there's a power failure it would be very difficult to operate. There's cracking on the slab, there's problems with the ramp in front of the hangar, it's dating back to World War II, it would look like it's pot-marked. There are holes from playing tie-downs, it presents a problem with some of the equipment that they use to move

the helicopter going in and out of the building. Heating is a question, in there the proper staffing space is a problem. There's a problem with -- it appears that part of the frame is skewed or bent because there's a large gap between the overhead door and for the building itself when it's closed, I can put my hand through it. There's a problem with roof leaks in it; it's not that old of a building but it's leaking all over the place. There are things that are not necessarily done to what we would have as our normal standards for accessibility, etcetera, those things would have to be modified, there would be additional electric that would be needed.

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CHAIRMAN TOWLE:

If I could get a copy of the report to the committee as quickly as possible on the evaluation of building so that we can try to make an intelligent decision based on Legislator Guldi's recommendation to consider possibly a taking of the building.

It's also my understanding that the building has experienced some renovations without proper permits on our facility?

MR. GODEK:

Yes.

MR. PHALEN:

Yes.

CHAIRMAN TOWLE:

Okay.

LEG. GULDI:

Why?

CHAIRMAN TOWLE:

Yeah. Apparently it's my understanding that there were some renovations made to the building.

LEG. GULDI:

What renovations?

CHAIRMAN TOWLE:

Internal and exterior. I also want a briefing on that to the committee, too, and I'd be curious as to how something like that could happen on our property without them having to provide the proper permits to the facility. Because that may be grounds to terminate his lease and that alone, which we'll be looking at that next.

LEG. BISHOP:

(Inaudible).

CHAIRMAN TOWLE:

Yeah. Well, considering the condition of the building, it may have to be condemned. Legislator Guldi, do you have any other questions on the building for now?

LEG. GULDI:

Not until I review the information we requested.

CHAIRMAN TOWLE:

Could you please make it a point to get that to us as quickly as possible.

We have no other cards so I am going to move to the agenda, unless there's anybody else to address the committee that might have got here late. Going once. Okay.

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If any of the respective departments would wish to be heard on any of these resolutions, please feel free to come on up to the podium. We're going to move on to tabled resolutions.

#### Tabled Resolutions

Resolution 1022-03 (P) - Adopting Local Law NO. 2003, a Local Law authorizing 10% property tax exemption for volunteer firefighters and ambulance workers (Cooper). Legislator Caracappa, if you're in the building, if you would please join us. Okay, thank you, I appreciate you coming back in. Any discussion on this bill? I'm going to make a motion to approve.

LEG. GULDI:

Second.

CHAIRMAN TOWLE:

Second by Legislator Guldi. On the motion, Legislator Crecca.

LEG. CRECCA:

Was there -- what was the problem with this; wasn't there a problem?

LEG. GULDI:

We were waiting for the State to take action to expand its scope to all property taxes instead of just the County's share; unfortunately that hasn't occurred, we're just looking at the County share. That was what my understanding was, subject to correction by Counsel.

MR. SABATINO:

What happened was Legislator Cooper then changed the bill to make the language trigger in the event of any changes at the State level that

would maximize the benefit. So it will either pick up the minimum which exists right now at about \$14, if the State ever makes the corrective change at the State level this will automatically trigger and get the expanded benefit of like \$60.

LEG. CRECCA:

Please list me as a cosponsor on the bill.

LEG. GULDI:

Me, too.

CHAIRMAN TOWLE:

Myself as well; in fact, the whole committee I imagine. Any discussion? Going once. Okay. All those in favor? Opposed? Abstentions? 1022 is approved (VOTE: 5-0-0-1 Not Present: Legislator Lindsay).

Resolution 1050-03 (P) - Amending the 2002 Capital Budget and Program and appropriating funds for the purchase of Automated External Defibrillators, AED's, for County Buildings (CP 3205.523) (Crecca). Legislator Crecca, your pleasure.

LEG. CRECCA:

Yeah, I believe the offset was changed on this and I know the first draft was wrong but it was coming out of the half million dollars in

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the Capital Budget the LED lights.

LEG. CARACAPPA:

Red light cameras.

LEG. CRECCA:

Red light cameras, I'm sorry, that's correct; thanks. So we're not using all of that, just a portion of it, so I'll make a motion to approve.

LEG. GULDI:

Second.

CHAIRMAN TOWLE:

Second by Legislator --

MR. SABATINO:

No, the new offset is -- just so you know, the new offset is sidewalks on various County roads.

LEG. CRECCA:

That's the wrong one. I directed Budget Review to change this on two

separate occasions.

MR. SABATINO:

I'm sorry, here it is. Okay, we got it, no, it's back to red light running, okay.

CHAIRMAN TOWLE:

Okay. We had a motion by Legislator Crecca, second by Legislator Guldi. Add each of the committee members as a cosponsor, I imagine. Thank you, gentlemen.

LEG. BISHOP:

No.

CHAIRMAN TOWLE:

No on Legislator Bishop, the rest of us will --

LEG. BISHOP:

No, but I support the bill.

CHAIRMAN TOWLE:

Okay. Any discussion? There being none, all those in favor? Opposed? Abstentions? 1050 is approved (VOTE: 5-0-0-1 Not Present: Legislator Lindsay).

Resolution 1080-03 (P) - Adopting Local Law No. 2003, a Local Law to amend the process for the seizure and distribution of forfeited assets used in connection with or constituting the proceeds of crimes (County Executive).

MR. SABATINO:

The public hearing was recessed, Mr. Chairman.

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LEG. CARACAPPA:

Motion to table.

LEG. GULDI:

Second.

CHAIRMAN TOWLE:

Okay, we had a motion to table and a second. We could move on the bill today, though.

MR. SABATINO:

Only to defeat it, you could not approve it.

CHAIRMAN TOWLE:

Okay. And we've received no corrected copies at this point?

MR. SABATINO:

That's correct, Mr. Chairman.

CHAIRMAN TOWLE:

Despite our meeting with the County Executive's Office and staff to go over the parameters of this bill.

MR. SABATINO:

That's correct.

CHAIRMAN TOWLE:

Okay. Mr. Michaels, I would appreciate you setting up a meeting also on this bill. It would be my intention at the next meeting, if we're not able to reach a compromise, to defeat this bill and file another bill to move forward with the program in light of the fact that we have over a million dollars sitting within the Police Department from the sale of seized vehicles that has not been appropriated. And it is unfortunate that a compromise was not reached by today's meeting.

LEG. BISHOP:

Run that by me again?

CHAIRMAN TOWLE:

Yeah, you heard me, a million dollars.

LEG. BISHOP:

Why can't we use that for the fire?

CHAIRMAN TOWLE:

Unfortunately you can't.

LEG. CRECCA:

Why not?

CHAIRMAN TOWLE:

We had a motion and a second to table. Any discussion? There being none, all those in favor? All those opposed? List me as opposed.  
Any abstentions

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LEG. GULDI:

Opposed to tabling?

CHAIRMAN TOWLE:

Yeah, because I wanted to defeat this bill today if I had my way. But since I have not talked to each of you, I will hold off on doing that until our next meeting. Resolution 1080 stands tabled (VOTE: 4-1-0-1 Opposed: Legislator Towle - Not Present: Legislator Lindsay).

## Introductory Resolutions

We'll pass over the tabled subject to call, we'll move on to Introductory Resolutions. Mr. Kearon, do you want to join us for anything on this?

MR. KEARON:  
Sure.

CHAIRMAN TOWLE:  
1103-03 (P) - Authorizing the creation of new positions in the District Attorney's Office (Presiding Officer Postal). For the purpose of discussion, I'll make a motion to approve, second by Legislator Guldi.

LEG. BISHOP:  
Explanation.

CHAIRMAN TOWLE:  
Mr. Kearon is here to do that. The question is for an explanation.

MR. KEARON:  
These positions were first proposed during the amendment process to the budget last year. I don't know what happened, they -- it did not appear in the Omnibus so we asked the Presiding Officer to reintroduce this.

LEG. BISHOP:  
And what is -- first of all, doesn't this belong in the Budget Committee?

MR. SABATINO:  
No, this is not a -- this is not what you call a Section 4-31 G transfer, this is -- there's a different section of the Charter which we used last year. When a department head makes a request as opposed to a Legislator initiating it, under Section 4-31D as in dog, it can be sponsored any time during the course of the year, and the only ones that go to the Budget Committee are the ones that are sponsored on a quarterly basis.

LEG. BISHOP:  
Wait, hold on. So a department head has -- can make a request at any time of the year?

MR. SABATINO:  
What happens is if a department head makes a request during any period of time during the year and the County Executive takes no action

within a 21 day period of time, the Legislature can then initiate that amendment within a 45 day period of time and that's what took place here. Same thing happened last year.

LEG. BISHOP:

Paul, I'm not understanding. When we have a committee set up in the Legislature --

MR. SABATINO:

The Budget Committee is limited, okay, to those budget amendments that are generated by Section 4-31G which is a section that has nothing to do with department heads.

LEG. BISHOP:

Okay. So if it's a Legislator's idea it gets sent to the Budget Committee, but if it's a department head's request it has greater priority than a Legislator under this.

MR. SABATINO:

The County Charter only permits Legislative initiation of amendments four times a year, okay. Not my decision, but years ago the Legislature decided that they wanted to have a special Budget Committee look at only those bills that come out of that four times a year Legislative initiative process. Not required by the Charter, you could have any committee look at it, but the Legislature chose years ago, they've carried that over now since 1995.

LEG. BISHOP:

You know, I suffer from the disability of being around here for a decade and was there at those initial meetings. The point of the Budget Committee was to control -- to have a central committee control adjustments to the budget during the course of the year. So any -- so it was my understanding, as a mere Legislator, that any modification of the Operating Budget goes to the Budget Committee. What you're telling me is that starting last year there was this interpretation of D and G; no, you're not telling me that.

MR. SABATINO:

No. In 1994 the County Charter was amended to allow the Legislature to initiate budget amendments on a quarterly basis, okay, that was a major --

LEG. BISHOP:

The Davis Law.

MR. SABATINO:

-- restructuring -- the Davis Law, exactly, okay? Presiding Officer Blydenburgh at that time, not because of statutory purposes but because of personal predilection, felt that amendments coming under that particular section should go to a newly created Budget Committee

instead of the old Finance Committee; I personally didn't think it made any sense, but Legislators thought it was a great idea. That idea has been carried over now for almost a decade from year to year to year, so that the jurisdiction of that committee has been limited to just the 4-31 G amendments. It's a function of what Legislators decided they wanted to see happen with the jurisdiction and the rules.

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LEG. BISHOP:

So for years, for years you're telling me --

MR. SABATINO:

For a decade.

LEG. BISHOP:

-- budget requests that emanated from a department head were dealt with differently.

LEG. CRECCA:

A department head?

MR. SABATINO:

Yes, but as a practical -- absolutely.

LEG. BISHOP:

But as a practical matter, it only occurred last year for the first time.

MR. SABATINO:

No, that's not true. No, all of -- as a practical matter, all of the department head requests for the most part are funneled through the County Executive because most of the department heads work for the County Executive, so as a practical matter that's what took place. However, there were instances, for example, when the County Clerk didn't get satisfaction in terms of his request to the County Executive, he came to the Legislature and the Legislature followed this process. Does it happen every two weeks? No. Does it happen periodically? Yes.

LEG. BISHOP:

I don't think there's one Legislator who understands the distinction, perhaps I'm wrong but in any case --

LEG. GULDI:

You're wrong.

LEG. BISHOP:

You understand the distinction? Okay, explain it.

LEG. GULDI:

It's under the other --

CHAIRMAN TOWLE:

What is this, jeopardy? I mean, come on.

LEG. BISHOP:

Okay. Be that as it may, it's before us now and I want to understand that -- does this have an offset or is this a direct add?

LEG. CRECCA:

No, it has an offset.

MR. SABATINO:

It's an offset, there was a corrected copy filed yesterday.

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LEG. BISHOP:

And what is the offset?

MR. SABATINO:

The offset now is the living wage and it's \$280,000 and it's two --

LEG. BISHOP:

Okay.

MR. SABATINO:

It's four positions being created, two Investigative Auditors, Grade 29 and two Assistant Special Investigators, Grade --

LEG. BISHOP:

And how is it determined that the living wage has a surplus?

MR. SABATINO:

Because of delays in the implementation of the legislation.

LEG. BISHOP:

No, but the -- as contracts -- there's clearly an error here. As contracts come due during the course of the year, application will be made to use the living wage fund. It is premature in March, 3rd, 4th, to declare that the living wage has a surplus, that's absurd. The offset is not a correct one. I mean, if you want to --

CHAIRMAN TOWLE:

It's usually from within the department, not from another place.

LEG. BISHOP:

Right. So I would make a motion to table at this time.

LEG. CARACAPPA:

Based on the offset, I will second it.

LEG. GULDI:

On the motion to table.

CHAIRMAN TOWLE:

Motion to table by Legislator Bishop, second by Legislator Caracappa. Legislator Guldi, on the motion.

LEG. GULDI:

Yeah, on the motion. While I agree with Legislator Bishop on the importance of the Living Wage Compliance Office, the fact is that we haven't spent a dime there and I don't think that there is the will to spend a dime there.

LEG. BISHOP:

That is not true, the latter statement is not true because I have had --

CHAIRMAN TOWLE:

Legislator Bishop, why don't you let --

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LEG. GULDI:

Well, explain to me when we're going to have regulations and procedures.

LEG. BISHOP:

They have regulations and procedures and I would invite -- if you're going to savage the living wage fund based on assumptions, then we should at least hear from the Living Wage Director, but she will tell you -- because I've met with her obviously because I have a keen interest in the issue -- that they have procedures in place and they anticipate all of those dollars being used this year; in fact, they worry that it may not be enough.

LEG. CRECCA:

Fred, I have some questions.

LEG. BISHOP:

Obviously, one of the problems with implementing the living wage is that they didn't do extensive surveys prior to our budget process so we don't know exactly what's going to come in. But the way it works is if you are a not-for-profit and you have a contract with the County and your contract term is up during the course of the year and you are renewing, it's at that point that you can make application for this fund. Last year no contracts came up, this year many contracts will come up, that's why they anticipate this fund being used.

LEG. GULDI:

How did the offset on this bill get changed from Social Security to Living Wage compliance in the first place?

LEG. BISHOP:

I don't know.

LEG. GULDI:

And is it -- Counsel, was it at the request of the department or did you guys get the offset from Budget Review?

MR. KEARON:

We had not nothing to do with the offset.

MR. SABATINO:

To be honest with you, in terms of the -- I was out of the loop in terms of the offset. This corrected copy didn't go through my office, Budget Review came up with it. I assume it's because there's a concern about -- there's a concern about using hard offsets because if you look at the agenda for the Budget Committee you'll notice that a lot of the offsets in that session coming up on Thursday are going to be from the Living Wage Contingency Account because there is a concern with regard to the viability of offsets. This is a known quantity, I mean, I'm assuming that's what the basis was for Budget Review. But, I mean, I didn't personally go and identify the offset.

LEG. GULDI:

Kevin, are you familiar with this from Budget Review; and if not, can you get us someone who is?

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MR. DUFFY:

Okay. I'm not familiar with it.

CHAIRMAN TOWLE:

Legislator Guldi, if I could interrupt you and Kevin for a second. I believe Linda Burkhardt wanted to add something to this conversation. Linda?

LEG. GULDI:

Did you do this, are you responsible for this?

MS. BURKHARDT:

Yes, I did this; I'm sorry. But there wasn't enough money in Social Security, I think the limit on Social Security was \$200,000.

CHAIRMAN TOWLE:

Is there any reason, Linda, and I'm not criticizing you, is there any

reason that Budget Review is not preparing this for the District Attorney's Office?

MS. BURKHARDT:

Budget review did work on it, Lance worked on it.

CHAIRMAN TOWLE:

Okay, Lance worked on it; can we get Lance in here, Kevin?

MR. DUFFY:

I'll go get him.

LEG. CRECCA:

In the meantime, can I ask some questions?

CHAIRMAN TOWLE:

Legislator Crecca, go right ahead.

LEG. CRECCA:

First of all, at the heart of the issue, whether we approve the offset or not, I think we need something on the record as to why these new positions are warranted at the District Attorney's Office.

MR. KEARON:

Our Economic Crimes Bureau has done a tremendous amount of white collar investigations that have resulted in numerous indictments, particularly in the area of insurance fraud. We currently have a special Grand Jury sitting right now that is hearing nothing but auto insurance fraud. We are lacking both with Investigators to do the detective work and we're also lacking with respect to auditors to look over the financial books that we're acquiring through a subpoena. We are in desperate need, particularly of the auditors, to do the investigative accounting work that's incumbent to do with these particular investigations.

LEG. CRECCA:

And those are the two Investigative Auditors at Grade 29?

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MR. KEARON:

Correct.

LEG. CRECCA:

Do you know what their annual salary will be?

MR. KEARON:

I believe it's in the \$80,000 range.

LEG. CRECCA:

And then the original legislation that came over came over just for those two positions. Sometime between, I assume, early February and more recently in the last several weeks, there were other positions added of Assistant Special Investigator at a Grade 21.

MR. KEARON:

Correct. We were looking for these four positions back during the budget amendment process in December. We don't know what happened, we thought they were going to be part of a budget amendment resolution and when the dust settled and when we saw the budget these -- none of these positions were there, so we went to the Presiding Officer.

LEG. CRECCA:

Okay. I just -- and I don't remember and I'd have to go back, but I'd ask maybe Legislator Bishop or Legislator Towle who participated in those budget processes, I thought we did authorize the additional positions for the District Attorney's Office as requested.

CHAIRMAN TOWLE:

I thought we did, too.

LEG. BISHOP:

These are the positions, they got -- they were one of the few winners in the process.

LEG. CARACAPPA:

Yes.

LEG. CRECCA:

I'm sorry, Joe, I forgot you were there, too, I didn't see you there. That's why --

MR. KEARON:

We did not get the Auditors.

LEG. BISHOP:

All right, so you didn't get -- I mean, everybody --

LEG. CRECCA:

And the other question I have for you, too, is there any type of offset? With all these -- with the additional increase in white collar crimes or insurance fraud cases, I would assume -- is there any increased revenues associated with that in the sense of forfeitures or fines or anything else like that?

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MR. KEARON:

Well, what we're doing is we're getting grants from the State Department of Insurance. We look to these auditors to help us get

additional asset forfeiture money, that's one of the functions that they're going to be pursuing and we think it will be very cost effective to put these folks on board in the department because we think they're going to more than pay for their salaries with the increased revenues they generate.

LEG. CRECCA:

Well, that's what I'm saying. I mean, there's no -- is there any projection on that that would provide a budget offset either for this year or next year? And again, I don't know if this can be done somewhat within the confines of the existing budget the District Attorney has.

MR. KEARON:

Well, I mean, if you're asking me if I can I project the kind of revenues that they're going to produce based upon investigations that are just being initiated, I can't give you any figures, that would be pure speculation.

LEG. CRECCA:

Well, you just -- and I'm not -- I'm just trying to understand. You said that there's been an increase in this department in the area of white collar crime and an increase in the amount of investigations and indictments and all.

MR. KEARON:

That's correct.

LEG. CRECCA:

So I'm asking -- I guess I'm asking from the past, has there been an increase in revenue and where has that money gone; is it gone to the General Fund, in other words?

MR. KEARON:

When you say an increase in revenue, I mean, from asset forfeiture?

LEG. CRECCA:

Fines, asset --

MR. KEARON:

We have asset forfeiture money that's generated for the Federal Asset Forfeiture Account as well as for the State Asset Forfeiture Account.

LEG. CRECCA:

Right, but I know like we've seen surpluses -- I'm talking about your predecessor now, Mr. Catterson's office, there were -- and Lance, if you could address this, possibly. There was enough money sometimes in the forfeiture accounts or seized monies that we could use as budget offsets that help fund some of the programs the former District Attorney had proposed.

MR. KEARON:

I can't address what happened with the former District Attorney, but I can tell you that Federal Asset Forfeiture monies cannot be used to supplement salaries.

MR. REINHEIMER:

That's correct. Generally Forfeiture funds are used for enhancements and cannot be used for normal budgetary items, so it's enhancements to the department over and above normal budgetary items.

LEG. BISHOP:

You want to comment on this?

CHAIRMAN TOWLE:

Yeah. I guess, Lance, the question was asked before you got here in reference to using the living wage as an offset and how we had determined there was a surplus in that account, considering we're only at the first week of March.

MR. REINHEIMER:

That's correct. And to date, that's -- the contingency for the living wage was used for that resolution and so far no funds have been used from that. I understand there was discussion that I'm not aware of but Kevin filled me in on that I guess Brenda Rosenberg feels there isn't enough there, we weren't aware of that. From the information we had in the Budget Review Office, we felt that there was a surplus in there. We changed the offset from Social Security because there probably won't be a surplus in Social Security and that wasn't a good offset and so we changed it to living wage.

CHAIRMAN TOWLE:

Legislator Guldi first, then Legislator Bishop.

LEG. BISHOP:

I just want to know, did you speak to Brenda Rosenberg; did you speak to the director of the Living Wage Program? Did anybody, I mean, not you personally.

MR. REINHEIMER:

I'm not aware of whether we did, I can say for sure I did not, no.

LEG. BISHOP:

I think until we get the Director of the Program's perspective, it would be imprudent to savage the program at this point.

LEG. GULDI:

Well, why --

CHAIRMAN TOWLE:

Lance, if you would between now and the next committee meeting speak to other her in reference to using this as an offset. And obviously, if it's unacceptable to her and there appears to be a will amongst the Legislators not to raid that fund at this point, you're going to need to find another offset with Mr. Kearon to fund these positions or this is not going to get out of committee.

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LEG. GULDI:

Yeah, let me though --

CHAIRMAN TOWLE:

Legislator Guldi.

LEG. GULDI:

-- ask one question. Lance, why did you conclude -- I see Fred coming in. Why did you conclude that this was a suitable fund for the offset; what makes you believe the money is available there?

MR. POLLERT:

Because the money has not yet been spent. There are no real offsets in the Capital Program, it's only February of the year. We have attempted to forecast out payroll costs. Legislators in general don't want to go into a department to start to take out payroll costs, that's really the only area that we can identify that there may be some surpluses, you know, and even that is up in the air because the County Executive can always increase the backfill rates. So candidly, right across the board, when a Legislator requests a resolution they say, "You find an offset," I don't have any offsets. The money wasn't spent last year, the money hasn't been obligated, the money is not encumbered. The department heads will universally -- I'm sure if I called Brenda Rosenberg -- say, "Leave all the money there," she said that last year, too.

LEG. GULDI:

I disagree, I think if you polled our department heads they would all tell you they need more money than they have in their budget.

MR. POLLERT:

Yes.

CHAIRMAN TOWLE:

Legislator Guldi, anything else?

LEG. GULDI:

Yeah, and that is the forensic -- the accounting positions that you are seeking in this resolution; do you have any personnel that can

have the background and training to fulfill those functions now and are they critical to ongoing investigations?

MR. KEARON:

Yes, they're critical. We only have two right auditors right now, one of which -- a third one we lost, he's a full-time exempt person with the AME union. We only have two, I mean, Nassau I believe has 12, the Nassau County DA's office.

LEG. GULDI:

And the -- are those auditors -- I understood that you needed forensic accountants, are the two that you forensic accountants or general accountants?

MR. KEARON:

They're forensic accountants.

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LEG. GULDI:

And these two positions would be additional forensic accountants?

MR. KEARON:

Correct.

LEG. GULDI:

But the lack of those personnel is impairing ongoing investigations.

MR. KEARON:

Right. Not only do they get involved in investigations, but then they're called to testify at trials as well.

CHAIRMAN TOWLE:

Mr. Kearon, do you have any vacant positions now?

MR. KEARON:

Yes, we do.

CHAIRMAN TOWLE:

That were funded?

MR. KEARON:

I believe the County Executive's -- the final budget underfunded us by about a million and a half dollars in our salary account.

CHAIRMAN TOWLE:

Okay. So --

MR. KEARON:

We have many vacancies.

CHAIRMAN TOWLE:  
But not funded vacancies.

MR. KEARON:  
Correct.

CHAIRMAN TOWLE:  
Has anybody left since the beginning of the year that you obviously weren't anticipating leaving that has created a position that's open with funding attached to it.

MR. KEARON:  
No, not since the beginning of the year.

CHAIRMAN TOWLE:  
Any other questions? Okay, we had a motion to table which takes preference over the motion to approve. Any further discussion? There being none on tabling, all for?

LEG. GULDI:  
Opposed.

CHAIRMAN TOWLE:  
Against, Legislator Guldi and myself. Any abstentions? The

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resolution I assume is approved at 3-2; right, Counsel?

LEG. GULDI:  
It's tabled.

CHAIRMAN TOWLE:  
Yeah, tabled 3-2. (VOTE: 3-2-0-1 Opposed: Legislators Towle & Guldi).

If between the next meeting you guys would work at an alternative, I think --

LEG. GULDI:  
When is the next --

MR. SABATINO:  
March 25th.

LEG. CRECCA:  
And for the record, too --

CHAIRMAN TOWLE:  
Legislator Crecca.

LEG. CRECCA:

-- although I've supported the tabling motion today, I believe these positions are important but I do want to work towards a proper offset and also look for other ways to fund these.

CHAIRMAN TOWLE:

Okay. Moving on to the other items on the agenda.  
Resolution 1108-03 (P) - Renaming a portion of Suffolk Avenue in the Town of Islip as "Lieutenant David Halderman Way" (Alden).

LEG. GULDI:

Mr. Kearon, did you have something else to say, that you wanted to bring to our attention?

CHAIRMAN TOWLE:

Why don't you hang up here for a second because we have one more resolution for you.

MR. KEARON:

I have 1141, if I may address that. I believe that's just a minor bookkeeping resolution. It has to be to do with our Imprest Fund which is a fund that we use to fund our wire taps and our buy money for the East End Drug Task Force. We just want to increase the Imprest Fund draw-down allowance from 30,000 to 50,000, it will just reduce the number of times we have to go to the Comptroller to get monies moved into that account.

LEG. GULDI:

Motion to take out of order and approve 1141.

LEG. CRECCA:

Second.

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CHAIRMAN TOWLE:

1141-03 (P) - Increasing the amount of Imprest Fund, 001-1165-4770 for the Suffolk County District Attorney, Special Services Account (County Executive). Motion by Legislator Guldi, second by Legislator Crecca. On the motion, any difficulties with dealing with the Comptroller's Office on this or is it --?

MR. KEARON:

Oh no, not at all. It's just that my people in my office, when it's at the \$30,000 level, have to go several times to get additional funding.

CHAIRMAN TOWLE:

Okay.

**MR. KEARON:**

It's not going to increase the amount of money that we spend, it's just going to give us bigger chunks of money.

**CHAIRMAN TOWLE:**

Any discussion? There being none, all in favor? Opposed? Abstentions? 1141 is approved (VOTE: 5-0-0-1 Not Present: Legislator Lindsay).

**MR. KEARON:**

Thank you.

**CHAIRMAN TOWLE:**

Thank you. Moving back to 1108-03 (P) - Renaming a portion of Suffolk Avenue in the Town of Islip as "Lieutenant David Halderman Way" (Alden). Do we have a motion?

**LEG. CARACAPPA:**

On the motion.

**CHAIRMAN TOWLE:**

Motion by Legislator Caracappa, seconded by myself to approve and place on the consent calendar; can we do that?

**LEG. GULDI:**

Yeah.

**CHAIRMAN TOWLE:**

Yeah, why don't we do that. Legislator Caracappa.

**LEG. CARACAPPA:**

This is a stretch, obviously just a stretch of Suffolk Avenue. And is it honorary, an honorary renaming?

**MR. SABATINO:**

That's correct, it's the honorary designation.

**LEG. CARACAPPA:**

Very good. Thank you.

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**CHAIRMAN TOWLE:**

Okay. All those in favor to approve and place 1108 on the consent calendar. All those in favor? Opposed? Abstentions? 1108 is approved and placed on the consent calendar (VOTE: 5-0-0-1 Not Present: Legislator Lindsay).

1126-03 (P) - Accepting and appropriating 100% Federal pass-through

grant funds in the amount of \$60,000 from the NYS Division of Criminal Justice Services for the "Juvenile Firesetters Intervention Project" administered by the Department of Fire, Rescue & Emergency Services and to execute grant related agreements (County Executive). Motion by Legislator Guldi to approve and place on the consent calendar, second by Legislator Caracappa. Any discussion? All in favor? Opposed? Abstentions? 1126 is approved and placed on the consent calendar (VOTE: 5-0-0-1 Not Present: Legislator Lindsay).

1130-03 (P) - Appropriating funds in connection with construction of the Residential Juvenile Detention Center (CP 3012) (County Executive).

LEG. CRECCA:  
Motion.

CHAIRMAN TOWLE:  
Motion by Legislator Caracappa -- Crecca, second by Legislator Guldi. Any discussion? All those in favor? Opposed? Abstentions?  
1130 is approved (VOTE: 5-0-0-1 Not Present: Legislator Lindsay)

1142-03 (P) - Amending the 003 Mandated Operating Budget in connection with two new positions in the Sheriff's Department (Jail Cook) (County Executive).

LEG. GULDI:  
Motion.

CHAIRMAN TOWLE:  
Chief Otto, you want to join us for a second? Motion by Legislator Guldi, second by myself.

CHIEF OTTO:  
Good afternoon.

CHAIRMAN TOWLE:  
Good afternoon. Just a quick explanation on this, very quick.

CHIEF OTTO:  
Okay. Basically we used to have 21 cooks assigned to the Sheriff's Office, we lost one during the Early Retirement Incentive. We had anticipated the opening of the new kitchen the end of this month which is like three times the size of the present kitchen, we need the additional cooks to cover that and also to keep up the continuing new policy of inmates not touching officer's food. So those are the two cooks that we need.

LEG. BISHOP:  
Does this have an offset?

CHAIRMAN TOWLE:  
The offset on this is?

MR. DUFFY:  
When --

MR. SABATINO:  
It's being paid from within the department, no offset.

LEG. CARACAPPA:  
Motion.

CHAIRMAN TOWLE:  
Yeah, motion and a second. Any other questions? All those in favor?  
Opposed? Abstentions?

LEG. GULDI:  
Does that go on the consent calendar?

CHAIRMAN TOWLE:  
1142 is approved (VOTE: 5-0-0-1 Not Present: Legislator Lindsay).

1147-03 (P) - To establish financial incentive of local enforcement of  
Suffolk County Vehicle Seizure Law (Towle). Is there a public hearing  
on this?

MR. SABATINO:  
No, this is a resolution, no public hearing.

CHAIRMAN TOWLE:  
I'm going to make a motion by myself.

LEG. GULDI:  
Second.

CHAIRMAN TOWLE:  
Second by Legislator Guldi. Explanation, Counsel; do you want to do  
that?

MR. SABATINO:  
Yes, this is an initiative to ban towns and villages from getting  
access to the Public Safety Revenue Sharing Funds on a prospective  
basis, not retroactively, but until such time and unless they've  
certified in writing to the County Law Department that they're  
actively and affirmatively enforcing the County Seizure laws. Because  
I think a concern was raised in your office that apparently they  
expressed in writing that they do not affirmatively enforce the  
statute and yet they're receiving revenues from the County.

LEG. GULDI:  
On the motion.

CHAIRMAN TOWLE:  
Legislator Guldi.

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LEG. GULDI:  
Yeah, does the -- one of the concerns is some of the smaller vehicles, to seize vehicles you'd need an impound yard and facility; I'm not sure they even have those or that some of them that I'm aware of are, shall we say, appear to be improvised. You know, the additional expense for seizure of vehicles, maintenance, holding and then liquidation of them; is that the problem with some of the municipalities?

CHAIRMAN TOWLE:  
That may -- if I may, Legislator Guldi, that may or may not be. But we have entered into arrangements with some of the east end towns in utilizing our facilities and they also have the ability to be reimbursed for those expenses. Some of their departments have just decided arbitrarily on their own that they don't want to bother enforcing the law and I think it's outrageous that --

LEG. GULDI:  
You know, which departments have done that in, you know --

CHAIRMAN TOWLE:  
I received a briefing memo which I'll get a copy to you between now and the meeting on Tuesday detailing what each department on the east end has chosen to do or not do.

LEG. GULDI:  
Can I ask you to table this for one cycle and let me see that memo and let's take it up at the next cycle?

CHAIRMAN TOWLE:  
I'd be happy to.

LEG. GULDI:  
Okay, I'd like to look at that.

CHAIRMAN TOWLE:  
I'll change my motion then to table it for the purpose of one meeting.

LEG. GULDI:  
Thank you.

CHAIRMAN TOWLE:

And I will get you a copy of that memo.

LEG. GULDI:

Great. Second the motion.

CHAIRMAN TOWLE:

Motion by myself, second by Legislator Guldi to table for one meeting. Any questions? There being none, all those in favor? Opposed? Any abstentions? 1147 is tabled for one meeting (VOTE: 5-0-0-1 Not Present: Legislator Lindsay).

Moving on to 1150-03 (P) - Appointing a member of Suffolk County RFP Committee for Jail Expansion Study (Joseph T. Caracappa) (Postal). Motion by myself, second by Legislator Guldi.

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LEG. CRECCA:

Who is this guy?

LEG. CARACAPPA:

Lucky me.

LEG. GULDI:

As long as I don't have to go to the meetings.

CHAIRMAN TOWLE:

Would you mind going on the other side of the horseshoe, we have some questions to ask you; and you're not going to like some of them.

LEG. CRECCA:

Yeah, I have some questions.

LEG. GULDI:

Raise your right hand and repeat after me.

LEG. CARACAPPA:

Lucky me.

CHAIRMAN TOWLE:

In fact, we want you subpoenaed to appear before the committee and testify under oath.

LEG. CRECCA:

And if George Guldi gets his way, Fred can just subpoena you on his own.

CHAIRMAN TOWLE:

Exactly.

LEG. GULDI:

No, no, Fred needs at least two of us.

CHAIRMAN TOWLE:

Well, that's why I put you on the committee. Okay, moving on to 1150. Motion by myself, second by Legislator Guldi to approve and -- can we place that on the consent calendar or do we have to put that --

MR. SABATINO:

Yeah.

CHAIRMAN TOWLE:

Motion by myself and second by Legislator Guldi to approve and place on the consent calendar.

LEG. CARACAPPA:

I want my colleagues to have a chance on the floor to deny me.

CHAIRMAN TOWLE:

We don't.

LEG. GULDI:

Hey, look, we already had enough chances to vote against you this

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year, Joey.

CHAIRMAN TOWLE:

All those in favor? Opposed? Abstentions? 1150 is approved and placed on the consent calendar (VOTE: 5-0-0-1 Not Present: Legislator Lindsay).

LEG. CRECCA:

Motion to adjourn.

CHAIRMAN TOWLE:

We stand adjourned at 3:30.

LEG. CRECCA:

There you go.

(\*The meeting was adjourned at 3:27 P.M.\*)

Legislator Fred Towle, Chairman  
Public Safety & Public Information Committee

{ } - Denotes spelled phonetically

