

**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 25, 2003**.

**MEMBERS PRESENT:**

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

**ALSO IN ATTENDANCE:**

Paul Sabatino - Counsel to the Legislature  
Bill Doyle - Aide to Legislator Towle  
Greg Miglino - Aide to Legislator Towle  
Ray Zaccara - Aide to Legislator Bishop  
Frank Tassone - Aide to Legislator Crecca  
Brian Galgano - Aide to Presiding Officer Postal  
Rosalind Gazes - Budget Analyst/Budget Review Office  
Kevin Duffy - Budget Analyst/Budget Review Office  
Bill Faulk - County Executive's Office/Intergovernmental Relations  
Alfred Tisch - Suffolk County Sheriff  
Donald Sullivan - Undersheriff/Suffolk County Sheriff's Department  
Walter Denzler - Undersheriff/Suffolk County Sheriff's Department  
Thomas Murphy - Warden/Suffolk County Sheriff's Department  
Kerry Kneitel - Chief Deputy/Suffolk County Sheriff's Department  
Alan Otto - Chief of Staff/Suffolk County Sheriff's Department  
Joseph Rubacka - Lieutenant/Suffolk County Sheriff's Department  
Rich Heuer - Captain/Suffolk County Sheriff's 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  
Mike Pirone - Suffolk County Police Department  
Debbie Eppel - Public Information Office  
Vito Dagnello - President/SC Correction Officer's Association  
Greg Johnson - 2nd Vice-President/SC Correction Officer's Association  
Mike Polchinski - 3rd Vice-President/SC Correction Officer's Assoc.  
Bill Ellis - Director of Public Relations/Correction Officer's Assoc.  
Charles Sclafani - Treasurer/SC Correction Officer's Association  
Todd DeLong - Secretary/SC Correction Officer's Association  
Dave Young - Sgt-at-Arms/SC Correction Officer's Association

John Meyerricks - Vice-President/Deputy Sheriff's Benevolent Assoc.  
Mike Sharky - Deputy Sheriff's Benevolent Association  
Richard Clay - Deputy Sheriff's Benevolent Association

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Bill Tricarico - 3rd Vice-President/Suffolk County Police Conference  
Tom Muratore - Vice-President/Police Benevolent Association  
Ruth Cusack - Suffolk County League of Women Voters  
Elie Seidman-Smith - Director/Community Service Program/ARC  
Tedd Godek - Suffolk County Architect/Department of Public Works  
Vincent Iaria - Director/Suffolk County Probation Department  
Fred Daniels - Deputy Commissioner/Fire, Rescue & Emergency Services  
Robert Kearon - Bureau Chief/District Attorney's Office  
Barbara Allen - Resident of North Babylon  
William Woods - Resident of Lindenhurst  
Emi Endo - Newsday  
All Other Interested Parties

MINUTES TAKEN BY:

Alison Mahoney - Court Stenographer

(\*The meeting was called to order at 1:22 P.M. \*)

CHAIRMAN TOWLE:

We're going to call the meeting to order, if Legislator Bishop would lead us in the Pledge of Allegiance.

Salutation

If we can take a minute or two of silence for our troops that are overseas right now, and particularly for those that are being held Prisoners of War and those that have been killed.

Moment of Silence Observed.

Thank you. We have one card here this morning. Before we move to our public presentations, I'll call up William Woods; Mr. Woods, come on right up here.

LEG. BISHOP:

Come to the table.

MR. WOODS:

Good afternoon. On February 26th --

CHAIRMAN TOWLE:

Mr. Woods, just grab a seat and pull the mike right up next to you so we can get whatever you're saying on the record.

MR. WOODS:

Thank you. On February 26th, 2003, four weeks ago, a vehicle struck Catherine Weiler of Ossining, New York. This vehicle was allegedly speeding and allegedly making an illegal left turn. Catherine was seriously injured and went into cardiac arrest at the scene of the accident and was revived. In addition to that injury, she had severe head trauma, a collapsed lung, her left arm was broken in two places plus a compound fracture of her left elbow. Also, she had internal bleeding and pools of blood behind her kidney and around her heart. Catherine was air lifted to the hospital where she was admitted into the ICU Unit in a coma; two weeks later, on March 11th, 2003, Catherine died.

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The driver of this vehicle was operating a commercial vehicle that was driving with a suspended license. The law in both Nassau and Suffolk, and I understand many other counties in New York, for this offense is purely a traffic ticket, while in New York City the driver would have been immediately arrested. While this accident happened in Nassau County, I come today because this driver worked in Suffolk County for a plumbing company and he was supposedly given two living addresses, one in both Nassau and one in Suffolk County. This accident could have easily have happened on Wellwood Avenue in Lindenhurst, a town where the driver was employed. Laws regarding unlicensed and drivers operating motor vehicles with a suspended license must be changed in both counties and in other counties throughout the state to provide strict penalties for this offense, especially when the ultimate result is either death or injury.

Catherine Weiler was to be married this coming Saturday, March 29th, 2003, to my son Kevin. Also, her birthday was the following Tuesday -- the following Friday on April 4th, she would have been 28 years old. My son is inconsolable at this time and is currently receiving grief counseling.

I do believe that accidents happen, it's a fact of life, but accidents like this should not happen because this driver should not have been on the road at that time operating a vehicle with a suspended license. The law allowing this offense only to be a ticket is absurd and must be changed. I look forward to this County and this Legislature to help push this law and change this law in the State of the New York. Thank you.

LEG. CARACAPPA:

Thank you.

CHAIRMAN TOWLE:

Thank you, Mr. Woods.

LEG. BISHOP:

Is Counsel here; he doesn't sit for the meetings anymore?

CHAIRMAN TOWLE:

He does, he just jumped up, though.

LEG. BISHOP:

I have a question.

CHAIRMAN TOWLE:

Legislator Bishop, you want to talk to Mr. Woods or do you have a question of Counsel?

LEG. BISHOP:

Of Counsel regarding Mr. Woods' statement.

CHAIRMAN TOWLE:

Mr. Woods, would you mind hanging out a second? Bill, could you grab Paul Sabatino and ask him to join us? There he is, speak of the devil. Legislator Bishop, go head.

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LEG. BISHOP:

Paul, driving with a suspended license, I assume that's the purview of the State Legislature, what the penalties are for that? Could you discuss whether the local Legislatures can have any impact other than official requests.

MR. SABATINO:

Well, actually the impact we had was a few years ago we passed a Memorializing Resolution asking the State to significantly strengthen the penalties because there were a lot of issues and in fact they did, but the County Legislature cannot directly unilaterally impose those penalties, those are governed by -- well, they're governed by a few sections but the Vehicle and Traffic Law is one of the other statutes. But we could have an impact in the sense that --

LEG. BISHOP:

What about seizure laws?

MR. SABATINO:

Well, there was a proposal a couple of years ago to do a Local Law to expand the seizure of vehicles in that context, the Police Department I believe at the time testified that the magnitude or the volume of --

LEG. BISHOP:

The volume was --

MR. SABATINO:

-- was unwieldy given the fact that they were still trying to implement a 1993 law in 1999 or 2000.

LEG. BISHOP:

Well, I think what I'll ask the Police Department when they come forward is whether we could do it -- whether it would be unwieldy if it was just commercial or just multiple if we made the class of violator more limited in scope than the first time violator.

MR. SABATINO:

That's a good point. My recollection is that they did a pretty good analysis, and it was probably 2001 because we were pushing for the implementation in 2000 of the old law in '93 and then they came in and gave some testimony to the effect that the volume was really great.

LEG. BISHOP:

Now, what I want to know from a legal perspective is can you draw those distinctions between commercial -- driving without a license in a commercial vehicle, driving without a license in a noncommercial vehicle? How about multiple -- obviously we can do it on multiple times because that's our current law regarding drunk driving.

MR. SABATINO:

It's a good question, I have to give it some thought. I'm not -- I'm not certain -- there would have to be some kind of a basis to get past the equal protection argument and at a glance, my initial reaction is that maybe that might be hard to do but I would be willing to think it through a little bit.

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CHAIRMAN TOWLE:  
(Inaudible).

MR. WOODS:

So you're saying that my next step should be to contact my State Legislator?

LEG. BISHOP:

Well, you might want to stay for the rest of this meeting because the officials from the Police Department come before us regularly to answer questions on a variety of topics, and among the things that we'll discuss today is probably this.

CHAIRMAN TOWLE:

We have quite a lengthy agenda, if you want me to ask the Police to come up now and talk about this, let's do it now.

LEG. BISHOP:

You're the Chair.

LEG. CARACAPPA:

Mr. Chairman?

CHAIRMAN TOWLE:

Deputy Commissioner Abbott and Chief Robilotto, would you mind joining us?

LEG. CARACAPPA:

As they approach, I will tell the speaker --

CHAIRMAN TOWLE:

Legislator Caracappa.

LEG. CARACAPPA:

-- with relation to the law on the books now would be your State Legislators. In the past, this County Legislature has tried to do things with relation to seizures of vehicles, as Legislator Bishop was mentioning, for those who are caught driving without a license or a suspended license. That bill unfortunately didn't go anywhere, but it looks as if this Legislature is going to review that legislation and see if it's viable.

MR. WOODS:

Why is it then appropriate that in New York City it would be an immediate arrest on-site?

LEG. CARACAPPA:

For?

MR. WOODS:

Driving with a suspended license.

LEG. CARACAPPA:

Counsel?

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MR. SABATINO:

I wasn't clear on what your point was; just clarify your point.

MR. WOODS:

If this accident would have happened in New York City, the driver, the unlicensed or the driver with a suspended license would have been arrested on the -- at the time of the accident for driving and causing harm.

MR. SABATINO:

But that had nothing to do with the seizure, that's under State Law.

MR. WOODS:

I don't care about the seizure, I mean, I think that the person, the person responsible --

MR. SABATINO:

I haven't got the book in front of me, but --

LEG. BISHOP:

The reason we're --

MR. SABATINO:

-- it's probably true if you reach a certain level, I don't recall what the new threshold was. But a few years ago this Legislature asked the State to strengthen and toughen those provisions so that people in the past who wouldn't be arrested or have serious action taken against them would begin to have serious action taken against them, so I'm not surprised that that happened if the person had a sufficient number of previous violations. I just don't recall, I mean, I have to go look in the book and I don't recall the exact threshold that you get to.

MR. WOODS:

It's not much different than having an unlicensed firearm and shooting somebody than operating a vehicle with an unlicensed driver; the driver is unlicensed and he killed somebody and he should not have been on the road.

LEG. CARACAPPA:

Agreed.

MR. SABATINO:

It's a very serious matter, I know when we researched it at the time and we took it seriously in the County and we tried to do as much as we could within our powers.

CHAIRMAN TOWLE:

Legislator Bishop had mentioned a hybrid, I guess, of looking at possible commercial licenses and I guess the question was how would the Police Department possibly feel about that.

LEG. BISHOP:

Or multiple offenses, unlicensed.

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CHIEF DEPUTY COMMISSIONER ABBOTT:

Well, I think in theory there could be a threshold set for so many suspended licenses where we take an elevated observation of whether that person should be driving around or not in any type of vehicle.

LEG. BISHOP:

Let me ask the -- are you familiar with what the State Law is now?

CHIEF DEPUTY COMMISSIONER ABBOTT:

I would defer to the Chief on that.

LEG. BISHOP:

Chief, is it different in New York City?

CHIEF ROBILOTTO:

I'm not familiar with New York City's law but the State of New York Law, depending on what the level of the violation would be and not being familiar with this particular accident, it would be entirely possible for that man to be arrested here, too. There are sections in the Vehicle and Traffic Law and there are also sections in the Penal Law, there's vehicular assault and then there's vehicular homicide. Knowing the full fact pattern and you can intelligently address the question; without having that fact pattern you can't. Vis-a-vis the question on the floor, back probably when I was still in Highway Patrol we were writing tickets for equipment that went to these over weight trucks to the operator of the vehicle. This County, through the auspices of both the department, the Exec and the Legislature, pushed the State so that now those tickets are given to the registration, it made it a lot easier on everyone as far as that was concerned.

The 511 Sections of the Vehicle and Traffic Law encompass a plethora of vehicle and traffic violations. It would be possible to legislate a Local Law with separate categories so that we may take a specific number of scoffs into consideration for the vehicle that the actual driver, the individual is driving if it's indeed his vehicle.

LEG. BISHOP:

In other words, if somebody allows a vehicle to be driven by somebody with multiple scoffs or they themselves drive their own vehicle and have multiple scoffs, we would contemplate seizing it.

CHIEF ROBILOTTO:

That's correct. It would also be something the Legislature --

LEG. BISHOP:

But there's a manageability issue.

CHIEF ROBILOTTO:

You could force a local company through licensing to check their drivers, the State did that with bus drivers.

LEG. BISHOP:

Right; that makes sense.

CHIEF DEPUTY COMMISSIONER ABBOTT:

Also, to go back to the question of New York City, for example, their

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Administrative Code relative to -- I think you brought up, sir, about the firearms -- they're more restrictive in there by the establishment of Administrative Codes. We do and I have seen where we stop people with multiple suspensions where the officer at the scene feels it's egregious he will lock him up, make a summary arrest right on the scene.

LEG. BISHOP:  
Right. Okay.

CHAIRMAN TOWLE:  
Other questions? Mr. Woods, we appreciate you coming down today. And needless to say, the committee obviously extends their deepest sympathies for the tragedy that your family has experienced and rest assured that we'll try to look into this and see what we can do locally.

CHIEF DEPUTY COMMISSIONER ABBOTT:  
Likewise.

MR. WOODS:  
Thank you.

LEG. BISHOP:  
I'll be in touch.

CHAIRMAN TOWLE:  
Thank you, Gentlemen. Do you guys have anything else before the committee while you're sitting up here today?

CHIEF DEPUTY COMMISSIONER ABBOTT:  
No, sir.

CHAIRMAN TOWLE:  
Okay. We're going to move on to the agenda, actually. We have a presentation by Sheriff Tisch and members of his staff as well as the Department of Public Works in reference to our jail facilities. Sheriff Tisch, would you join us? Good afternoon, gentlemen.

SHERIFF TISCH:  
Good afternoon, Mr. Chairman, Members of the Public Safety Committee.

CHAIRMAN TOWLE:  
Sheriff Tisch, before you start, Legislator Caracappa actually had a question, I believe.

LEG. CARACAPPA:

I'm sure your presentation will be a little bit lengthy, so I have a question.

SHERIFF TISCH:

Actually, I was hoping it to be very brief.

LEG. CARACAPPA:

Okay. Well --

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CHAIRMAN TOWLE:

We like that.

LEG. CARACAPPA:

-- maybe after my question it won't be. Tomorrow there's the first meeting of the Jail Needs Assessment RFP Committee for which you or a member of your choice was supposed to participate. Not only were you supposed to participate in some nature through a representative or yourself, you were supposed to choose a chair of that committee, you refused to do so; why is that Sheriff?

SHERIFF TISCH:

Several reasons, Legislator Caracappa. First of all, if you examine the legislation that was passed in 1999, the only legislation containing the terms that you've just described, that committee was supposed to be in session and was supposed to have taken action to report to the County Legislature no later than February 15th, 2000. My opinion is having failed to do so, that committee does not exist, regardless of the subsequent funding resolution which was passed in December. That's my position.

Number two, I made it very crystal clear to the members of the Public Safety Committee in September that I saw absolutely no need for the taxpayers to be settled with the expense of a jail needs assessment study when we don't have any alternative in this County or any County in the State but to abide by the mandates of the Commission of Corrections. As you know, the representatives of that commission addressed this body in December and made it very plain that such a needs assessment will have absolutely no bearing on their dictates. The question was asked, "Well, if the County wants to go ahead with it, what is your position?" The position of the commission was, "You can do whatever you want with the taxpayers money, but it would certainly be to no avail." My position is it is of no avail. And I'm not going to participate in the expenditure of taxpayers money when it's going nowhere for no legitimate purpose. That's my position and I think I made that very clear in September and it hasn't changed.

LEG. CARACAPPA:

All right. So through a resolution enacted by this Legislature, signed by the County Executive, you've saying you're not going to participate based on the new language of the new resolution; just for the record.

SHERIFF TISCH:

I think everything I say here is on the record, Legislator Caracappa.

LEG. CARACAPPA:

I just want to hear it again.

SHERIFF TISCH:

I think I made my point clear.

LEG. BISHOP:

I am unclear.

LEG. CARACAPPA:

Okay. So you're --

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CHAIRMAN TOWLE:

Hold on one second. We're not going to do this. The Sheriff came here to make a presentation, I want to hear his presentation. I allowed one indulgence of interrupting him before his presentation. I have no problem with questions but I do want to hear what he has to say and I have some documents that my staff is copying right now to distribute to you in reference to his presentation. So Sheriff, why don't you make your presentation.

LEG. BISHOP:

Mr. Chairman?

CHAIRMAN TOWLE:

I want to hear what he has to say and then I'll open it for questions.

LEG. BISHOP:

If he doesn't even want to follow Legislative resolutions, I'm supposed to hear what he has to say?

CHAIRMAN TOWLE:

Hold on -- if you don't want to listen you're more than willing to get up and leave, that's your prerogative. Sheriff, go ahead.

SHERIFF TISCH:

Thank you. I believe that the invitation to appear here was inspired by the County Executive's remarks in his State-of-the-County Address in which he, the County Executive, indicated that he was full support of the position of the Commission of Corrections that we had to take action with regard to the issue of construction of additional jail

space.

As you are aware, the Sheriff of Suffolk County is mandated by law to accept prisoners remanded to his care and custody by the courts of this County. It's not a matter of discretion on my part. In the event that we do not have the space for the inmates that are remanded to our care and custody, they must be transported to another jurisdiction. We warned this body as well as the Legislature over the last 15 months that the house was full and that we were going to have to start moving people. Last weekend, the first movement of prisoners took place --

CHAIRMAN TOWLE:

Sheriff, can you hold on one second? If you guys want to take a break to talk, I'll recess the committee for a minute so you can discuss what you want to talk about. Sheriff, go head.

SHERIFF TISCH:

This past weekend we transported 19 female inmates to the Oneida County Correctional Facility in Oriskany, New York. That will cost for the first month for those 19 inmates a sum of \$50,065. The cost of transportation for the trip up including overtime cost \$6,817. There was a problem with the bus requiring repairs which cost the taxpayers \$14,000. This weekend we will be moving approximately 46 inmates to the Oneida County Correctional Facility; there is no end in sight, this is only the beginning.

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As this County Legislature and this Public Safety Committee are aware, the Commission of Corrections has allowed for a number of years variances to allow the population of our correctional facility to exceed the designed capabilities; that's coming to an end. In February, out of the 400 and somewhat variances that had been allowed, 52 were revoked. The Commission of Corrections has written a letter copied to this committee in February in which the committee and the Sheriff were advised that if the plans are not in place that the expiration of the additional variances within approximately four months from now, they will remove those variances. The County Executive indicated that this expense is projected to cost the taxpayers of the County over \$20 million a year to house those 400 prisoners elsewhere. It seems to me that is not a cost effective way to do business. I don't think the county has any alternative but to move forward.

(\*Legislator Guldi entered the meeting at 1:41 P.M.\*)

If you were to spend that amount of money for ten years, you would have spent \$200 million and you would have nothing but a rent receipt and gasoline receipts; I don't think that makes any sense.

CHAIRMAN TOWLE:

Sheriff, talk a little bit about where you currently are as far as population in both facilities and what you're anticipating based on your conversations with the courts.

SHERIFF TISCH:

I'm going to defer to Undersheriff Denzler who is the Undersheriff in charge of our corrections and he has those figures for you.

UNDERSHERIFF DENZLER:

As of yesterday, we had a total of 1,542 inmates in custody.

CHAIRMAN TOWLE:

Let's talk a little bit about the 19 inmates that you have transferred; how did you come to that number? And obviously I noticed in the memo that we've distributed to the committee, obviously they're all female inmates; your rationale behind putting together the plan you've put together is what?

SHERIFF TISCH:

If I can interrupt for a moment. As I previously advised this committee and the Legislature, in a correctional facility it's not the number of cells that are available that actually determines the number of people that you can house because there's a classification system which is mandated by the Commission of Corrections, so that you can't intermingle people of various classifications. A very basic example is obviously if you have a tier on which you have three females, you can't put 17 males in that same tier, so you wind up with 17 vacant cells because you can't commingle male and female prisoners. You can't commingle people that are on mental health watch with people that aren't; suicide watch with people that aren't; you can't commingle people who are awaiting trial with people who are sentenced prisoners.

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As a result of that, it would be extremely unusual, if not never, to be able to utilize every single cell in both correctional facilities because of those classifications.

It was the easiest thing to do to vacate 19 females to Oneida County; had we not done that, we would have had to transport a larger number of males; we were able to defer doing that until this weekend.

CHAIRMAN TOWLE:

And the cost associated per day is what now for each of those --

SHERIFF TISCH:

Right now the cost is \$1,615 per day for those 19. And that -- there's \$85 a day per inmate but that does not include medical

expenses which will be borne by this County and it does not include transportation.

CHAIRMAN TOWLE:

And the average stay for one of these individuals is what?

SHERIFF TISCH:

It depends, they're sentenced prisoners. For the most part the maximum sentence that they would be serving would be one year, with good time off they would be serving eight months. It's possible that some of them could get back to back one year sentences and actually wind up doing 18 months, but most of them have less time than that to do which means they're not going to be there, though particular individuals will be moving back but others will be taking their place.

CHAIRMAN TOWLE:

Now, you're at 19 at this point, what is -- what are you anticipating?

SHERIFF TISCH:

This weekend another 46 will be moving north.

CHAIRMAN TOWLE:

Okay. So we're basically in the area of about 65.

SHERIFF TISCH:

That's correct.

CHAIRMAN TOWLE:

Now, I have a copy of the letter -- as I said, for some reason I didn't get it originally -- but I have a copy of the letter that was sent to you by Commissioner Croce in reference to the variance extensions. Why don't you just explain for the purpose of the record and also those people who are new to the Public Safety Committee what those variances were because I see they're dated '95 V08 which I'm assuming was 1995 that we were given the grant -- variance.

UNDERSHERIFF DENZLER:

There are various variances, it's not just a total number. The commission comes in and they will look at various housing areas and based on need they will give us exceptions allowing us to house people in excess of the design number that the space was originally designed for. As an example, when we had some construction projects going on

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we had been given a variance enabling us to house inmates in the gymnasium only when construction was going on, so there are various types of variances that are here. In total, they had been totaling about 400 beds, that's what the total number of all the variances were. And as we said, last month the Commission rescinded 52 of

those.

LEG. LINDSAY:

I have questions, Mr. Chair, when you get a chance.

CHAIRMAN TOWLE:

Yeah; one more, Legislator Lindsay, and then I'll turn it over to you. What other variances do we currently have in place that may or may not be expired?

UNDERSHERIFF DENZLER:

Well, the variances get extended usually on a six month basis where the commission will come back down, they'll reevaluate and they'll extend or they won't extend. So all of these variances that we currently have were just recently extended and they are due to expire in six months from last month.

CHAIRMAN TOWLE:

Legislator Lindsay.

LEG. LINDSAY:

Gentlemen, my recollection is a couple of months ago we approved the preliminary funding to start drawing the plans for the new jail.

SHERIFF TISCH:

That's correct, Legislator Lindsay.

LEG. LINDSAY:

Where is it?

SHERIFF TISCH:

It's in DPW's hands now. There was \$1.3 million that was obtained by a setoff for the purpose of planning money to go towards the planning for the construction of the facility. My understanding is DPW has indicated to the Legislature how much additional planning money will be necessary before they can actually award a bid for the planning of the construction of the facility. As far as we're concerned at this point, I believe the County Executive intends to be submitting to the Legislature an expanded Capital Project which will have all of the dollar figures. Our staff met with County Budget as well as DPW over the last two to three weeks to try to formulate those plans, that's an ongoing process.

LEG. LINDSAY:

So the money --

CHAIRMAN TOWLE:

Legislator Lindsay, why don't I call DPW up, too, so we can have them up here at the same time.

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LEG. LINDSAY:

Okay.

CHAIRMAN TOWLE:

Tedd, are you here for DPW I'm assuming?

MR. GODEK:

Yes.

LEG. LINDSAY:

So the resolution that we approved is not enough money to complete the first phase?

SHERIFF TISCH:

That's absolutely correct, Legislator Lindsay. It was the only money that was identifiable in the year 2002 that could be utilized to be set off towards this project, but it was never contemplated that that was going to be sufficient funding even for the planning.

CHAIRMAN TOWLE:

Legislator Lindsay, I will ask DPW to maybe address the same question you're asking.

MR. GODEK:

Okay. As it stands right now, we have, as was mentioned by the Sheriff, a million dollars available for us to initiate planning. Ultimately, for the complete project, that is programming through construction administration, we're probably looking -- and this is an estimate at this point -- of somewhere in the -- thank you -- somewhere in the vicinity of ten to \$12 million total for planning.

A million dollars at this point, and we intend to move this forward -- as we speak, we've been planning some strategy here -- but we intend to use a million dollars initially to develop an RFP for a consultant team and initiate an existing conditions survey, a site survey and a program; basically, that takes us about 10% into the design, the total design phase.

CHAIRMAN TOWLE:

Legislator Lindsay, I'm assuming you want to follow-up.

LEG. LINDSAY:

Did I hear correctly?

CHAIRMAN TOWLE:

You look quite red, too, by the way.

LEG. LINDSAY:

Ten million dollars for planning?

MR. GODEK:

Let me explain. That's \$10 million for planning for a full 1,200 bed facility.

LEG. BISHOP:

Is that what the resolution requires?

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LEG. LINDSAY:

No, the resolution was for the initial phase was 280 beds; am I correct?

MR. GODEK:

That's correct.

LEG. LINDSAY:

When Mr. Croce was here, I asked him something that seemed to make a lot of sense, I asked if the State Corrections Commission -- I mean, they oversee the building of jails all over the State -- is the jail that we need unique to other places around the State and he said, "No, not really." I said, "Isn't it possible that we could adopt the plans from another jurisdiction? Do we have to reinvent the wheel for this facility?"

MR. GODEK:

The answer to your question, sir, is no, we do not have to reinvent the wheel. However, we do have some unique aspects to this project insofar as we do have an existing facility that would be utilized in some form probably in the final product. We also have an existing kitchen facility that we're in the process now of completing that would be used, again, in the ultimate development. So to say that we can just buy an off-the-shelf design, certain aspects of it, yes, that's true; cell layouts, things of that nature, the repetitive aspect of the project can be off-the-shelf, to use your term. How it relates to the site or how they relate to the site and to the existing facility is something unique to the project, to this project and there will have to be time and money spent on working that altogether.

LEG. LINDSAY:

What do you anticipate the total value of the project?

CHAIRMAN TOWLE:

You sure you want to know the answer to that?

MR. GODEK:

We have been working with a figure of \$120,000 per bed; again, this is a very preliminary figure.

LEG. LINDSAY:

A hundred and twenty million dollars.

MR. GODEK:

So if you're talking about a 1,200 bed facility, it's more than that.

LEG. LINDSAY:

More than that.

MR. GODEK:

My planning estimate, which I stated earlier, was based on a percentage of that total.

LEG. LINDSAY:

But right now we're looking to build 280 beds.

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SHERIFF TISCH:

I don't think that that is what the commission suggested. I believe what they said, Legislator Lindsay, is they want to see the plans for 1,200 beds in progress and they would have no objection to it being built in phases. The question was whether it's cost productive to do it in phases; I don't know, I'm not an economist and I'm not a construction engineer, that's a decision best left to other people. But the planning would have to be, those plans that this commission would have to approve will be for 1,200 total beds which will, in effect, gain a thousand. And they're looking at a date of the year 2007 when they believe that that thousand bed facility will just be adequate for what they project the jail population to be then four and a half years hence. We're overcrowded now.

LEG. LINDSAY:

The existing facility in Yaphank, the plans are for that to close?

SHERIFF TISCH:

Yes, that will be in --

LEG. LINDSAY:

And this will replace it.

SHERIFF TISCH:

That will be in place during the course of construction. The oldest section of it definitely should have been condemned 15 years ago. The balance of the facility has some utility at present but how much longer it's going to have utility I don't know; Undersheriff Denzler is more familiar with that.

UNDERSHERIFF DENZLER:

In the original Capital Project that's approved called for the demolition of the two back dorms in Yaphank and the forward part of the facility was to remain. When the commission came here and spoke before you -- and just for the record, Chairman Croce did not appear before you, the gentleman that you were referring was Mr. Lawrence who was responding to your questions.

LEG. LINDSAY:  
You're correct.

UNDERSHERIFF DENZLER:  
But when they came, it was their recommendation that the entire Yaphank facility should be raised in that it has long outlived its usefulness, and we see it even now what the ongoing maintenance for that particular facility is. So that's where they came up with that number of 1,200. The facility in Riverhead would stay as it is. So between Riverhead and the new 1,200, 11 to 1,200 bed facility in Yaphank, that would give us the 2,000 beds that we would need by the year 2007.

LEG. LINDSAY:  
One last question.

CHAIRMAN TOWLE:  
Legislator Lindsay, go ahead.

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LEG. LINDSAY:  
And again, back to Public Works. A million three or something like that we approved in December, and that's just to put out the RFP?

MR. GODEK:  
That's to put out the RFP and then with a consultant on board after the RFP process to do an existing conditions survey, a site survey and a program for developing those 1,200 beds, but a program; we're not heavy into design at that point.

LEG. LINDSAY:  
It seems like a little pricey for an RFP, isn't it?

MR. GODEK:  
Well, it's not simply the RFP, I mean, we've gone beyond that with the million dollars. We've got a consultant on board and he is working.

LEG. LINDSAY:  
Okay.

CHAIRMAN TOWLE:  
Legislator Bishop.

LEG. BISHOP:  
What's a program?

MR. GODEK:  
A program is a plan of usage for the structure, for the facility. To say we need 1,200 beds is a start, it's the first line of the program.

LEG. BISHOP:  
Well, what's a plan of usage? I mean, give me a typical, easy to understand question that would be answered by a program.

MR. GODEK:  
How many of those beds are going to be low security, how many will be medium security, how many will be high security.

LEG. BISHOP:  
Wouldn't that -- isn't that what we pay Sheriff Tisch and the gentlemen to your right to do; isn't that what you guys do? You have to go pay somebody a million and a half bucks for that?

SHERIFF TISCH:  
I'm not an engineer, I don't design anything.

LEG. BISHOP:  
No, that's not an engineering question, that's not a design question, that's a management question.

MR. GODEK:  
Well, it establishes the program for the development. The architect, the engineer, whoever else is involved in the design process has got to have a plan of attack, so to speak. That program is that plan. That points them in the direction --

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LEG. BISHOP:  
The architect needs to know how a jail runs, right, and the architect needs to know how many -- what he needs to accommodate in the design.

MR. GODEK:  
That's the program.

LEG. BISHOP:  
Right, that's the program.

MR. GODEK:  
They have a general knowledge of how it's done based on what they've done before.

LEG. BISHOP:  
But that's not --

MR. GODEK:  
However, Yaphank to some extent is a unique facility.

LEG. BISHOP:  
That's not a technical question of which you need an engineering degree, that is a management question of which you need to be familiar about what you got, what you need and how you want it to work; isn't that correct?

MR. GODEK:  
That's correct.

LEG. BISHOP:  
So again, why -- isn't that something we should just put these guys in a room with the architect?

MR. GODEK:  
And in effect, that's what we will be doing.

LEG. BISHOP:  
But who gets the million and a half for that, the note taker? I don't understand how that system works, it doesn't make sense to me. But let me ask a -- let me go on a different track. The resolutions that we passed to date, one was to establish the Needs Assessment Study and the other was to appropriate planning money. The one to appropriate planning money, that was sufficient appropriation to plan a 280 bed facility or an amendment to the facility, adjustment to the facility?

MR. GODEK:  
No, that was not as I recall sufficient to do that, I believe we needed something in the vicinity of three for million for that total project.

LEG. BISHOP:  
What was the point of passing that resolution? Whose resolution was that that comes in with an insufficient amount of money; does anybody recall that?

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MR. GODEK:  
I don't recall the history on that.

UNDERSHERIFF DENZLER:  
My recollection was that what happened was there was a third of the total planning money advance and then a request was being put forward that the balance, the other two-thirds be advanced forward which would

be the total of the planning money for that 380 bed facility. But in discussions that we have had and in light of what the commission has told us and meeting with DPW, it's the consensus of everybody involved there that what we should be doing is actually planning for that full facility, that that would be the most cost effective way to go.

To answer your question in terms of what type of a facility should it be, our problem is in the movement of maximum security inmates. While you can move people from medium and minimum up, you cannot move people who are maximum down to medium and minimum. So the ideal thing in terms of management to give you the most flexibility in being able to move your populations would be to have a facility which is designed as a maximum security facility and would have a combination of people in there and that gives you that flexibility.

LEG. BISHOP:

The total number of beds in the Suffolk County Jail System is going to increase at the end of this process that you envision?

UNDERSHERIFF DENZLER:

Correct, yes.

LEG. BISHOP:

From how many currently to how many in the end of the process?

SHERIFF TISCH:

Right now you have a legal population of 1,308. You have variances of approximately 350 which gives us an amended legal population of 1,650. As you know, that 350 is tenuous at best and the commission can revoke those and they fully intend to.

LEG. BISHOP:

The 1,650 total prisoners that we have now, that's less than the average that we've had in the last decade, is it not?

SHERIFF TISCH:

No.

LEG. BISHOP:

Notwithstanding the variances.

SHERIFF TISCH:

Eighteen hundred was absolute max about four years ago and it was well above legal population; the fact that no legal action was taken is surprising to me, I wasn't the Sheriff then. Eighteen hundred and sixty-one was the highest one day count on record for the Suffolk County Correctional Facility, it occurred on March 15th, 1999.

LEG. BISHOP:

Right. Okay.

SHERIFF TISCH:

Our legal maximum population without the variances is 1,308.

LEG. BISHOP:

How much variation do we get in population?

SHERIFF TISCH:

We get probably a hundred to 150 up and down, that's basically the maximum flex that we see; it's within a range of hundred and 150, our lowest population to our highest population.

LEG. BISHOP:

What's the total cost of this full project that you're advocating?

SHERIFF TISCH:

I would estimate it right now, based upon what the engineers have told us, it's going to cost approximately \$120 million.

LEG. BISHOP:

I think 144 is what the down and dirty calculation that Legislator Crecca came up with using the \$120,000 a bed number that was stated earlier; that's a lot of money.

SHERIFF TISCH:

The question that this Legislature is going to have to answer when the planning is done is is it cost effective to build it in stages. Right now the cost of bonding money is lower than it's been since President Eisenhower was in office; that's not going to endure, in my estimation. Furthermore, the cost of construction is certainly not going to get cheaper. It's your decision whether you want to build it in stages or build it all at once.

LEG. BISHOP:

That's an interesting comment, I'm glad you said that; it's our decision.

SHERIFF TISCH:

Yes.

LEG. BISHOP:

Let me ask you about nullification and your right to nullify local resolutions; is that in the Charter of the County?

SHERIFF TISCH:

I think you're being argumentative, I've made my position.

LEG. BISHOP:

You're not a judge any longer, Sheriff. You're damn right I'm being argumentative. Because when we passed a resolution in this body, as a member of this government we expect you to carry it out. You don't have any special rights. You don't have the right to just ignore resolutions that are passed here.

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SHERIFF TISCH:

I've addressed --

LEG. BISHOP:

There has never been a Commissioner --

SHERIFF TISCH:

I have addressed you with civility, I'm asking you to do the same.

CHAIRMAN TOWLE:

Legislator Bishop, if you have a question --

LEG. BISHOP:

If it's civil to ignore Legislative resolutions --

SHERIFF TISCH:

I have the resolution in front of me, Legislator Bishop, I made my point clear, it expired in 2000. There is no action provided for in here that endures to today.

LEG. BISHOP:

Sheriff, did you get a legal opinion that stated that you have the right to do that?

SHERIFF TISCH:

I don't believe I have to answer that question. I can read English, I hope you can.

LEG. BISHOP:

Well, I believe I can.

SHERIFF TISCH:

It's right there, it's a two page document.

LEG. BISHOP:

So you didn't get -- the answer to that question is no, you didn't get a legal opinion, you relied on your knowledge of the English language; is that correct?

Sheriff, what other resolutions do you intend to ignore; are there other ones, do you have a standard for ignoring resolutions?

SHERIFF TISCH:

One thing I'm going to ignore is your lack of civility.

LEG. BISHOP:

I don't think there's any lack of civility.

SHERIFF TISCH:

I will defer --

LEG. BISHOP:

I just asked you, are there other resolutions that you intend to ignore?

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SHERIFF TISCH:

I will defer to the Chairman, I decline to answer any further questions in that regard.

CHAIRMAN TOWLE:

You know, I think, Legislator Bishop, he's answered your question. He believes that the date of the resolution expired no later than I guess February 15th of 2000 which is on the second page of the resolution in the fourth RESOLVED and that's his opinion; whether you agree or disagree with it, that's your opinion.

LEG. BISHOP:

I don't think it's such a trivial matter that you can --

CHAIRMAN TOWLE:

I didn't suggest it was trivial.

LEG. BISHOP:

It's fine. If you believe that to be --

CHAIRMAN TOWLE:

You chose now to argue with me and put words in my mouth. I didn't say it was trivial. I didn't say it was trivial.

LEG. BISHOP:

Mr. Chairman, I would suggest that when a Commissioner, an elected official is directed by Legislative resolution, duly enacted by the Legislature and approved by the County Executive, and believes the resolution to be illegal, at the very least they should go through the County Attorney and receive an opinion to that effect. I know of no other circumstance where people are authorized to simply ignore resolutions.

CHAIRMAN TOWLE:

Well, having sat here --

LEG. BISHOP:

And, you know, if I'm upset about that, I apologize, you know, for the level of my passion on the issue, but to me it's a threshold question of how we run a government. It's -- I'll leave it at that.

LEG. CRECCA:

Mr. Chairman, I believe --

CHAIRMAN TOWLE:

You were next on the list, Legislator Crecca, but hang on one second. You know, I will say this, Legislator Bishop. I don't disagree with you that I am not in any way, shape or form attempting to encourage people to disavow or disregard legislative resolutions. I will say that since I've been here since 1996, we have probably had at least a dozen instances where that's happened, at least a dozen I said, and I use the word at least. We have probably had where many of those instances passed a second resolution to get things done. I think the Sheriff answered your question; if you don't like the answer, I mean, you can't --

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LEG. BISHOP:

Since he's not answering me, could you ask him --

CHAIRMAN TOWLE:

I think you did ask him a question and I think his answer was that on the second page of the resolution the committee expires, I guess is what it says here.

LEG. CARACAPPA:

Put me on the list, Fred.

CHAIRMAN TOWLE:

In fact I'll go right to it before I get to Legislator Crecca. It says, "The committee shall review the response to the RFP and make a recommendation to the County Executive, County Sheriff and County Legislature for the award of any pertinent contract or contracts no later than February 15th of 2000." So, I mean, I think that was his answer.

LEG. CARACAPPA:

Mr. Chairman?

LEG. CRECCA:

Can I see --

CHAIRMAN TOWLE:

If you don't like it, I mean, then you don't like it, but that's his

answer.

LEG. CARACAPPA:

Mr. Chairman, you know, though, the County Attorney's Office buried that RFP based on a political war that went on and that's the truth. And we were able to pick that ball up and run with it again, albeit a little late because of that problem, it's now before us. And to have an elected official say that the committee that meets tomorrow doesn't exist, I just --

CHAIRMAN TOWLE:

Well, I mean, Legislator --

LEG. CARACAPPA:

I'm beside myself.

CHAIRMAN TOWLE:

Legislator Caracappa, I'll respond to your comment by saying that, you know, if you want him to comply with this then file a new resolution, you know, extending the date of the time of the committee. He's just responding to a question, whether you like the answer or not --

LEG. CRECCA:

Mr. Chairman?

CHAIRMAN TOWLE:

Legislator Crecca, you're next.

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LEG. CRECCA:

Thank you. You know, this has become like a little bit of a battle and I'm trying to -- I would like to try to bring it more into focus on the merits of the issue. And I did walk in late, I was in the back talking to some of the Presiding Officer's staff.

CHAIRMAN TOWLE:

Don't let that happen again.

LEG. CRECCA:

My question is on this -- I guess it's the Needs Assessment Committee, if I can call it that. I understand, Sheriff, I think I understand your point that the reading of the resolution would lead one to believe that that time has expired. I guess my question is do you support the concept of an assessment committee? I guess the question I have for you is is there any harm -- what's the harm in getting this needs assessment completed? My understanding is -- my understanding of the issue is that it will be completed in several months and it can be happening simultaneous with the other project work that we're doing.

SHERIFF TISCH:

Legislator, the language that was created in 1999 --

LEG. CRECCA:

Okay. But I --

SHERIFF TISCH:

-- creating an RFP Committee was for the specific purposes of awarding the contract to evaluate, one, "whether the County Correctional Facility should be expanded"; is that in question? Two, "If so, where should such expansion take place?" This County has just spent a bazillion dollars building a thousand bed -- a thousand person kitchen in Yaphank. Three, "The environmental, fiscal, financial management, economic, personal and public safety impact of an expansion"; well, if we don't expand, I know what the fiscal impact is going to be because we're spending those dollars right now in Oneida County. "The ability of the existing infrastructure to accommodate such an expansion"; if you've been there, and I know Legislator Bishop has been there, it's falling down. What's there is no longer useful. The amount of money we're spending to try and keep it together with rubberbands and bailing wire is not cost productive. "The effect on relationship to Capital Projects provided for dormitories at the Yaphank Correctional Facility," which is where this is going to go I believe. "Whether or not feasible alternatives to expansion exist;" I think that's been addressed.

I told you that when I came on board as Sheriff, I met with the Probation Department, the District Attorney's Office, every agency that deals with alternatives to incarceration, the Suffolk Magistrates Association, the District Court Judges Association, the County Judges to urge them if they could to limit the population coming my way. When the State Commission was here, they told you you're maxed out on alternatives. You have the best alternative to incarceration plan in the State. There are no more alternatives. If you can convince the

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police not to arrest people, the District Attorney not to prosecute them, then obviously I won't have prisoners.

My position is clear. The original purpose for this, which was noble in 1999, is dated, it is no longer relevant. The commission has spoken and told us we must create additional jail space.

LEG. CRECCA:

Sheriff, I don't think there's a Legislator on this horseshoe or a Legislator out of the 18 of us that would disagree that we need to expand the jails. I don't think there's a Legislator who would disagree with you as to the fact that we need a serious expansion, not

just a minor expansion of our jail. But I guess -- and my question is what is the harm in proceeding with the Needs Assessment Study if the answers are so clear, and I think most of them are clear -- and I think Legislator Caracappa, and I don't want to speak for them, and Legislator Bishop would agree that most of those answers are very clear. But to have -- to finish a process which is almost at its tail end would -- and it might give some more comfort to elected officials in this Legislative body as to clearly make it very clear and official as to what the needs are so that we can make the right governmental decisions, i.e. whether to phase or not phase, build it all now or not. I mean, those are some of the questions that you said ultimately this Legislative body will have to decide.

And if it is -- and I'm not saying it is, but if it is the will of this body to have the assessment done so that we can make that decision having all the information in front of us. Before we spend 140 or \$50 million of taxpayers money, you know, I don't see the harm in it. If you can tell me how it would delay the process, you know, when we're moving full steam ahead on both ends, that's really what my question is.

**SHERIFF TISCH:**

The Legislature can enact legislation to spend that money if they wish and if they do our staff will cooperate with you. It is my position now and it has been that that assessment needs study which may have been valid in 1999 is no longer valid because the issues it was going to determine have already been determined for us.

**LEG. CRECCA:**

One of my concerns -- Sheriff, I do understand your position, but one of my concerns is that if by the time we go through the cycles, if they reintroduce that same piece of legislation so that it's not dated anymore -- and I certainly can't speak for the intention of legislator Bishop or Legislator Caracappa -- but if they do that we're talking about only delaying the process probably another at least six or eight weeks, if not beyond that. So I just, again, I think it would behoove everyone to try to work together on this aspect of it, even if we can't all agree as to specific need of it. Mr. Chairman, I'm done. Thank you.

**CHAIRMAN TOWLE:**

Thank you, Legislator Crecca. Before I move to Legislator Bishop and then Legislator Guldi, I just had myself on the list for two

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questions. The total amount of the original -- or the resolution that we approved was \$150,000 for the study from BRO?

**LEG. CARACAPPA:**

Yes.

CHAIRMAN TOWLE:

I just want to verify that for the record.

MR. DUFFY:

Yes.

CHAIRMAN TOWLE:

And has this committee ever met since we passed a resolution, is anybody aware of that; Counsel?

LEG. CARACAPPA:

Tomorrow.

CHAIRMAN TOWLE:

Well, besides tomorrow, obviously. Has the committee itself ever been formed, were there meetings held, was there a Chairperson picked? I mean, I don't know.

LEG. CARACAPPA:

I can answer that.

CHAIRMAN TOWLE:

Okay, Legislator Caracappa.

LEG. CARACAPPA:

Just background information, the committee was enacted and met on several occasions years ago. We had gotten to the point in our work where we were ready to go out with an RFP and that's where things got bogged down. I was the Chair of that committee. And now that we are ready to go with the RFP, we have two respondents, the RFP Committee is going to meet tomorrow to pour over those respondents and to choose one.

CHAIRMAN TOWLE:

When was the last time the committee met? I mean, I'm just asking for informational.

LEG. CARACAPPA:

Late '99, early 2000.

CHAIRMAN TOWLE:

Okay, so the committee hasn't met in three years, basically. Were there minutes from those meetings?

LEG. CARACAPPA:

Yes, there were.

CHAIRMAN TOWLE:

Okay. I'd ask my aide put a request into the Clerk's Office today to

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get copies of all the minutes from those meetings. Legislator Bishop, you're next and then Legislator Guldi.

LEG. BISHOP:

Sheriff, I just had an opportunity to read the resolution that was clear to you. Are you familiar with a sunset provision; what a sunset provision is?

SHERIFF TISCH:

No.

LEG. BISHOP:

A sunset provision in Legislative parliaments is a provision of a resolution which sunsets the institution that the resolution establishes; in this case, it would be -- excuse me.

CHAIRMAN TOWLE:

It's tough to ask questions when everybody is talking, isn't it?

LEG. BISHOP:

Sorry. In this case it would be the Jail Assessment Needs Committee but there is no sunset provision in this resolution. The provision that you read in English, RESOLVED clause number three and four, say that, "The RFP shall be completed and circulated no later than November 15th of 1999," that's a provision which reflects a desire to have an RFP circulated by a date certain. And the fourth RESOLVED clause states that, "The committee shall review the responses and award the pertinent contract or contracts no later than February 15th, 2000." There is no provision that I'm reading that sunsets the mission of this committee; isn't that correct, Sheriff?

SHERIFF TISCH:

I don't understand. Is there a question there?

LEG. BISHOP:

You don't understand; all right, let me try it again.

SHERIFF TISCH:

Was that a question?

LEG. BISHOP:

Yes, I said there is no sunset provision in this resolution.

SHERIFF TISCH:

If there's not there's not.

LEG. BISHOP:  
Well, because --

CHAIRMAN TOWLE:  
Legislator Bishop, I think it's obvious that the committee has not met in three years. I think it's obvious that the Sheriff has responded as to why he's not going because he felt the committee expired. If yourself or Legislator Caracappa or somebody else wants to move forward to clearly redefine or delineate the committee's

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responsibility you should. But, I mean, to say because the committee hasn't met in three years --

LEG. BISHOP:  
No. Mr. Chairman?

CHAIRMAN TOWLE:  
-- is ridiculous.

LEG. BISHOP:  
May I reclaim my time? It's not necessary to take further Legislative action, that is the point that -- in fact, I'll pose the question to Counsel. Do I need to restate it?

MR. SABATINO:  
No. The way it works is we form boards and commissions all the time. In those cases when we want to sunset the boards and commissions, we have explicit language which we write in which states that the board or the commission expires by a date certain and then they're obligated to turn over all their documents to the Clerk of the County Legislature by that date. So that's the normal situation which is a sunset provision.

To follow the logic of trying to nullify this legislation, yesterday we received a report from the County Comptroller of an audit. The deadline for getting that audit before the ELAP Committee was August 8th of 2002, yet the committee received the documents yesterday and spent an hour and a half or two hours going through the documents. The deadlines are put in, you hope that they're going to be adhered to but when the deadlines are missed for reasons that are beyond the control of the Legislature, you move on and you implement what's there. In this particular case, it was not the Legislature that caused the RFP not to be circulated. If you recall, what happened was the Law Department held up the documentation after the Sheriff's Office had responded to a series of questions, so everything just flows forward until the board or the commission is repealed or abolished or the work is completed.

LEG. CARACAPPA:

Point of personal privilege, Mr. Chairman.

CHAIRMAN TOWLE:

I recognize you, go ahead.

LEG. CARACAPPA:

You have to understand, the committee that met, the Needs Assessment Committee, their work was completed. What we did was meet until a point certain where we had a desire or a desired effect of what the RFP should reflect and the committee was then finished with its work. At that point, the RFP was supposed to be formulated and then once the RFP hit the street, a committee was to be formed again which was just done, and we voted on myself as one of those members at the last Legislative meeting, to now pour over those response. So --

CHAIRMAN TOWLE:

But that was based on this other resolution we appointed you.

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LEG. CARACAPPA:

No, it was based on the RFP finally going out and now the respondents had --

CHAIRMAN TOWLE:

Actually, there's a section here that appoints someone from the Legislature in this committee makeup, if I'm not mistaken, "An individual to be appointed and represent the County Legislature." That's why we just appointed you to that committee.

LEG. CARACAPPA:

No, that was the original committee, the Needs Assessment Committee.

CHAIRMAN TOWLE:

Okay. So what committee did we just appoint you to?

LEG. CARACAPPA:

The RFP Committee.

CHAIRMAN TOWLE:

Okay. And the RFP Committee it says, "RESOLVED that the RFP Committee shall consist of the following individuals." There's ten paragraphs -- or ten sentences, we get to sentence number nine and it says, "An individual to be appointed by and representing the County

Legislature," which is what we just appointed you to if I'm not mistaken, but this was your resolution, it's not mine.

LEG. CARACAPPA:

Right. And the committee had completed their work with relation to the needs assessment that we thought we wanted in an RFP and then new members were chosen for this RFP group.

CHAIRMAN TOWLE:

Well, I think what's come out clear here is obviously the fact that the committee has not met in three years, left some impression that the committee was defunct. Number two, it said that the report was due back to us by February 15th of 2000, which obviously that was never complied with. And obviously, those are the bases for the Sheriff's decision, as he stated for the record today. I think we ought to clarify, at least as far as I'm concerned, because as I read this I thought the same thing looking at this today for the second time now. We obviously just appointed you. I mean, for three years we didn't -- all these people have changed, I mean, different Commissioners and department heads.

LEG. BISHOP:  
(Inaudible).

CHAIRMAN TOWLE:  
What was that, Legislator Bishop?

LEG. BISHOP:  
We had -- at every Public Safety meeting for about a six month period we discussed this RFP Committee and where it was at.

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CHAIRMAN TOWLE:  
Well, that's good because not every Legislator serves on the Public Safety Committee.

LEG. BISHOP:  
But the Sheriff was there.

CHAIRMAN TOWLE:  
Some members are here now and this is three years old. So, I mean, you know, I just think quite honestly there should have been a lot more written communications as to what the progress of things were, in my opinion, but that's just my opinion.

LEG. BISHOP:  
Among whom?

CHAIRMAN TOWLE:  
Among who was ever involved in this. There was a committee, the committee didn't meet for three years.

LEG. CARACAPPA:

There was nothing to meet on, Mr. Chairman. I personally -- and this was discussed ad nauseam before you became Chair. I would personally go up to the County Attorney's Office, go to the desk of the County Attorney that was supposed to be finishing this RFP, only to be ushered around the sixth floor of the Dennison Building until I was dizzy.

CHAIRMAN TOWLE:

Well, that's wrong, too. Maybe we should ask the County Attorney to come to the next meeting and find out why it took three years to finally get to this point. I'm glad you did it because I didn't do it. Legislator Lindsay, did you do it? Legislator Guldi, were you here for that?

LEG. BISHOP:

That was part of the discussion earlier this year.

CHAIRMAN TOWLE:

Well, I guess once you have the discussion for all of us then it should suffice. Legislator Guldi.

LEG. GULDI:

We've got -- we seem -- forgive me, I was trying to pay attention to other matters and I stepped in in the middle of this, and while there seems to be plenty of heat, I can use a little light.

The substance of the problem versus the form of the problem. There's no question, as Legislator Crecca said, we need to build some jail space. There's no question that we're late; we can quibble about whether we're years late or decades late but we're clearly late. The position -- I understand the discussion about the RFP Committee and the nonlapsing versus the implied lapsing or sunset or nonsunset of the RFP Committee to -- or the advisory committee to evaluate an RFP. The substance I want to get to, though, is you outlined, Sheriff Tisch, a number of concerns you had about moving forward immediately

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and the variances or problems. One concern that wasn't enumerated by you that is a concern of mine is that is the current conditions of jail utilization; to what extent do they, if any, impact or compromise the safety of -- the safety, the morale and etcetera of the Correction Officers working in the facility. Do the crowding situations have an impact, does utilization have an impact on injuries and do those circumstances in turn have a consequential impact on overtime, above the ones you've raised for transportation?

SHERIFF TISCH:

Sure. When you have more people in a space than were designed to be there, when safety and security were taken into consideration in the

original design, you therefore compromise safety and security. So it does make it a more stressful environment for not only the Correction Officers but the inmates, residents who are there; and we have been living with that, it has been a constant problem that we've had. And that problem is permitted now by the commission. We are putting people in areas where they were never designed to be housed.

LEG. GULDI:

And you're putting more people in those areas than were ever designed to be in the areas that were originally designed for people.

SHERIFF TISCH:

Absolutely, Legislator. We've had people in the gymnasium on cots, that was never intended. The gymnasium was never designed to be a residential dormitory but that's what we've had to use.

LEG. GULDI:

Now, what concerns me is though when we get down to the details of what's -- how many of each class category and type of cell do we need to build, how fast do we need to build them and where do we need to build them? Granted, since you've taken this office you've paid a great deal of time and attention to it. Legislator Caracappa, on behalf of the Legislature, has over -- since 1999 paid a great deal of time and attention, put a great deal of time and attention into those details and developing the -- to help develop a Legislative position to move this -- meeting this need forward.

The question I have is how, notwithstanding the resolutions, the history, how do we -- because we do have to work together to accomplish this -- how do most expeditiously move forward from this rather than dwelling on how we got to wherever it is we are?

SHERIFF TISCH:

Legislator, first of all, I think I need to correct something. We in Suffolk County have taken the same position that every other correction agency in the State has taken, that there is no point from an economic standpoint to build anything less than maximum security, because otherwise you limit the population you can put in that cell. It doesn't make any sense. It's not far more expensive to build it, you're still building space, the space should be maximum security so that every possible cell that you build could be utilized no matter what classification prisoner you have.

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LEG. GULDI:

All right. Who has done the analysis on population patterns, trends and anticipated future populations in social trends in Suffolk County that will let us forecast what our population might be five, 10 and 15 years hence?

SHERIFF TISCH:

The State Commission has done that and I believe that was part of their presentation when they were here in December.

LEG. GULDI:

Yeah, I wasn't here for that meeting in December but my colleagues that were present at the meeting are indicating that they didn't hear that analysis.

LEG. CARACAPPA:

Not even close.

CHAIRMAN TOWLE:

Well, one of the things we may want to do, I think Legislator Guldi brings a valid point, we might want to bring them back specifically to talk about, you know, trends, patterns and population needs.

LEG. GULDI:

So, you know --

CHAIRMAN TOWLE:

Legislator Guldi, any other questions?

LEG. GULDI:

Yeah, I don't understand what the -- I mean, I walked in the middle of a conflict and controversy about whether or not the Needs Assessment Committee should address the RFP. I heard Legislator Crecca say is there any danger of delay from doing that or is that not a way to move this expeditiously forward; is there any objection to that by the department?

SHERIFF TISCH:

My understanding was that DPW was already proceeding forward with the preliminary plan design for the facility. I didn't think it was in question anymore that either we were doing this or where we were doing it.

LEG. GULDI:

Well, I thought, though, that the plan design that I heard was for 400 and some odd beds, or an infinitesimal number of increased capacity given our current needs.

SHERIFF TISCH:

The original Capital Project which has been here for awhile and had not moved forward was for a 280 bed combined addition and replacement facility for Yaphank. It was going to provide an additional 180 beds and it was going to replace a hundred beds; that plan has been in effect as a Capital Project for a while, it's outlived its usefulness. The state Commission has told us, "If you come up with plans for 280

beds, they're not going to be satisfied and they're going to take the

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variances away." What they have suggested, they need to see plans for a thousand more total beds that will be on-line by the year 2007. They have indicated if you wish to build it in stages, as long as the total plan is in place for them to inspect, with all of the infrastructure planned out so that it is an expandable operation, they will permit you to build it in stages. Whether that's cost effective or not is not my decision to make, but I'm pretty clear on what we have to do.

CHAIRMAN TOWLE:

Legislator Guldi, would you suffer an interruption?

LEG. GULDI:

Yeah.

CHAIRMAN TOWLE:

Just on a number, before you go off because I know you have a tendency to ask multiple questions.

LEG. GULDI:

I only have two lines of questions based on the last answer.

CHAIRMAN TOWLE:

I just want to go over the numbers. Right now you're at 1,650, approximately, 300 of which are a variance.

SHERIFF TISCH:

Three fifty.

CHAIRMAN TOWLE:

Yeah, 350. So our basic capacity normally under normal circumstances would be 1,300.

SHERIFF TISCH:

Yes.

CHAIRMAN TOWLE:

I just want to make sure I understand the numbers. Then the addition that the commission is suggesting, is suggesting, the Sheriff's Office is suggesting, the County Executive suggested in his State-of-the-County and apparently is also, so I've been notified, going to include in his Capital Program another thousand beds bringing us to 2,300; is that right?

UNDERSHERIFF DENZLER:

Let me explain. But that's also then -- you've got to remember, that

will be tearing down what's in Yaphank right now.

CHAIRMAN TOWLE:

Right. But the total will be --

UNDERSHERIFF DENZLER:

The total that you'll be left with is 2,000; 900 --

CHAIRMAN TOWLE:

So 2,000 as opposed to --

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UNDERSHERIFF DENZLER:

Approximately 900 and 1,100.

CHAIRMAN TOWLE:

And that will also eliminate the variances that we have of the 350 or we'll still have those variances giving us --

SHERIFF TISCH:

No, you won't. You'll have a net gain of approximately 350 beds above what we have now, but 350 of those beds are variances that are not permanent.

CHAIRMAN TOWLE:

Well, I think that's an important number because when somebody comes and says we're going to build a thousand beds, I'm saying, "Wow, we're going to really have a lot of beds to fill and a long-term plan." Really the number is much smaller, it's only --

SHERIFF TISCH:

Absolutely.

CHAIRMAN TOWLE:

-- as you said, 300. Go ahead, Legislator Guldi.

LEG. GULDI:

The question I had asked, though, was was there any objection to letting this -- does the department have any objection to this committee established commenting and making recommendations with respect to the RFP that's already, after much delay, been drafted and returned?

SHERIFF TISCH:

Legislator, it's my position, I made my position clear that that committee's function expired in February of 2000 when they failed to complete the project. But the question is even if the Legislature wanted to redraft the resolution for such a needs assessment study, I read to you the six things that --

LEG. GULDI:

I understand those. I understand those. That's a different question than the one I'm asking.

SHERIFF TISCH:

Yes. What I'm suggesting is if you want to redraft a purpose of such an RFP to address issues that are really issues that we have to look at, because at least five of the issues that were expressed in that original resolution have already been determined.

LEG. GULDI:

Well, yeah, except I don't know about you but my instincts tell me that the 2,000 bed facility is going to be woefully inadequate before we stick a shovel in the ground.

UNDERSHERIFF DENZLER:

We might clarify because a lot of this also goes based on what the

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commission said to this committee. I have the minutes of the meeting when the Commission appeared before this committee.

LEG. GULDI:

This --

UNDERSHERIFF DENZLER:

Public Safety Committee.

LEG. GULDI:

Okay.

UNDERSHERIFF DENZLER:

And basically the question you're asking was asked of them then, you know, as far as moving ahead with planning. This is what the response of the commission's representatives was to that question.

LEG. GULDI:

Who was that representative?

UNDERSHERIFF DENZLER:

Mr. Donnegan; it was Mr. Donnegan and Mr. Lawrence. What they said is, "I would say that from our perspective, your planning study -- or your study, rather, is moving far from some parallel and separate track in the design and development. If you want to do that, that's for you, but for us, we need to see design and development to alleviate the overcrowding and that's what's going to satisfy us. The plan is, you know, as clearly as we can say, the planning is nice if you want to do it, but it's really not necessary to what we're looking

at at this stage of the game. I think we're pretty clear on your needs whether you are or not, with all due respect." That's what the commission said to us.

LEG. GULDI:

I understand that, but that's also not responsive to my question. My question was simple; is there an objection to the Legislature going forward with the comment on the proposals that are in hand by this committee, yes or no?

SHERIFF TISCH:

Legislator, I have no problem with the Legislature studying anything they want to study.

LEG. GULDI:

Right. Okay, so there's not a problem.

SHERIFF TISCH:

No.

LEG. BISHOP:

He won't participate.

LEG. GULDI:

The next problem that I've been concerned about since we're embarking -- and this is -- my favorite subject is design cost from

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DPW; hi, Tedd, how are you today? I haven't seen you in a while. The question I have is we're building a jail.

CHAIRMAN TOWLE:

(Inaudible).

LEG. GULDI:

We're not building -- you know, we're not building -- we don't need Stanford White to design us a beach house. The Department of Corrections has form, cookie-cutter, ready-to-go, this meets our requirement plans. Why aren't we using the free plans that are immediately available instead are we doing a let's spend the money and do a design that's going to take too long and may or may not meet the criteria that the department has embedded in its own plants.

SHERIFF TISCH:

One thing, Legislator. The commission doesn't have a catalog of plans that they have up on the shelf to hand you one. What they have said, and they will continue to say this, they will assist you, they will suggest, "You may want to go to Broom County and see what was just built there. You may want to go to Orange County and see what was

just built there," because if it meets your needs somebody already built it."

LEG. GULDI:

I understand the service is actually more comprehensive than that. What are we doing to avail ourselves of the available design and why are we starting with a blank piece of paper instead? Go ahead, Tedd.

MR. GODEK:

As I said, any design evolves from a set of conditions presented at the time; let me elaborate. We have an existing facility there, we have a given site there, we have certain infrastructure there now; all of these items are unique to this location and unique to this facility. Now, with a standardized cell layout or cell design, we can utilize that in a mix of development that is going to satisfy the needs of the Sheriff and his staff that hopefully is going to minimize staffing over the long-term and provide us with a 120 to \$140 million project that suits the needs of Suffolk County with an over-the-shoulder, so to speak, maybe from Broom County's development or Oneida County's development basing our improvements on what's gone and worked in the past, but still a project that suits Suffolk County. So there is -- we do need somewhat of a blank piece of paper. We can have scribbling in the margin that will help, but the project is still unique to this locale and this facility.

LEG. GULDI:

I understand that, but we're still building the jail, we still have models to do that. How fast and how cheap can we do this or is this going to turn into another one of these three and a half million dollar butler buildings?

MR. GODEK:

I'll never live that one down.

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LEG. GULDI:

Not in a million years.

CHAIRMAN TOWLE:

Particularly when the current occupant who's not in compliance with his lease or license starts sending letters attacking Legislators.

LEG. GULDI:

The current occupant happens to be in the audience.

CHAIRMAN TOWLE:

Good.

LEG. GULDI:

And frankly, by comparison to the rest of the tenants of the airport, I'll trade all of them for another one who complies with his lease like he does; but that I think we're segwaying a little far. So how fast and how cheap can you have this design done?

MR. GODEK:

Keep in mind, I have never done -- we have never done a \$140 million project before, especially a jail project. My quotations before are estimates.

LEG. GULDI:

I know, they're based on the State standard of \$120,000 a cell.

MR. GODEK:

Until we solicit proposals from the various professionals, we're not going to know exactly how much it costs.

LEG. GULDI:

Is it going to take us three years to write an RFP?

MR. GODEK:

No.

LEG. GULDI:

How long?

MR. GODEK:

I can be on the street within an RFP in the matter of two months, two to three months.

LEG. GULDI:

Two to three months from today.

MR. GODEK:

I hope to have somebody working on this project by late summer, early fall. My intent is to have enough programming and preliminary design complete by this time next year so that when we prepare the '05 Capital Budget we have a number that is more exact than the 120 and 140 we have been bantering around.

LEG. GULDI:

I understand, but I've got a problem, Tedd. And the problem is why did

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you have to come here in December to approve the money for the project when you haven't got anybody to start drafting the RFP until the summer? That sounds like six months of unacceptable delay; why?

MR. GODEK:

When you say came to you in December?

LEG. GULDI:

When did we approve the funding?

LEG. LINDSAY:

It was December, wasn't it?

MR. GODEK:

Are you referring to the Needs Assessment Study?

LEG. LINDSAY:

No.

D.P.O. CARACAPPA:

The first phase of planning.

LEG. GULDI:

The planning money; that would be the money you're using, wouldn't it, the planning money?

MR. GODEK:

That would be the money.

CHAIRMAN TOWLE:

I'll give you exact date, hold on, I have that here.

MR. GODEK:

No, I'm not -- I'm not contending that point. There has been, as I think you can determine from the discussion that's ensued, a bit of indecision on exactly what path we're taking, how big a facility we're talking about, so we have moved slowly.

CHAIRMAN TOWLE:

Good.

LEG. GULDI:

No. If you haven't started working on it and it's been from December until March and you're looking about starting in June, that's not moving slowly; that's not moving.

We have expenses running away with us, overtime running away with us, we have officers working the facility who are being injured and at risk, and for six months you have haven't had anyone take a pencil to a piece of paper and I've got a problem with that.

MR. GODEK:

And I need to know whether I'm designing for 280 beds or 1,200 beds; big difference.

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LEG. LINDSAY:

Could I --

LEG. GULDI:

Well, okay, whether you're designing for 1,200 beds or 280 beds, all that site work, all the infrastructure, all those site specific features that require custom designing could certainly have been worked on, couldn't they? And then you would be months ahead of where we are right now.

MR. GODEK:

No contest.

CHAIRMAN TOWLE:

Well, needless to say, that's disappointing to hear. Legislator Lindsay.

LEG. LINDSAY:

Do you have the date there? I believe it was December.

CHAIRMAN TOWLE:

Yeah, it's August 27th the bill was laid on the table.

LEG. LINDSAY:

When was it passed?

CHAIRMAN TOWLE:

And it was passed and signed by the County Executive, it looks like 12/20 of '02.

LEG. LINDSAY:

Okay.

CHAIRMAN TOWLE:

So it was probably passed at a meeting by us in --

LEG. LINDSAY:

My recollection, it was passed in December.

LEG. CARACAPPA:

The last meeting of the year.

LEG. LINDSAY:

And truthfully, I'm a little bit disappointed with everybody there. Because at that time when correction was here, you know, they wanted plans in place by February and that was stated to Public Works at that time. And my understanding, and maybe I wasn't listening, was that the money we approved would be sufficient for planning steps, and I

could be wrong. But even if it was just for an RFP, I mean, what you said before is part of the task that the RFP is going to do is to come up with an exact number and what kind of facility that we need and we still haven't moved on it. I mean, it's really playing with fire.

And Sheriff Tisch, in all due respect, when we passed this resolution in December, I know the committee was pretty well united that we were going to adopt a dual track of the needs assessment as well as the

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planning steps because there was a movement afoot to go forward with the needs assessment before we did the planning money and the committee, you know, decided to go on a dual track and it's disappointing that that hasn't happened.

CHAIRMAN TOWLE:

Legislator Caracappa and then Legislator Guldi.

LEG. CARACAPPA:

I don't know if I can drag this out any longer, I really don't want to, but the needs assessment argument, one question I have with relation to what's going to be studied, Sheriff, is the population in the jail currently, I guess over 50%, maybe 60% of that is pretrial detainees?

SHERIFF TISCH:

Two-thirds pretrial, Legislator Caracappa.

LEG. CARACAPPA:

One of the points in the needs assessment is to actually look at maybe a pretrial detention facility. Would it be such a crime to actually explore one of those, explore that as an option as part of that study, as part of the respondent sending in as well as jail security as was mentioned earlier, that's a big worry, not only to inmates but more importantly to the Correction Officers and the Deputy Sheriffs that have to work there. All of these things are on the table, not just, as I always say, brick, mortar and bars and jail space. We are all under the understanding that we need space, but there is so much more that goes along with space, it's called planning. And from what I've heard, I've sat quietly most of the time, I heard there hasn't been much planning associated with what is your desperate need and, again, a need we all agree on.

Tomorrow is that meeting and we're going to start choosing a response. Will someone from your office participate, based on needs and your dire need for space?

SHERIFF TISCH:

I will make my staff available to you, Legislator, at any meeting that

you wish to have on the issue.

LEG. CARACAPPA:

Thank you.

CHAIRMAN TOWLE:

If we would have asked that question first instead of everything else, we could have maybe saved an hour-and-a-half, but that's okay.

LEG. GULDI:

Maybe.

CHAIRMAN TOWLE:

You're just killing me. Legislator Guldi. Thank you, by the way. Thank you, Sheriff.

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LEG. GULDI:

I promise I'll try to make it compressed. When we passed the funding analysis in December we were talking about proceeding on a dual track; we'll have the needs analysis committee and the Department of Public Works doing design, advancing together simultaneously; unfortunately it seems that what we have instead is not, either and I'm concerned about that. But I'm also more concerned fundamentally with this and that is, granted, we're way behind the curve on this, the Department of Corrections is ready to or in the process of pulling us up short because we're so far behind the curve on it and we must act and act expeditiously.

The problem I have and the concern I have is without a full exploration of the long-term needs analysis, I'm concerned that before we finish this process for this jail development that we'll be back at the table again to look at some need we didn't address, be that a need related to prisoner transportation or court location, be that a need as to prison population or the types of prison population or a class or category facility we need. And the concern I have, and I'm glad to hear you articulate that you'll make your staff available to coordinate with the committee to explore that, explore what their analysis of the RFP is, but I fear that unless we aggressively and fully explore and then explain to the Legislature what that needs analysis is and its justification, that we risk doing this twice. And the only thing I can think of worse than being at this meeting and going through this kind of process is having to do it twice; isn't that right, Tedd?

MR. GODEK:

Correct.

CHAIRMAN TOWLE:

Legislator Guldi, anything else?

LEG. GULDI:  
That's all.

CHAIRMAN TOWLE:

Okay. Well, A, I'm sorry this took so long but, b, I am pleased that all sides will be working together. I think, you know, clearly the problem has gotten a lot worse over the last few months. The fact that we've had to ship inmates out of Suffolk County during these tough fiscal times at a cost of \$1,615 a day or possibly over \$50,000 a month is just unacceptable and we need to. Particularly Tedd and DPW, move this process along as quickly as possible. Every day that we delay is costing us another \$1,600 a day per inmate that we're shipping out and by the end of the month, we're going to be in the 65 range which is clearly a problem for us.

Gentlemen, I appreciate your time. Any other comments to be added?

LEG. BISHOP:  
Is he going to participate in tomorrow's meeting?

CHAIRMAN TOWLE:

Yes, he is. That was in English, I did hear that from him; it was in  
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English, he said he was coming to the meeting, I verbally heard that.

LEG. GULDI:  
And you're translating for Legislator Bishop.

CHAIRMAN TOWLE:  
Yeah, just in case.

LEG. GULDI:  
Very good, but the numbers on the demographics study and the long-term needs analysis that you said Department of Corrections shared with us in December, Corrections Commission shared with us in December; could you please route those to us? Because I have never seen them and it doesn't appear that any of my colleagues are familiar with them.

UNDERSHERIFF DENZLER:

Just to clarify something, the Department of Corrections has nothing whatsoever to do in this process, it's the Commission of Corrections.

LEG. GULDI:  
Whatever.

UNDERSHERIFF DENZLER:  
Two different bodies.

LEG. GULDI:

I understand; I mispoke.

UNDERSHERIFF DENZLER:

We've had some people who have actually forwarded documentation to the Department of Corrections and they say, "What is this, what are we supposed to do with it?" So I just want to let you know.

LEG. GULDI:

Well, the solution to that is you can throw it out, that's what they do with my mail when they send it to Griffing Avenue in Riverhead. But the data on the population and demographics, the detail, could you route that to us, please?

SHERIFF TISCH:

Fine.

LEG. GULDI:

I would like to see it, I'm sure my colleagues would.

CHAIRMAN TOWLE:

Anything else, gentlemen?

LEG. LINDSAY:

Just one thing, I'm sorry.

CHAIRMAN TOWLE:

Legislator Lindsay, go ahead.

LEG. LINDSAY:

I'm sorry to belabor this --

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CHAIRMAN TOWLE:

It's okay.

LEG. LINDSAY:

-- but the numbers still have me a little baffled. Our population right now is 1,650 and we have been as high as 18,15; do I have the numbers right? How long has it been bouncing back in that range, fellows?

SHERIFF TISCH:

I have the population demographic here as of March, I'm going to pass it up for your inspection; it has each year for the last four years charted in different colors to show you what the daily population has been.

LEG. LINDSAY:

So over that four year period it's been in that range, 16 --

SHERIFF TISCH:

Yes, it has.

LEG. LINDSAY:

-- to 18 and a half.

SHERIFF TISCH:

Yes, it has, Legislator.

LEG. LINDSAY:

And I was here when the folks from Corrections were here in December and I know that they recommended 2,000 -- a facility, a total population capable of handling 2,000, but that number seems above any place where we've been over the last few years. I mean, if our max was 1,850.

UNDERSHERIFF DENZLER:

It was based on their projections as to what was going to be required by the year 2007.

LEG. LINDSAY:

Okay, based on population.

UNDERSHERIFF DENZLER:

In terms of the project, that's probably when you'd be opening up a new facility if you were starting now. What they had said back then was in terms of what had to be done by February, as long as they saw the County moving in the direction where monies had been appropriated to start the planning process, as long as they saw that by February they'd back off which is what they have done.

LEG. LINDSAY:

Is this the first time in recent history that we have had to move prisoners out of the jurisdiction?

UNDERSHERIFF DENZLER:

In --

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UNDERSHERIFF SULLIVAN:

Walter.

UNDERSHERIFF DENZLER:

Well, let me just point something out.

UNDERSHERIFF SULLIVAN:

Legislator Lindsay, Undersheriff Sullivan. We haven't moved prisoners since the early 1980's; I know that because I was an administrator in the District Attorney's office at that time, Sheriff Tisch was a Judge on the bench at that time. And actually, as it goes, those who don't study history get to relive it; there was a Federal lawsuit brought by the Legal Aid Society that was pending before Judge Deary I believe for four years. He, in the inimitable way of only a Federal District Court Judge, said, "No, you're going to build it right now. And I don't care how you do it or where you find the money but go build it right now or I'll start fining you prohibitive amounts of money per inmate per day." That's when the, quote, new jail was built; the new jail is 18 years old now, that's when the pods were built.

At that time, hundreds and hundreds and hundreds of prisoners were shipped a variety of places, Upstate, New York. I know because I was a prosecutor and I couldn't get my defendants down here to put them on trial and judges like Judge -- then Judge Tisch couldn't get their defendants down to operate the courts. It was a very large disruption to the Criminal Justice System, it was very costly. And the truth is Judge Deary was kind to the County at that time because at the back end he didn't award damages to the thousands of prisoners who were either moved or in overcrowded conditions, he simply let the stipulation be entered into that the County had complied finally with his wishes to expand the jail system. Assistant County Attorney Gus Swenson is still in the office, he's the fellow that signed the strip some 18 years ago, I'm reminised with him about it over the course of time. That situation, quite frankly, it's surprising to me we're not in it again right now.

LEG. GULDI:

Yeah, but we could be shortly.

LEG. LINDSAY:

But what's surprising to me is our population at the current time is down 165 from max, and yet it's the first time we're shipping prisoners --

UNDERSHERIFF DENZLER:

Realize what has happened. We've relied on all of those variances, we've needed them. February the 4th of this year the commission revoked 52 of those, that's what has impacted us, the loss of those 52. And what the commission was telling us back in December, you're going to be losing all the variances, it's just a matter of when it's going to happen. If they didn't see us moving in the direction that they have seen us move, we were running the risk of them pulling all 400 at once, they've just pulled 52. We're probably going to be losing more as each month goes on or when the next round comes around.

UNDERSHERIFF SULLIVAN:

Mr. Lindsay?

LEG. LINDSAY:

Yes?

UNDERSHERIFF SULLIVAN:

I appeared for the first time before the iteration of the Public Safety Committee that existed then back last April. I passed out the letter from the commission at that time that was essentially a do or die later, either expand your jail, dear Sheriff, do somebody Suffolk County or I'm going to have to come after you and make your life pretty miserable from an economic point of view. At that time I was, I have to tell you, poorly received. I was asked whether or not we had any paperwork to back it up, whether or not we could substantiate our numbers. Meanwhile, even the previous administration had asked for a very substantial jail expansion in virtually every proposed Capital Budget back five or six years.

You said before that you were disappointed in everyone; quite frankly, we've felt like we've been crying wolf for the last ten months and all of a sudden it's finally being heard. We could hear it being yelled because we had the Commissioner on our back, the State Commission, and we were convinced they were serious and we were trying to get everybody else to be convinced that they were serious. So when we said we didn't want to go back and study from the beginning from the concepts of 1999, it's because we're afraid of any further delay because we're going to be back in front of the Legislature, back in front of the public and explain why this is taking so long and why we're shipping not 19 but what could easily be hundreds of prisoners in and out of Suffolk County on a regular tuition basis.

There are other costs involved, too. What do you say to the families that can't go visit their kids who are in jail or their father or their brother or sister because they're up in Onondaga County? We get presented with those problems every day, even with the people we just started to ship. We are -- may seem to be impatient, but the truth is we have been talking about this virtually since this administration got there and it's only in the last couple of months it seems that we've gotten any traction.

CHAIRMAN TOWLE:

Legislator Guldi.

LEG. GULDI:

Really the last question I have.

CHAIRMAN TOWLE:

I know, I've heard that before.

LEG. GULDI:

Well, maybe not.

CHAIRMAN TOWLE:

Highly unlikely.

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LEG. GULDI:

Highly unlikely. Bond rates are at a 30 year low, the money hasn't been as cheap since the second World War as it is today, but we're talking about building a thousand bed facility right now to meet our need right now. The whole State has got a prisoner problem, not just -- the reason you're shipping prisoners to Onondaga County is because Westchester, Nassau, New York City and everybody between here and Onondaga has the same problem Suffolk County does. Why aren't we talking about building a 2,000 bed facility instead of one?

CHAIRMAN TOWLE:

Oh boy, it's the last time I ever allow you to ask another question.

LEG. GULDI:

To the extent that we don't use them, we could be charging the \$65 or \$85 a night instead of paying it.

UNDERSHERIFF SULLIVAN:

Until a few days ago we couldn't get a 280 bed facility. If you folks think we should build a 3,000 bed facility, I'm sure within 15 years we could fill it up.

CHAIRMAN TOWLE:

That is Legislator Guldi's plan to solve the deficit problem here in Suffolk County.

LEG. GULDI:

I feel we'll fill the thousand beds before we finish constructing it and we'll be back doing this again.

UNDERSHERIFF SULLIVAN:

By the way, Riker's Island has space they just charge city prices, we can't afford them.

LEG. GULDI:

We need to charge more.

CHAIRMAN TOWLE:

We need to jack that rate up more, more than \$89 a day. Gentlemen, I appreciate your time and appearance before the committee today. And as I said, I think everybody is attempting to reach the same goal, we just need to speed up the way to get there, Tedd; we're going to leave

that solely up to you.

MR. GODEK:

Thank you very much.

CHAIRMAN TOWLE:

Thank you, gentlemen.

I have no other cards before us today. I would like to go to the agenda, if that would be permissible. If the committee members would please that are not here return back to the auditorium. We are going to move to the agenda. And if counsel would join us, that would be great.

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Tabled Resolutions

We're going to move to 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). I met today with the --

LEG. CRECCA:

Do you have an agenda?

CHAIRMAN TOWLE:

Yeah, we do, Legislator Crecca, I believe there's one laying right on your spot there somewhere. I had met earlier today with the County Executive's Office, the County Attorney's Office and folks from the Police Department, there is probably going to be a corrected copy on this. As long as that corrected copy is filed on time, I'm going to move the bill out of committee today. If it's not filed on time we'll table it at the floor. Are there any questions on this bill?

MR. SABATINO:

Mr. Chairman, in light of that Nassau County decision, one of the things that should clearly be changed was that we had a discussion a couple of months ago, there is a section in there which delegates all the authority to the Police Department and one of the problems in Nassau County was the delegation of authority issues.

CHAIRMAN TOWLE:

Okay.

MR. SABATINO:

I had raised it a couple of weeks ago but then I know there was some talk about not going in that direction, but in between the Nassau County case came down. So I was just bringing it to your attention.

CHAIRMAN TOWLE:

Did the Nassau County bill designate the Police Department as the authority?

MR. SABATINO:

No, but the point of that decision was that the lack of specificity with regard to what the standards were and what was going to be, you know, covered was a problem. And I had raised that before that there was a Nassau county decision and there was some dispute, as you recall, at that particular meeting.

CHAIRMAN TOWLE:

I believe their bill today specifically designated the Police Department. As I've said, I've asked them -- based on this morning's or this afternoon's meeting, they're going to do a corrected copy but I'm going to move the bill out of committee today. As long as the corrected copy is filed in deadline time for Tuesday's meeting, we can move this on Tuesday. If not, you know, the County Executive's representative should clearly indicate that the bill will be tabled at the Legislature.

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Any discussion on this bill? There being none, I'll make a motion to approve 1080, second by Legislator Crecca. Any discussion? There being none, all in favor? All opposed? Any abstention? 1080 is approved (VOTE: 6-0-0-0).

Resolution 1147-03 (P) - To establish financial incentive of local enforcement of Suffolk County Vehicle Seizure Law (Towle). Legislator Guldi, are you here? Did you get a copy of that memo? I know you had some questions.

LEG. GULDI:

Actually, I looked at it, I'll take an abstention on the bill.

CHAIRMAN TOWLE:

Okay.

LEG. CRECCA:

On the motion.

CHAIRMAN TOWLE:

Legislator Crecca, go ahead. There's no motion. I'll make a motion to approve and ill put you down as a second for the purpose of now to discuss it. Legislator Crecca, go ahead.

LEG. CRECCA:

Can you give us a brief explanation on the bill?

CHAIRMAN TOWLE:

Yeah. As we started some of the dialogue -- I'll give it to you from the sponsor's point of view, myself, and then counsel can answer anything else. As we discussed amending the DWI Forfeiture Law, it was brought to my attention that some of our police departments and village and town police departments in Suffolk County particularly in Eastern Suffolk County, were not enforcing the law regarding the seizure of vehicles. The County Attorney's Office sent them a letter informing them that they, you know, needed to enforce the law and some have chosen to move forward with doing it, some have not. And from my perspective, I don't think the Police Departments have the ability to decide what laws they want to enforce or not and as an incentive, it was my hope to approve this to holdup revenue sharing if they chose not to enforce the law. And that's what this bill would do.

LEG. CRECCA:

How do we determine whether or not they're enforcing the law or not?

CHAIRMAN TOWLE:

Well, the County Attorney's Office has worked with them but I'll let Counsel, you know, address the legal ramifications.

MR. SABATINO:

There's a requirement that the County Attorney would have to certify in writing that the town or the village is actively and affirmatively enforcing the relevant provisions.

LEG. BISHOP:

Does it require the Town Attorney to do some sort of --

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LEG. CRECCA:

The Town Attorney or the County Attorney?

MR. SABATINO:

The County Attorney, because that's the person that we can direct to provide the information, would have to certify to the County that the laws are being enforced and that was based on -- there is a December 30th, 2002 memorandum in which they had initially expressed some concern that towns and villages did not view it as being something they were obligated to do. So basically it would be to update the type of memo you see in December 30th, 2002, but just make it a certification.

LEG. CRECCA:

Yeah. My only concern with the bill, Legislators Towle --

CHAIRMAN TOWLE:

Go right ahead.

LEG. CRECCA:

-- would be that we could have a County Attorney who's -- is this up to the interpretation of the County Attorney or not whether they're enforcing the law? Certainly Mr. Cimino wouldn't do such a thing but a subsequent County Attorney might say -- you know, is there wiggle room here for him to say a town is or isn't enforcing the law and therefore --

CHAIRMAN TOWLE:

I mean, ultimately we approve the distribution of the east end revenue sharing. So, I mean, whether it's east end or even some of the west end villages.

LEG. CRECCA:

Well, yeah, but this is -- basically this ties our hands because we would not give -- it says that we shall not --

CHAIRMAN TOWLE:

Well, they'd have to demonstrate that they've not complied. I mean, they did a sample memo I guess which was not sampled for the purpose of my resolution but it was a sample as per my question and, you know, they pretty much thoroughly said this is what's happened. They have also done an updated memo, you know, informing us that they have advised us of some changes since the first memo.

LEG. CRECCA:

Right, but we'll be back in a situation where if the County Attorney doesn't certify that they're enforcing, if they fail to do it for whatever reason, we are obligated that we cannot give those towns the revenue sharing. We saw a little bit of this problem -- and I'm not comparing the two, it's apples and oranges -- but when we just went through this last budget process. And my concern is that, you know, a County attorney doesn't -- two years from now, you know, doesn't --

CHAIRMAN TOWLE:

Well, if the onus falls upon us, if the onus falls upon us, would we have not gone and sought to find out whether they are or not, then

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clearly the onus falls on us. If it's because they're not actually doing the law, then that onus falls on them; I mean, you know, it's pretty clearly written as far as that goes.

LEG. LINDSAY:

Mr. Chairman?

MR. SABATINO:

I always like to use examples, sometimes the analogies help. When we had this confrontation a couple of years ago with the towns and the -- well, the towns with regard to the separate line item on the tax bills, we had to use a certification procedure. Somebody had to certify so that we could pull the trigger on the revenue sharing. That particular time we used Budget Review; they did the certification, it was a detailed process. Somebody's got to certify, it was logical to have budget review do the tax because that was something that they had knowledge of. In this case, the County Attorney under the particular County Code provision is the organization that works with the towns and villages on the seizure, so I don't know who else I can get to certify it.

LEG. LINDSAY:

Just another --

CHAIRMAN TOWLE:

Legislator lindsay, go right ahead.

LEG. LINDSAY:

Just another observation to Legislator Crecca. Is that the revenue sharing, if you recall, the local government had to meet certain deadlines for application. Some of them didn't meet the application and that was ignored anyway. So, you know, whether it's you think our hands are tied, it didn't tie our hands with that provision.

LEG. CRECCA:

That's true.

CHAIRMAN TOWLE:

Any other questions on this? Okay. All in favor? Opposed? An abstention for Legislator Guldi.

LEG. LINDSAY:

Put me down as a cosponsor.

CHAIRMAN TOWLE:

Thank you, Legislator Lindsay, I will make sure we have that done. Okay. Approved (VOTE: 6-0-0-0).

#### Introductory resolution

1190-03 - Accepting and appropriating \$7,500.00 made available by the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) for 100 additional Suffolk County Police Officers with 25% Federal Support (County Executive). Motion by Legislator Guldi to approve and place on the consent calendar, second by Legislator Lindsay.

CHIEF DEPUTY COMMISSIONER ABBOTT:

I think it's seven million five hundred thousand.

CHAIRMAN TOWLE:

Well, that's definitely a misprint.

LEG. CARACAPPA:

Is this COPS Ahead?

CHAIRMAN TOWLE:

Seven million, five hundred thousand dollars, okay.

LEG. CRECCA:

Just let me check the resolution.

CHAIRMAN TOWLE:

Yeah, can we do that? Hang on one second. Deputy Commissioner, feel free to jump up any time we're that far off in the numbers.

LEG. GULDI:

The resolution is correct in its body at the \$7,500,000.

CHAIRMAN TOWLE:

Okay, so the title is incorrect on the agenda.

LEG. GULDI:

The title on the bill is.

CHAIRMAN TOWLE:

Counsel, is the bill 7.5 million

MR. SABATINO:

The bill is 7.5 million, there was a typo in the printing of the agenda but the bill itself has the right dollar amount.

CHAIRMAN TOWLE:

Okay.

MR. SABATINO:

Well, it has that dollar amount, I should say.

LEG. CARACAPPA:

Just on the motion.

CHAIRMAN TOWLE:

Legislator Caracappa.

LEG. CARACAPPA:

Thank you. This is a COPS Ahead Program grant or similar?

CHAIRMAN TOWLE:

Deputy Commissioner, Chief, why don't you join us on this. I'm sorry. We might as well just do this on the record.

LEG. CARACAPPA:

Which means in past there's been one troubling aspect of receiving

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these grants, though they're wonderful, and that's the fact that we need to keep staffing levels at a certain point. Do we face any problems with relation to doing that and with relation to the staffing levels, does it have to be in community oriented policing or COPE or other areas for which they've dictated in grants in the past?

CHIEF DEPUTY COMMISSIONER ABBOTT:

To answer your question, yes. There was a problem but the Commissioner went down personally and spoke to the people at COPS Ahead, Mr. Carl Pete, where they agreed to give us a waiver on the County funded portion of officers. So this would be a hundred officers fully funded by the Federal Government.

CHAIRMAN TOWLE:

New officers or current officers?

CHIEF DEPUTY COMMISSIONER ABBOTT:

New officers. And they also, as a result of --

CHAIRMAN TOWLE:

Deputy Commissioner, let me -- you answered my question a little quickly, I just want to make sure we're on the same page. New officers beyond what we've budgeted for or new officers based on what we've budgeted for and now this is how we're going to pay for a hundred police officers?

CHIEF DEPUTY COMMISSIONER ABBOTT:

Additionally funded, Federally Government funded officers.

CHAIRMAN TOWLE:

So beyond the 200 that we had scheduled for this year, we would now go to 300; I think we had 200 for this year?

DEPUTY COMMISSIONER MAGGIO:

No, a hundred.

LEG. LINDSAY:

Last November a hundred.

CHAIRMAN TOWLE:

So now it would go to 200.

CHIEF DEPUTY COMMISSIONER ABBOTT:

No, I think that is the hundred.

CHAIRMAN TOWLE:

Okay, so it's the same hundred which would free up obviously the money that we had put in the budget. I got one hand --

LEG. GULDI:

For seven and a half million dollars.

CHAIRMAN TOWLE:

I've got one hand -- yeah, we've got to just stop shouting, let's just ask the questions. Obviously we budgeted to hire these police officers in our budget, we obviously put the money in the budget. If

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you're getting a hundred percent Federally funded positions, then the money in the budget should be freed up.

LEG. CRECCA:

Unless they counted this --

CHAIRMAN TOWLE:

Okay, enough with the shouting out. Grab a microphone, I'll recognize you, let them answer the question.

CHIEF DEPUTY COMMISSIONER ABBOTT:

We budgeted for a hundred besides these hundred that are being Federally funded.

CHIEF ROBILOTTO:

There's a hundred in the academy now.

LEG. BISHOP:

So you're getting 200 now.

CHIEF DEPUTY COMMISSIONER ABBOTT:

As I understand it, we're getting the hundred that the County funded us and we're getting a hundred fully funded by the Federal government; is that correct?

LEG. CRECCA:

So there will be 200 officers --

CHIEF DEPUTY COMMISSIONER ABBOTT:

For seven million five hundred thousand.

CHAIRMAN TOWLE:

Yeah. So we're going to get 200 officers this year instead of a hundred; is that right? I see some heads shaking yes or no, which is it; which comes first, the chicken or the egg?

LEG. CRECCA:

Did they count -- can I ask a question?

CHAIRMAN TOWLE:

Let them just answer that, Legislator Crecca, and then I'll recognize you next.

CHIEF ROBILOTTO:

We have 100 officers that are fully County funded in the Suffolk County Police Academy at the moment who will finish their training in April and be ready for this summer.

LEG. BISHOP:

That's good.

CHIEF ROBILOTTO:

This is a bill that comes out of the Federal government which will pay the salaries of an additional hundred officers and the Commissioner has arranged with the Federal Government to do two things with this hundred officers. They do not have to go into COPS more programs,

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they are active, the Federal government has decreed that this department does enough community oriented work to be a community oriented Police Department, therefore we can take this hundred and put them anywhere we choose.

CHAIRMAN TOWLE:

So a total of 200 then.

CHIEF ROBILOTTO:

Right. We will probably be able to hire this hundred by -- assuming you accept the money, by the end of September.

LEG. CRECCA:

May I ask --

CHAIRMAN TOWLE:

Could we pick up a check tomorrow from them if we accept it today? Legislator Crecca.

CHIEF DEPUTY COMMISSIONER ABBOTT:

For 7,500.

CHAIRMAN TOWLE:

Yeah, right.

LEG. BISHOP:

May I ask a question, Mr. Chairman?

CHAIRMAN TOWLE:

Hold on one second, Legislator Bishop. Legislator Crecca first, then I'll recognize Deputy Commissioner Maggio. Go ahead.

LEG. CRECCA:

I'll let the Deputy Commissioner go first, if that's all right with the Chairman.

DEPUTY COMMISSIONER MAGGIO:

I just want to make you understand that it's \$7.5 million, it's \$75,000 per police officer over a three year period. So don't get the misconception that it's paying for their entire salaries.

CHAIRMAN TOWLE:

For their career.

MR. SABATINO:

A subsidy.

DEPUTY COMMISSIONER MAGGIO:

It subsidizes their salaries, yeah.

LEG. CRECCA:

But may I --

DEPUTY COMMISSIONER MAGGIO:

It's the same rate throughout the country. In Mississippi they might pay a police officer \$25,000 but in New York we don't.

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LEG. CRECCA:

May I?

CHAIRMAN TOWLE:

Legislator Crecca, then Legislator bishop.

LEG. CRECCA:

So let's forget about the hundred that are in the class now that are budget, those are happening. The seven and a half million dollars, can we use that money for officers we already have on payroll or we have to hire a hundred new officers?

CHIEF DEPUTY COMMISSIONER ABBOTT:

We have to hire a hundred new officers, we can't supplement.

LEG. CRECCA:

So theoretically -- well, it is theoretically. I was going to say, if you figure these officers are going to cost us \$100,000 a year, but it's really going to be -- they're going to cost us less than that because they're new officers. What does an officer, a new officer cost? Eventually we've got to pick up the tab, so after the three year period it will be subsidized for the first three years guesstimating 40 -- it will either be like 40 or 50% of the salary over the three year period probably, if that, not even.

CHIEF DEPUTY COMMISSIONER ABBOTT:

There are a number of hidden savings by doing it this way. As more expensive officers retire we're getting, you know, more reasonably paid officers coming in, they owe us more time in their first year while they're on probation, so there's a lot of hidden costs savings doing it this way.

LEG. CRECCA:

Right. And eventually we've got to hire more officers anyway, so this just helps us meet our goals of hiring more officers and get seven and a half million dollars at the same time.

CHIEF DEPUTY COMMISSIONER ABBOTT:

Hopefully.

LEG. CRECCA:

Okay.

LEG. CRECCA:

We will get all seven and a half million dollars this year or is it spaced out over the three?

DEPUTY COMMISSIONER MAGGIO:

Spaced out over the three. We can weight it somewhat more towards this year; we could probably start in August, September or so.

LEG. CRECCA:

Okay.

CHIEF DEPUTY COMMISSIONER ABBOTT:

Let me just reiterate, too, that this was a waiver given by the

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Federal Government to Commissioner Gallagher because of our history of compliance with their rules and regulations. So I don't think we'd get another waiver.

LEG. CRECCA:

Do we need to -- does the Legislature need to approve a resolution to hire the new hundred officers or do we do a budget amendment and all that?

MR. SABATINO:

This does, this creates the hundred positions.

LEG. CRECCA:

Oh, it does create the hundred positions, okay.

MR. SABATINO:

It's simultaneous. I mean, your point is well taken but this bill does both.

LEG. CRECCA:

Okay.

LEG. BISHOP:

Am I up? Okay.

CHIEF ROBILOTTO:

For the record --

LEG. CRECCA:

I would like to defer to Legislator Bishop at this time.

LEG. BISHOP:

I don't know if you saw my conversation with Tisch.

CHAIRMAN TOWLE:

Look, if you're going to try that again --

LEG. BISHOP:

No, what I want to know is I just want to get this clear in my mind. We created a budget last year here and it has a hundred officers, a hundred new police officers in the budget and we funded those through the Police District Property Tax; correct?

CHIEF DEPUTY COMMISSIONER ABBOTT:

They're in the academy.

LEG. BISHOP:

And they're in the academy now. Then the Federal government came along and said for your next batch we will fund them up to, what is it, \$25,000 an officer?

CHIEF DEPUTY COMMISSIONER ABBOTT:

Seventy-five.

DEPUTY COMMISSIONER MAGGIO:  
Over three years.

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CHIEF DEPUTY COMMISSIONER ABBOTT:  
Actually, they said they would not --

LEG. BISHOP:  
Twenty-five thousand a year then, right.

CHIEF DEPUTY COMMISSIONER ABBOTT:  
They would not do it because we had to maintain minimum staffing levels in order to qualify to pull the trigger and we also had to participate, is it 20%, 25% of County paid officers and the Commissioner got a waiver on both of those issues.

LEG. BISHOP:  
Okay. We got a waiver which -- but isn't this then a commitment to putting a hundred officers through the academy this year, additional? Is that what we planned on doing? I mean, I just want to --

LEG. LINDSAY:  
Does it have to be done in this County?

LEG. BISHOP:  
Help me out.

CHIEF DEPUTY COMMISSIONER ABBOTT:  
According to the Chief, we can start them but they wouldn't get out this year, they wouldn't be out this year.

LEG. BISHOP:  
I guess what I'm getting at is what is the budget impact this year on the Police District? It increases it, right, I mean it's putting -- because you're putting a hundred officers beginning their academy this year.

LEG. CRECCA:  
It depends on how much revenue we get this year, David; no one has answered that.

CHIEF DEPUTY COMMISSIONER ABBOTT:  
I think it's how much money we would get up front out of them to offset what would be our cost.

DEPUTY COMMISSIONER MAGGIO:  
There is no impact. The cost that they're going to start, if they start the academy in September, the cost for that is going to be covered by that first \$25,000.

LEG. BISHOP:

Okay.

DEPUTY COMMISSIONER MAGGIO:

So for this year there's no impact.

LEG. BISHOP:

Now I got it, okay.

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LEG. CRECCA:

May I? We're appropriating -- does this resolution have us appropriating seven and a half million dollars?

CHAIRMAN TOWLE:

No, 7,500.

LEG. CRECCA:

Well, I mean, how can we appropriate money that we don't have?

MR. SABATINO:

It's creating the positions and it's appropriating the 7.5 million.

LEG. CRECCA:

But we're not -- they just said we're not getting the 7.5 million in this budget year.

DEPUTY COMMISSIONER MAGGIO:

But you're not going to spend seven and a half million either.

MR. SABATINO:

I'll have to defer.

CHAIRMAN TOWLE:

Chief Robilotto, go ahead, you wanted to say something.

CHIEF ROBILOTTO:

The two points that are salient for Legislator Bishop, the first thing is we have a waiver, thanks to Commissioner Gallagher, where they're not going to force us to maintain the original staffing levels; they gave us that waiver.

The second issue is, just for your edification, we have hired police officers on a fairly steady rate with the hiatus for the Federal government from '95 and then we picked up at an extraordinary rate, the net gain to the Suffolk County Police force has been 33 people, sworn.

LEG. BISHOP:

I just wanted to make sure that accepting the grant wasn't increasing --

CHAIRMAN TOWLE:

Understandable.

LEG. BISHOP:

-- the burden this year, but it's not because it's being offset by the \$25,000 grant that we expect.

CHAIRMAN TOWLE:

Thanks, Legislator Bishop. We appreciate that clarification. Since this is --

LEG. BISHOP:

I guess you intuitively understand.

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CHAIRMAN TOWLE:

Yes, I did actually.

LEG. CRECCA:

My concern is is it legal for us to appropriate seven and a half million dollars when we're not receiving it in this year? It is, okay.

CHAIRMAN TOWLE:

We're going to change Legislator Guldi's motion to approve as opposed to approve and place on the consent calendar, because I think it is likely that Legislators will have questions. And someone from the Police Department should plan on being at the meeting, probably after 3:30 after the public hearings.

LEG. BISHOP:

Make sure you thank Commissioner Gallagher.

LEG. CRECCA:

Yes, for obtaining the waiver.

CHAIRMAN TOWLE:

After 3:30 just in case any Legislators have questions.

CHIEF DEPUTY COMMISSIONER ABBOTT:

When is that?

CHAIRMAN TOWLE:

Tuesday. One of you, obviously you don't all need to be here, but somebody should be here just in case there's any questions.

MR. SABATINO:

Not this Tuesday, it's April 8th.

CHAIRMAN TOWLE:

The Tuesday after next, yeah, April 8th; I'm jumping ahead.

LEG. CRECCA:

By the way, Mr. Chairman, rather than have them stay here later in the day, maybe they can speak during the executive, County Executive portion, that way they're not stuck here all day.

CHAIRMAN TOWLE:

Well, you know what, that's exactly why I told them to come at 3:30. Because quite honestly, they really should be here when we're on the resolution, because you and I both know that there will be someone who has a question at that point and because they're not here we'll table the resolution. So I'd rather have them come to one meeting and move on -- well, you will have some people that may not wine.

But in any event, we had a motion by Legislator Guldi to approve, second by myself. Any further discussion? All those in favor? Opposed? Abstentions? 1190 is approved (VOTE: 6-0-0-0). And as I said, someone should plan on being there after 3:30.

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Okay, next bill, 1195-03 - Accepting and appropriating 100% Federal Pass-through grant funds in the amount of \$10,000 from the State of New York Governor's Traffic Safety Council for the Suffolk County Fire, Rescue & Emergency Services' Department to develop an Emergency Response Vehicle Traffic Safety Program (County Executive). Motion by Legislator Caracappa to approve and place on the consent calendar, second by Legislator Bishop. Yes?

MR. SABATINO:

Just one technical observation. The resolution says the money is going to go to FRES; is that really where it's supposed to go?

DEPUTY COMMISSIONER DANIELS:

Yes, yes, it is.

MR. SABATINO:

I just want to be sure it wasn't a type because it doesn't seem logical it would go to FRES.

DEPUTY COMMISSIONER DANIELS:

The actual --

CHAIRMAN TOWLE:

Deputy Commissioner Daniels, why don't you come on up here and join us with a microphone because the mike's not going to pick you up from there.

LEG. CRECCA:

And this is 10 million, not 10,000?

DEPUTY COMMISSIONER DANIELS:

I wish it were.

CHAIRMAN TOWLE:

I'll tell you, at the rate my staff is going with these typos, we'll solve the budget problem this afternoon; we just picked up 7.4 million and change. Deputy Commissioner, how are you?

DEPUTY COMMISSIONER DANIELS:

Very good, thank you.

CHAIRMAN TOWLE:

Now, you saw the way that Legislator Bishop treated people, so I want to advise you before you stay, you better answer the questions appropriately.

DEPUTY COMMISSIONER DANIELS:

I certainly did and I was tempted to leave but I want you to know, I hung in there.

CHAIRMAN TOWLE:

It's a good thing.

DEPUTY COMMISSIONER DANIELS:

And he's hanging at the doorway so --

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CHAIRMAN TOWLE:

Yeah, he's lurking. He's like the panther in the grass.

LEG. BISHOP:

Tell me that our resolutions are meaningless.

CHAIRMAN TOWLE:

It's like the panther in the grass. Okay, \$10,000, what are you guys doing with the money?

DEPUTY COMMISSIONER DANIELS:

Essentially what we're addressing through the Traffic Safety Council -- that's FRES, FRES representation on that Council -- what we're addressing is a problem that's nationwide, we're addressing it certainly in Suffolk County. What it deals with essentially is the

concerns and the problems we have of apparatus response, that's fire, police, EMS and operations that actually occur at an incident at a scene.

We know that based on our studies that there are major accidents as a result of improper safety considerations responding at an incident, and we have police officers, fire, EMS people who are severely injured at a scene because they're not taking the proper safety precautions. What we did, as I indicated, is we made a study, we made a presentation to traffic safety indicating that there's some way we had to address it here in Suffolk County because of what we consider a high rate of incident. The Traffic Safety agreed with us and gave us, which is really a token, \$10,000.

CHAIRMAN TOWLE:  
Any County money?

DEPUTY COMMISSIONER DANIELS:  
Pardon me? No County money.

CHAIRMAN TOWLE:  
So you're not going to use any county money, you're going to just do the study with the grant.

DEPUTY COMMISSIONER DANIELS:  
This is strictly a grant passed down from the Federal Government.

CHAIRMAN TOWLE:  
Congratulations. We had a motion by Legislator Guldi, a second by Legislator Caracappa to approve and place on consent calendar. Before you got any deeper, I just wanted to stop you. Any discussion? All those in favor? Opposed? Abstentions? 1195 is approved and placed on the consent calendar (VOTE: 6-0-0-0).

Next one, 1200-03 - Accepting and appropriating 100% Federal Grant funds awarded by the U.S. Department of Justice, office of community policing services (COPS) for the sheriff's office to develop and implement a training program under the COPS: "Creating a Culture of Integrity Initiative" and authorizing the Sheriff and the County Executive to execute grant related agreements (County Executive). Holy

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cow, what a title. Okay, and there's nobody here from the Sheriff's Office.

LEG. GULDI:  
Take the money. Motion to approve and place on the consent calendar.

CHAIRMAN TOWLE:

Yeah, motion by Legislator Lindsay, seconded by Legislator Guldi to approve and place on the consent calendar. Any discussion? There being none, all those in favor? Opposed? Abstentions? 1200 is approved and placed on the consent calendar (VOTE: 6-0-0-0).

### Introductory Sense Resolutions

Last but not least, Sense 15-2003 - Memorializing Resolution requesting the State of New York to enact Model Drug Dealer Liability Act (MDDLA) (Towle). Motion by myself, second by Legislator Guldi.

LEG. CARACAPPA:

You want to be a model drug dealer?

LEG. CRECCA:

Are these drug dealers who like have modeling contracts?

CHAIRMAN TOWLE:

Okay. Any discussion? There being none, all those in favor? Opposed? Abstentions? Sense 15 is approved.

The committee stands adjourned at 3:23.

(\*The meeting was adjourned at 3:23 P.M.\*)

Legislator Fred Towle, Chairman  
Public Safety Committee

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