

***PUBLIC SAFETY COMMITTEE***

***Of the***

***Suffolk County Legislature***

***Minutes***

A regular meeting of the Public Safety 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 June 21, 2007.

***Members Present:***

Legislator Jack Eddington - Chairman  
Legislator Kate Browning - Vice-Chair  
Legislator Wayne Horsley  
Legislator Elie Mystal  
Legislator Joseph Caracappa  
Legislator Daniel Losquadro  
Legislator Lynne Nowick

***Also In Attendance:***

George Nolan - Counsel to the Legislature  
Ian Barry - Assistant Counsel to the Legislature  
Renee Ortiz - Chief Deputy Clerk/Suffolk County Legislature  
Robert Calarco - Aide to Legislator Eddington  
Dan Truchan - Intern to Presiding Officer Lindsay  
Linda Burkhardt - Aide to Presiding Officer Lindsay  
Bobby Knight - Aide to Presiding Officer Lindsay  
Greg Moran - Aide to Legislator Nowick  
DuWayne Gregory - Aide to Legislator Mystal  
Lori Murphy - Aide to Legislator Losquadro  
Linda Bay - Aide to Minority Leader  
Paul Perillie - Aide to Majority Leader  
Jim Maggio - Budget Review Office  
Ben Zwirn - Assistant County Executive  
James Dahroug - County Executive Assistant  
Brendan Chamberlain - County Executive Assistant  
Dennis Brown - Deputy Bureau Chief/County Attorney's Office  
Robert Kearon - Division Bureau Chief/District Attorney's Office  
Robert Moore - Chief of Department/Suffolk County Police Department  
Aristedes Mojica - Inspector/Chief of Dept's Office/SCPD  
Kenneth Rau - Chief of Patrol/Suffolk County Police Department  
Joe Williams - Commissioner/Fire, Rescue & Emergency Services  
Richard Sorrentino - Nominee/SC Fire, Rescue & Emerg.Services Comm.  
Richard Gimbl - Nominee/SC Fire, Rescue & Emerg.Services Commission  
John Desmond - Director/Suffolk County Probation Department  
Tom Henry - Suffolk County Probation Department  
Hope Collazo - Director/Community Service Program-American Red Cross  
Debbie Eppel - Public Information Office  
Tom Muratore - Vice-President/Police Benevolent Association  
Catherine Hoake - Suffolk County League of Women Voters  
Mary McLaughlin - Suffolk County League of Women Voters  
Deborah McKee - 4th Vice-President/AME  
Debbie Alloncius - Legislative Liaison/AME

Laura Ahearn - Executive Director/Parents for Megan's Law  
Mike Sharkey - President/Deputy Sheriffs Police Benevolent Association  
Matt Bogert - Vice-President/Correction Officer's Association  
All Other Interested Parties

**Minutes Taken By:**

Alison Mahoney - Court Stenographer

*(\*The meeting was called to order at 9:39 AM\*)*

**CHAIRMAN EDDINGTON:**

We'll start the Public Safety Committee and start with a Salute to the Flag led by Legislator Nowick.

***Salutation***

I just ask you to stand for a moment of silence for all those, domestically and foreign, that help preserve our safety.

***Moment of Silence Observed***

Okay, thank you very much. Okay, I don't see any cards. Is there anybody that would like to speak during the public hearing portion -- public portion? No. Okay, then, let's -- do I have a --

**MR. NOLAN:**

You have a quorum because you have Elie, so you have four.

**LEG. HORSLEY:**

I'm here.

**MR. NOLAN:**

Okay, five, you're good.

**CHAIRMAN EDDINGTON:**

Okay, let's -- I'm going to ask -- make a motion to take two resolutions out of order, IR 1587 and IR 1591, it's appointments to FRES. So I'll make a motion.

**MR. NOLAN:**

Do one at a time.

**LEG. BROWNING:**

Second.

**CHAIRMAN EDDINGTON:**

Okay, we'll do 1587; motion and a second from Legislator Browning.  
All those in favor? Opposed? Okay, 1587 is before us.

***IR 1587-07 - Approving the appointment of Richard Gimbl as a member of the Suffolk County Fire, Rescue & Emergency Services Commission (County Executive).*** Richard, are you here?

**MR. GIMBL:**

Yes, I am good. Good morning.

**CHAIRMAN EDDINGTON:**

Thank you. Just grab a seat right here for a second. I'll ask the members of the committee if anybody has any questions. Okay, if you can just give us a brief background of what you have been

doing.

**(\*Legislator Losquadro entered the meeting at 9:41 AM\*)**

**MR. GIMBL:**

Okay. Monday I passed my anniversary of 38 active years in the volunteer fire services of Suffolk County. I'm a 21 year member, retired member of the New York City Fire Department and I've been active here as a fire coordinator for Suffolk County for just about 20 years. I currently hold the position of Director of Emergency Management for the Town of Islip. Any other questions? I want to thank you for letting me go first, I do have other commitments today.

**CHAIRMAN EDDINGTON:**

We definitely want to get you out doing what you do best.

**MR. GIMBL:**

Thank you.

**CHAIRMAN EDDINGTON:**

Okay, thank you very much. Legislator Nowick.

**LEG. NOWICK:**

Just when you say that you have been a volunteer for so many years, I always like to take an opportunity to say thank you. Because what you do, you leaving the house in the middle of the night, you leaving the house from barbecues and Thanksgiving and all of that protects us and I thank you.

**MR. GIMBL:**

Thank you.

**CHAIRMAN EDDINGTON:**

And I'm sure the Legislator speaks for all of us. Okay, thank you. Then I'll make a motion to approve.

**LEG. NOWICK:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Nowick. All those in favor? Opposed? Abstentions? **Approved (VOTE: 6-0-0-1 Not Present: Legislator Caracappa)**. Congratulations and thank you very much.

**MR. GIMBL:**

Thank you.

**CHAIRMAN EDDINGTON:**

Okay, I'll make a motion to take 1591 out of order.

**LEG. BROWNING:**

I'll second it.

**CHAIRMAN EDDINGTON:**

Second by Legislator Browning. All those in favor? Opposed? Abstentions? All right, 1589.

**MR. NOLAN:**

1591.

**CHAIRMAN MONTANO:**

I mean **1591-07**, sorry, ***Approving the appointment of Richard Sorrentino as a member of the Suffolk County Fire, Rescue & Emergency Services Commission (County Executive)***. Is the gentleman here? Okay, thank you, come on up. Thank you, Mr. Sorrentino. Could you just give us a brief background of what you've been doing?

**MR. SORRENTINO:**

I've been an active member in Dix Hills Fire Department for 39 years, I have been an EMT and a CC for 30 years. Currently I'm the driver qualifier in Dix Hills and I'm an Ex-Chief from Dix Hills.

***(\*Legislator Caracappa entered the meeting at 9:43 AM\*)***

**CHAIRMAN EDDINGTON:**

Okay, would anybody have any questions? I will echo Legislator Nowick's comments, that we appreciate it. Congratulations for your efforts in the past. And then I will make a motion to approve.

**LEG. MYSTAL:**

Second.

**LEG. HORSLEY:**

Second.

**CHAIRMAN EDDINGTON:**

Second by -- who was that? Legislator Mystal. All those in favor? Opposed? Abstentions? ***Approved (VOTE: 7-0-0-0)***. Thank you very much for your service.

Okay, we'll go to the beginning of the agenda. IR 1572-07 - The reappointment of Donald J. Nimphius as a member of the Suffolk County Vocational Education and Extension Board.

**MR. NOLAN:**

Take this one out of order?

**CHAIRMAN EDDINGTON:**

Oh, I'm sorry.

**LEG. HORSLEY:**

Yeah, you're way out of order.

**CHAIRMAN EDDINGTON:**

I'm way out of order. Let me go back to the beginning here.

### **Tabled Resolutions**

***IR 1143-07 - A Local Law to protect children by prohibiting smoking in passenger vehicles within Suffolk County where children are passengers (Viloria-Fisher)***.

**LEG. NOWICK:**

Motion to table.

**CHAIRMAN EDDINGTON:**

Motion to table by Legislator Nowick, I'll second that. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 7-0-0-0)***.

***IR 1163-07 - To enhance the requirements for consideration as a Suffolk County Depository Bank (Kennedy).***

**LEG. NOWICK:**

Motion to table.

**CHAIRMAN EDDINGTON:**

Motion to table by Legislator Nowick, I'll second that. All those in favor? Opposed? Abstentions?  
***Tabled (VOTE: 7-0-0-0).***

***IR 1409-07 - A Local Law establishing crime prevention requirements for scrap metal processors (County Executive).*** I'm going to make a motion to table.

**LEG. NOWICK:**

Second.

**LEG. LOSQUADRO:**

I'll second that.

**CHAIRMAN MONTANO:**

Second that by Legislator Losquadro.

**MR. ZWIRN:**

Mr. Chairman, if I might be heard on this bill?

**CHAIRMAN EDDINGTON:**

Okay, before we make the decision, go ahead.

**MR. ZWIRN:**

The hearing was closed on this at the last General Session. This is a bill that has been around and worked on for a year. If you saw Newsday this morning, or you'll see it when you look back, I mean, there's an article today about a theft at a church in Nassau County where copper wiring and copper gutters were stolen; they happened to catch the guy in the act. But this bill is designed to give the Police another tool in a crime that is rampant across this country. It is the first step, we have worked with the industry on this, revisions have been made over and over again.

The hearing was closed unanimously. Chief Rau is here who has been an advocate of this on behalf of the Police Department, he's prepared to do video presentations, Power Point presentations. This bill somehow cannot seem to get to a vote up or down.

Again, this is the Police Department has asked for this as a tool. Generally when that happens, you know, the government, the civilians and the government try to help them along giving them all the tools that they need to try to help protect the public. We have worked even with the industry and they have agreed that this bill is useful and helpful, and as far as we know they're supportive of this bill. And we have no idea why this bill keeps getting tabled, we know that -- now that the hearing is closed. Again, it's been the subject of a lot of debate. Chief Rau is here again, he's here every committee meeting to answer questions. We would just like to see this get to the floor, discharged without recommendation to get it before a full vote of the Legislature.

**CHAIRMAN EDDINGTON:**

Legislator Mystal.

**LEG. MYSTAL:**

I think Legislator Losquadro has been the one who spoke against this bill mostly; have you? I don't know, I'm just trying to find the reason -- you know, what is the reason that we keep tabling this? I cannot find a reason.

**LEG. LOSQUADRO:**

Well, since my name was mentioned, I guess --

**LEG. MYSTAL:**

No, I did --

**LEG. LOSQUADRO:**

-- through the Chair, I'll say something.

**CHAIRMAN EDDINGTON:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

But I didn't make the motion to table this, the sponsor just did.

I had a number of concerns regarding, you know, applying this evenly across the industry.

Last time I brought up the issue of the privacy disclosure which was addressed in the bill. The only concern I still have lingering was regarding the definition of vehicle dismantlers and if that was being -- if it wasn't just defined, but if the law was also being applied to vehicle dismantlers. When we make a law, we don't want to make something that certain people are going to have to comply with and certain people aren't; you create an unfair business environment for those who are conducting commerce in the County. So I don't know if that last issue has been addressed, that may be the reason why the sponsor was making a motion to table it, I'm not sure. Most of the concerns that we've had, as was indicated, have been worked through, have been addressed.

**MR. ZWIRN:**

And that one was as well.

**LEG. LOSQUADRO:**

So I'm not sure where we are right now, but I think we're very close on this.

**CHAIRMAN EDDINGTON:**

Yeah, I can respond. First of all, for clarification, I'm not the sponsor, the County Executive is.

**LEG. LOSQUADRO:**

I'm sorry, I thought you were.

**CHAIRMAN EDDINGTON:**

But I was cosponsor because I'm the Chair of Public Safety, so I want to make that clear; I've never been the sponsor of this legislation. However, I do support the idea.

I have a major recycler, a couple in my area, one in Coram and one in Medford, and I have been talking to them. And what we talked about was expanding the fine and we almost got there, but the language said -- I think, if I'm correct -- anywhere from 500 to 5,000, and it almost leaves discretion from the Court, and really, we would like it to be 5,000, 10,000, 50, to make it not just like part of business expenses. So that's the piece that I'm looking to be included.

**MR. ZWIRN:**

Mr. Chairman, that was addressed. Dennis Brown from the County Attorney's Office is here and he can speak to some of the legal issues. We would just like to get this to the floor so that it can be debated before the entire Legislature and get an up or down vote, because we're not meeting again till August and this has been a bill that we have worked very hard on with the Legislature, with the industry and with the Police Department. And as you read in the paper every day, including now they're hitting churches to get copper, it would be nice if the Police could have an extra tool to try to stop these individuals, they're going in to developments where new homes are being constructed and they're ripping things right out of the walls. And that's why -- as I said, Chief Rau is here to talk

to any of the specifics of the bill and Dennis Brown is here from the County Attorney's Office to address any legal questions that you might have.

But I would ask you, on behalf of the County Executive's Office, to try to get this out of committee today and out for a full vote.

**CHAIRMAN EDDINGTON:**

Yes?

**MR. BROWN:**

The only thing I can say is that the fine provision was strengthened. In fact, we tried to take some discretion away from the Judge by setting a minimum amount on the fine of not less than \$500 and to -- and putting in a maximum amount of up to a thousand dollars, which I think is the maximum amount under the Penal Law except in the case for a corporation which went to \$5,000. There's also an allowance for a term of imprisonment.

**CHAIRMAN EDDINGTON:**

I mean, I think that's exactly -- we're looking to have it increased to 5,000, not a thousand between --

**MR. BROWN:**

The Penal Law is capped at a thousand on a misdemeanor.

**LEG. LOSQUADRO:**

No, but you just -- may I?

**CHAIRMAN EDDINGTON:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

But you just said except in the case of corporations where it's five --

**MR. BROWN:**

Corporation is \$5,000, that's correct.

**LEG. LOSQUADRO:**

But does the law give any discretion or for corporations does it start at 5,000?

**MR. BROWN:**

It's up to \$5,000.

**LEG. LOSQUADRO:**

See, but it's up to. If the law allows for \$5,000 for a corporation -- you know, we're talking about this industry, and you have to understand, these individuals are processing thousands of transactions a day. We know of companies that are operating illegally in other parts of this County that are literally just whatever the town shows up and gives them a fine for, it's a cost of doing business for them. The fines are so diminutive to them, they don't care, they're making so much money that it's just a cost of doing business. We need to put something in here that this isn't just going to be something that folks are going to say, "All right, it's just another thing we have to absorb and we're going to continue to do business and ignore this law just like we're ignoring other ones."

**MR. ZWIRN:**

We are trying to get our foot in the door with this industry and with these problems. You know, we get the feeling that if we put in a minimum of \$5,000, which we can't do, then that would be too

high. This bill just seems to have taken on a life of its own, not being able to be moved forward. Whatever we -- every comma that we change at the request of anybody, then the comma has to be put at the end and we need parentheses. If we could have this debate --

**LEG. LOSQUADRO:**

Mr. Zwirn, I respectfully disagree with you.

**MR. ZWIRN:**

If we can have this debate --

**LEG. LOSQUADRO:**

Requests have been made, changes have been made, yet certain changes have not been implemented. So I disagree with you in that regard, and you can have your opinion and we can have ours.

**MR. ZWIRN:**

I would just ask one more time if this could be discharged without recommendation to the full Legislature, let Chief Rau come, make a presentation out in Riverhead and then let the Legislature, which has not seen the presentation, make a decision. I mean, this is an important tool and it just seems that this one has taken on a life beyond anything that we'd ever imagined.

**CHAIRMAN EDDINGTON:**

Anybody else want to make a comment? Legislator Browning.

**LEG. BROWNING:**

I do think we need to move this out of committee because I've experienced it myself. We have the YMCA pool in Shirley-Mastics, \$16,000 worth of damage for \$1,000 worth of copper piping. My office building, every air-conditioning unit was broken into for the copper piping, we have had car thefts also in my district. So there needs to be some kind of control over this problem. We're seeing it on a regular basis. And like you say, brand new homes that are being built, copper piping is being stolen, you're talking about churches. You know, we have to do something. I would like to see us, you know, move this out of the committee and from the full Legislature for next week and let it go.

**LEG. LOSQUADRO:**

Hold on a second. I have --

**CHAIRMAN EDDINGTON:**

Legislator Nowick.

**LEG. NOWICK:**

Just a question for Counsel. Does it say anywhere in the legislation that a scrap metal dealer who was fined more than once or twice, more than twice, three times -- and I'm not sure, do scrap metal dealers have licenses that they operate with? I mean, can they be closed down, can their license be taken away; do they have licenses? Can it be -- in other words, can their livelihood be threatened also?

**MR. NOLAN:**

We don't -- the County does not license the dealers.

**LEG. NOWICK:**

They should.

**MR. NOLAN:**

Well, they may be licensed by towns, I believe junk dealers are licensed by the towns. This law says

the penalty is for each violation, each violation is a separate violation, so they would be subject to the fine for each violation.

**LEG. NOWICK:**

So then if what Legislator Losquadro says, that it's the cost of doing business and they can keep doing business, we can't close them down if they have two, three violations, four? I mean, maybe that would be more the answer, if their business is threatened. If money means nothing --

**MR. NOLAN:**

I don't think we can license them because that is a town function, so there's no license for us to revoke.

**MR. BROWN:**

Licensing is --

**MR. NOLAN:**

Though the town could -- the towns theoretically could, though.

**MR. BROWN:**

Licensing is a function of the local municipality. And as far as increasing the fine for repeat offenders, I think that the District Court Judge has discretion in applying any penalty against a repeat offender, and I think that there's a certain amount of symmetry in the law in general where the Judge has discretion in setting the fine commensurate with the crime which is presented before him or her. And if it's a small offence with a one offender, the penalty which would be applied, of course, would be lesser, and on a repeat offender the judge has the discretion to apply to the maximum extent that's allowed under the law, including imprisonment.

**LEG. NOWICK:**

I understand, Dennis. I just wondered, I mean, if the cosponsor had asked for a larger fine, what would be the downside of putting the larger fine in rather than trusting -- I mean, if it was built in to the law and this way, as Ben had requested, we could get it through committee. Is there a downside in requesting it, if that's what the cosponsor had wanted?

**CHAIRMAN EDDINGTON:**

And just for clarification, that's what the industry is asking for, I'm just reflecting what the industry is asking for.

**MR. BROWN:**

We didn't --

**LEG. NOWICK:**

If we could do that --

**MR. BROWN:**

There was no goal to take away the discretion of the Judge that would be hearing the case, but we did increase the penalty by stating a minimum amount of \$500, in the case of an individual the maximum amount can only be a thousand dollars, in the case of a corporation \$5,000.

**MR. ZWIRN:**

But I might add, there would also be other charges that could be brought, and I ask for Chief Rau to have an opportunity just to speak to this. But you have to understand, if somebody is in possession of stolen property, if somebody is in possession of stolen property over a certain amount, you've got grand larceny charges, I mean, there are other charges that can be brought. That's not -- the goal of this bill was to cover the -- was to be a panacea for all problems. But Chief Rau, maybe you'd like to just step in.

**LEG. LOSQUADRO:**

Before Chief --

**CHAIRMAN EDDINGTON:**

Well, you know what?

**LEG. LOSQUADRO:**

Before Chief Rau moves on --

**CHAIRMAN EDDINGTON:**

Excuse me for a second. I think I'm going to call who speaks, okay?

**MR. ZWIRN:**

I'm just asking because Chief Rau is here.

**CHAIRMAN EDDINGTON:**

Well, here's what I'm saying. That when I've met with members of the industry and the County Executive, the direction that I got is that we're going to work this out where everybody is in agreement that this is what -- because the industry is saying they want it, the Police are saying they want it, but as late as yesterday I was getting calls saying that it's really not going to be anything more than a cost of doing business. So to me, it has not been worked out adequately. And I'm not saying that people have not been working on this for over a year, they have, but if you have found out anything about me, I want it done once and I want it done right. And before it gets out of my committee, I want to feel comfortable that it should be presented to everybody to vote on. I don't want anything out that is not going to go and right now I'm not feeling comfortable. Legislator Losquadro.

**LEG. LOSQUADRO:**

All I was going to say, and I was going to address this to Mr. Brown, I brought up the issue before about the vehicle dismantler and Mr. Zwirn said that had been addressed. And in looking through the bill, I see in the definitions where vehicle dismantler is now defined, but I go back to Legislative Intent and the other portions of this bill and nowhere else other than in definitions do I see that this applies to vehicle dismantlers. Everywhere it says scrap metal dealers, nowhere in this bill other than in the definitions is the term vehicle dismantler used.

**MR. BROWN:**

With all due respect, I have to disagree, because the law says that it's, "Unlawful for a scrap metal processor to purchase or for a seller to sell," etcetera, etcetera, etcetera.

**LEG. LOSQUADRO:**

Yeah?

**MR. BROWN:**

And scrap metal purchaser includes the definition of vehicle dismantler.

**MR. NOLAN:**

It's in the definition.

**LEG. LOSQUADRO:**

It is in the definitions?

**MR. NOLAN:**

It's included in the definition of scrap metal processor.

**MR. BROWN:**

In fact, you see the --

**LEG. LOSQUADRO:**

According to our law or according to -- because, I mean, they're completely separate and distinct industries.

**MR. BROWN:**

In fact, there's a definition of scrap metal processor which says vehicle dismantler and then vehicle dismantler is also defined.

**MR. ZWIRN:**

So does that change your mind?

**LEG. LOSQUADRO:**

Would you mind not smirking when you say that?

**MR. ZWIRN:**

I just said it would change your mind; there was a question and we answered it.

**LEG. LOSQUADRO:**

I'm trying to read through this legislation to make sure that I understand it and I really don't appreciate the sarcasm, Mr. Zwirn.

**MR. ZWIRN:**

I just think this is more about -- I have never seen a bill -- and I served a government --

**LEG. LOSQUADRO:**

No, I've never seen you be so sarcastic about a bill.

**MR. ZWIRN:**

I'm directing my comments through the Chair.

**CHAIRMAN EDDINGTON:**

Okay, you know what? I'm going to ask Legislator Losquadro, continue reading through that and I'm going to have Legislator Mystal make a comment.

**LEG. MYSTAL:**

Ben, simple answer; is it absolutely needed that if we give you the assurance that this then will get out at the next meeting, can we end this debate and say, "Okay, we're going to table it today and then we'll deal with it in August?"

**MR. ZWIRN:**

I don't think anybody could make that assurance, despite your reputation, I don't think you can have one vote. And I think we have as good a chance today to get this before the full -- I just would like to see it get before the full Legislature so that all the members can read it. You know, I know we talk politics and I think this has --

**LEG. MYSTAL:**

How about if we discharge it without recommendation but we table it at the meeting?

**MR. ZWIRN:**

If you give us the opportunity before the floor, I think we can convince the majority of the Legislature that this is a good law and it should be in effect to protect the people of this County.

**LEG. MYSTAL:**

Well, I'm trying to get through the impasse so we don't spend the next half an hour discussing this,

you know, a million times. And it's just a question of, you know, I think the Chair has some problem with the bill.

**LEG. CARACAPPA:**

So table it.

**LEG. MYSTAL:**

That's what I'm saying, I'm trying to --

**LEG. CARACAPPA:**

It's our decision.

**LEG. MYSTAL:**

I'm trying to table it. Let's table the thing.

**CHAIRMAN EDDINGTON:**

Okay, we have a motion to table, and is there a second?

**MS. ORTIZ:**

Yes.

**CHAIRMAN EDDINGTON:**

And a second. Okay, all those in favor?

**LEG. MYSTAL:**

Aye.

**LEG. CARACAPPA:**

What's the vote?

**CHAIRMAN EDDINGTON:**

To table. All those in favor? Opposed? Abstentions? Okay, thank you very much. ***Tabled (VOTE: 7-0-0-0).***

Okay, ***IR 1482-07 - A Local Law prohibiting sex offenders from residing in close proximity to libraries (Romaine).*** I'm going to make a motion to table.

**LEG. MYSTAL:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Browning. All those in favor? Opposed? Abstentions?

**LEG. CARACAPPA:**

Opposed to table.

**CHAIRMAN EDDINGTON:**

One opposed, ***tabled (VOTE: 6-1-0-0 Opposed: Legislator Caracappa).***

***IR 1503-07 - A Local Law to prohibit text messaging while driving (Schneiderman).***

**LEG. CARACAPPA:**

It's closed, right, Counsel?

**MR. NOLAN:**

Yes.

**LEG. MYSTAL:**

Motion to table.

**LEG. CARACAPPA:**

Motion to approve for the purposes of defeating; I'm serious.

**LEG. MYSTAL:**

I know you are.

**CHAIRMAN EDDINGTON:**

Well, I have a motion. Do I have a second?

**LEG. BROWNING:**

I'll second.

**CHAIRMAN EDDINGTON:**

Second to table by Legislator Browning. And on the issue, I notice that there is a Memorializing Resolution in support of State, a State and Senate bill. So it appears that the State is going to be working on this, so it is my sense that it doesn't really make any sense to table it.

**LEG. MYSTAL:**

Mr. Chair?

**CHAIRMAN EDDINGTON:**

Yes, Legislator.

**LEG. MYSTAL:**

The State is closed for business as of today.

**LEG. HORSLEY:**

If they don't finish it.

**LEG. MYSTAL:**

Today, if they don't do anything except on today, the State is done.

**CHAIRMAN EDDINGTON:**

Well, actually, I happen to know they are being called back, but I hear what you're saying. Well, I have a motion and a second to table.

**LEG. MYSTAL:**

Inside information, okay.

**CHAIRMAN EDDINGTON:**

Okay, we'll take a vote on your tabling motion.

**MS. ORTIZ:**

Legislator Eddington, who is your second?

**CHAIRMAN EDDINGTON:**

Legislator Browning. All those in favor?

**LEG. CARACAPPA:**

To table?

**CHAIRMAN EDDINGTON:**

To table. In favor? Opposed?

**LEG. CARACAPPA:**

Opposed.

**CHAIRMAN EDDINGTON:**

I'm opposed. Abstentions?

**LEG. NOWICK:**

Did you abstain?

**CHAIRMAN EDDINGTON:**

No, I voted not to table. Okay, so *it's tabled (VOTE: 5-2-0-0 Opposed: Legislators Caracappa & Eddington)*.

### **Introductory Resolutions**

***IR 1542-07 - A Local Law prohibiting sex offenders from residing in close proximity to senior housing (Schneiderman).*** This has to be tabled for a public hearing. So I'll make a motion to table.

**LEG. BROWNING:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Browning. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 7-0-0-0)***.

***IR 1572-07 - Reappointing Donald J. Nimphius as a member of the Suffolk County Vocational Education and Extension Board (Losquadro).*** Do I have a motion.

**LEG. LOSQUADRO:**

I'll make a motion.

**CHAIRMAN EDDINGTON:**

Motion to approve by Legislator Losquadro.

**LEG. CARACAPPA:**

Second.

**CHAIRMAN EDDINGTON:**

Second that by Legislator Caracappa. All those in favor? Opposed? Abstentions? ***Approved (VOTE: 7-0-0-0)***.

***IR 1578-07 - Creating an Underage Drinking Task Force (Stern).***

I'll make a motion to approve.

**LEG. BROWNING:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Browning. All those in favor? Opposed? Abstentions? ***Approved (VOTE: 7-0-0-0)***.

Okay, we did 1587.

**LEG. MYSTAL:**

How about 86?

**LEG. NOWICK:**

1586.

**CHAIRMAN EDDINGTON:**

***IR 1586-07 --***

**LEG. NOWICK:**

We got your back.

**CHAIRMAN EDDINGTON:**

Thank you -- ***Approving the reappointment of Scott Davonski as a member of the Suffolk County Fire, Rescue & Emergency Services Commission (County Executive)***. I'll make a motion to approve.

**LEG. MYSTAL:**

Second.

**CHAIRMAN EDDINGTON:**

Seconded by Legislator Mystal. All those in favor? Opposed? Abstentions? ***Approved (VOTE: 7-0-0-0)***.

IR 1589 --

**LEG. HORSLEY:**

No, 1588

**CHAIRMAN MONTANO:**

God.

**LEG. CARACAPPA:**

Mr. Chairman?

**CHAIRMAN EDDINGTON:**

Yes.

**LEG. CARACAPPA:**

I know I got here a few minutes late and you did 1587, that's approving the appointment of Richard Gimbl; who did Mr. Gimbl replace?

**CHAIRMAN EDDINGTON:**

That's a good question. Counsel?

**LEG. CARACAPPA:**

I apologize for going over material you already covered.

**CHAIRMAN EDDINGTON:**

That's fine.

**MR. NOLAN:**

The resolution doesn't say.

**LEG. CARACAPPA:**

Commissioner, do you know; was it an empty slot?

**COMMISSIONER WILLIAMS:**

What they replaced was from the Town of Islip Fire Chiefs.

**LEG. LOSQUADRO:**

I don't think that mike is on.

**COMMISSIONER WILLIAMS:**

What they replaced was the Town of Islip, a gentleman by the name of Al Waters.

**LEG. CARACAPPA:**

Okay.

**COMMISSIONER WILLIAMS:**

What they do in the Town of Islip, they alternate between the volunteer firefighters and the Chiefs every couple of years.

**LEG. CARACAPPA:**

Okay, while I have you here and I don't have to ask the question again later, 1591, the appointment of Richard Sorrentino?

**COMMISSIONER WILLIAMS:**

He replaced a gentleman from the Town of Islip that resigned from the committee.

**LEG. CARACAPPA:**

Very good. Thank you.

**CHAIRMAN EDDINGTON:**

Okay, *IR 1588-07 - Approving the reappointment of Anthony LaFerrera as a member of the Suffolk County Fire, Rescue & Emergency Services Commission (County Executive).*

**LEG. HORSLEY:**

Motion to approve.

**CHAIRMAN EDDINGTON:**

Motion to approve by Legislator Horsley.

**LEG. MYSTAL:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Mystal. All those in favor? Opposed? Abstentions? **Approved (VOTE: 7-0-0-0).**

*IR 1589-07 - Approving the reappointment of Norman Reilly, Jr., as a member of the Suffolk County Fire, Rescue & Emergency Services Commission (County Executive).*

**LEG. CARACAPPA:**

Motion.

**CHAIRMAN EDDINGTON:**

Motion by Legislator Caracappa, I'll second that. All those in favor? Opposed? Abstentions? **Approved (VOTE: 7-0-0-0).**

***IR 1590-07 - Approving the reappointment of Drew Silverman as a member of the Suffolk County Fire, Rescue & Emergency Services Commission (County Executive).*** I'll make a motion to approve, second by Legislator Mystal. All those in favor? Opposed? Abstentions? ***Approved (VOTE: 7-0-0-0).***

Okay, we did IR 1591.

***IR 1592-07 - Approving the reappointment of Edward Tully, Jr., as a member of the Suffolk County Fire, Rescue & Emergency Services Commission (County Executive).*** Do I have a motion? I'll make the motion to approve, second by Legislator Horsley. All those in favor? Opposed? Abstentions? ***Approved (VOTE: 7-0-0-0).***

***IR 1593-07 - Approving the reappointment of Craig Zitek as a member of the Suffolk County Fire, Rescue & Emergency Services Commission (County Executive).*** I'll make the

--

**LEG. LOSQUADRO:**

Motion.

**CHAIRMAN EDDINGTON:**

Motion by Legislator Losquadro, second by Legislator Nowick. All those in favor? Opposed? Abstentions? ***Approved (VOTE: 7-0-0-0).***

There are no Home Rule Messages. We'll go to Memorializing Resolutions.

Memorializing Resolution 40 --

**LEG. MYSTAL:**

Mr. Chair, before we get to all these MO's. Should we really consider any of them, for the simple reason that the State Legislature is scheduled to go out of business as of today.

**LEG. CARACAPPA:**

Mr. Chairman? I'm sorry.

**LEG. MYSTAL:**

I'm done, I'm done. I'm just asking.

**CHAIRMAN EDDINGTON:**

Well, just in response to that, that for the last three days all but one Memorializing Resolution has been approved. And I believe Counsel had instructed them that they're really only recessed, not done, so that they can be called back at any time; am I correct?

**LEG. CARACAPPA:**

Yes.

**MR. NOLAN:**

That is correct, theoretically they could come back into session this year. So there's no -- you can vote on these Memorializing Resolutions; they may end up being moot, but there's no bar to voting on these.

**LEG. CARACAPPA:**

Motion to approve 40, Mr. Chairman.

### **Memorializing Resolutions**

**CHAIRMAN EDDINGTON:**

Okay, I have a motion, ***MR 40-2007 - Memorializing Resolution in opposition to New York***

**State Assembly Bill A.4635 (Eddington).** I have a motion to approve by Legislator Caracappa, I'll second that.

**LEG. LOSQUADRO:**

I will cosponsor that, Mr. Chairman.

**LEG. HORSLEY:**

What is it?

**CHAIRMAN EDDINGTON:**

It's giving immigrants the right to vote.

**LEG. LOSQUADRO:**

Without citizenship.

**CHAIRMAN EDDINGTON:**

Without citizenship.

**LEG. CARACAPPA:**

Legal.

**MR. NOLAN:**

It's lawfully admitted for permanent residency in the United States, but they're aliens.

**LEG. HORSLEY:**

Okay.

**CHAIRMAN EDDINGTON:**

On the motion, I'll answer the question you're asking. It is giving people that are here legally but not citizens the right to vote. And it is my opinion, and I think some of the other members that are cosponsoring it, that that's one of the rights to citizenship, that you get the right to vote. And it's a reason, as I've reached out to my community which has a huge amount of immigrants --

**LEG. NOWICK:**

Well, that alone.

**CHAIRMAN EDDINGTON:**

Okay. So they're all in agreement, the immigrant community. Okay, we have a motion and a second. All those in favor?

**LEG. MYSTAL:**

On the motion, Mr. Chair?

**CHAIRMAN EDDINGTON:**

On the motion, Legislator Mystal.

**LEG. MYSTAL:**

We are voting in opposition to a bill being sponsored by your wife, right?

**LEG. BROWNING:**

No.

**CHAIRMAN EDDINGTON:**

My wife? Noooooo; no, no. I think it's Legislator Felix Ortiz.

**LEG. MYSTAL:**

I just want to make sure that your wife has no opposition to it, too.

**CHAIRMAN EDDINGTON:**

Oh, no, she's taking heat but she's not in opposition.

**LEG. MYSTAL:**

I don't want to get, you know, into the divorce case with you.

**CHAIRMAN EDDINGTON:**

No, no, it's been debated quite a bit. But anyway, we have a motion and a second. All those in favor? Opposed? Abstentions? Okay, **approved (VOTE: 7-0-0-0)**.

**MR No. 42-2007 - Memorializing Resolution in opposition to allowing the use of individual tax identification numbers in place of Social Security numbers when applying for a driver's license (Assembly Bill A. 4249)(Eddington).** I'll make a motion to approve.

**LEG. NOWICK:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Nowick.

**LEG. BROWNING:**

Can I ask Counsel a question?

**CHAIRMAN EDDINGTON:**

On the motion, Legislator Browning.

**LEG. BROWNING:**

George, I don't know if you can answer this question. If I come from another country, which I have friend who came from another country, was legally working here temporarily for the corporation he was with. If he is more than 30 days, if I'm not correct, more than 30 days in the country he cannot drive with his driver's license, correct? What does he use? He doesn't have a Social Security number, how does he get a license?

**MR. NOLAN:**

If he doesn't have a Social, according to State Law now, he can't get a New York State Driver's License.

**LEG. BROWNING:**

Do you know how they do it now?

**MR. NOLAN:**

I'm sorry?

**LEG. BROWNING:**

Do you know how they do it now if they're more than 30 days but they're not --

**MR. NOLAN:**

I don't.

**LEG. CARACAPPA:**

(Inaudible).

**CHAIRMAN EDDINGTON:**

I would like to add, my understanding is that they can get a letter from the Social Security Division saying that they are here legally but they don't qualify. My understanding is that they can get a license if the Social Security Department has validated that they are here legally but they don't qualify for a Social Security number, and I got that from the Social Security Department.

**MR. NOLAN:**

I'm not -- I don't have that knowledge; I'll take your word for it.

**CHAIRMAN EDDINGTON:**

Well, I did check it out. Okay, so we have a motion and a second.

All those in favor? Opposed? Abstentions? All right, **approved**  
**(VOTE: 7-0-0-0).**

**MR No. 45-2007 - Memorializing Resolution in support of imposing probation administrative fees (Senate Bill S.1258 and Assembly Bill A.5588) (Losquadro).** Legislator Losquadro?

**LEG. LOSQUADRO:**

Motion to approve.

**CHAIRMAN EDDINGTON:**

Motion to approve.

**LEG. LOSQUADRO:**

And I'll explain what it is, if anybody wants me to.

**CHAIRMAN EDDINGTON:**

Okay, a motion to approve, second. Does anybody need an explanation? No, okay.

**LEG. CARACAPPA:**

Excellent.

**CHAIRMAN EDDINGTON:**

All those in favor? Opposed? Abstentions? **Approved (VOTE: 7-0-0-0).**

**MR No. 47-2007 - Memorializing Resolution in support of legislation to prohibit the use of mobile telephones to text message while driving (Senate Bill S.5527 and Assembly Bill A.7820) (Schneiderman).**

**LEG. CARACAPPA:**

It fails for lack of a motion.

**CHAIRMAN EDDINGTON:**

We approved the other one, didn't we?

**MR. NOLAN:**

No, no, we tabled it.

**CHAIRMAN EDDINGTON:**

We tabled the other one? I'm just going to ask Counsel, does that make sense?

**MR. NOLAN:**

It's certainly okay to vote on this, it's urging the State Legislature to pass the law to prohibit this practice.

**CHAIRMAN EDDINGTON:**

I'm going to make a motion to table.

**LEG. LOSQUADRO:**  
I'll second the motion.

**CHAIRMAN EDDINGTON:**  
Second by Legislator Losquadro. All those in favor? Opposed?

**LEG. CARACAPPA:**  
Opposed.

**CHAIRMAN EDDINGTON:**  
Opposed, Legislator Caracappa. *Tabled (VOTE: 6-1-0-0 Opposed: Legislator Caracappa).*

*MR No. 48-2007 - Memorializing Resolution in support of notification to Local Law enforcement agencies when a homeless sex offender is placed in emergency housing (Senate Bill S.5526 and Assembly Bill A.7819) (Schneiderman).*

**LEG. LOSQUADRO:**  
I'll make a motion to approve.

**CHAIRMAN EDDINGTON:**  
Motion to approve by Legislator Losquadro, I'll second that. All those in favor? Opposed? Abstentions? *Approved (VOTE: 7-0-0-0).*

Okay, if there are no other business, I will adjourn the committee. Thank you very much.

**LEG. CARACAPPA:**  
Excellent job, Mr. Chairman

*(\*The meeting was adjourned at 10:16 AM\*)*

*Legislator Jack Eddington, Chairman  
Public Safety Committee*