

**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 Thursday, May 7, 2009, at 9:30 a.m.

**Members Present:**

Legislator Jack Eddington - Chairperson  
Legislator DuWayne Gregory - Vice Chair  
Legislator Thomas Barraga  
Legislator Kate Browning  
Legislator Daniel Losquadro

**Also in Attendance:**

Legislator John Kennedy - District #12  
Legislator Wayne Horsley - District #14  
George Nolan - Counsel to the Legislature  
Robert Calarco - Aide to Legislator Eddington  
Kara Hahn - Director of Communications/PO Lindsay's Office  
Bobby Knight - Aide to Presiding Officer Lindsay  
Michael Cavanaugh - Aide to Presiding Officer Lindsay  
Maxvel Rose - Aide to Legislator Gregory  
Marcus Povinelli - Aide to Minority Leader Losquadro  
Linda Bay - Aide to Minority Leader Losquadro  
Paul Perillie - Aide to Majority Leader Cooper  
Ben Zwirn - Deputy County Executive  
Allen Kovesdy - Director of Management & Research/County Exec's Office  
Ed Hennessey - County Executive Assistant  
Brendan Chamberlain - County Executive Assistant  
Dennis Brown - Bureau Chief/County Attorney's Office  
Renee Ortiz - Chief Deputy Clerk/SC Legislature  
Robert Anthony Moore - Chief of Department/SC Police Department  
Salvatore Marino - Inspector/SCPD-Chief of Department's Office  
Ted Nieves - Captain/SCPD-Chief of Department's Office  
Thomas Palmer - Captain/SCPD-Chief of Patrol's Office  
Tracy Pollak - Suffolk County Police Department/Headquarters  
Robert Kearon - Bureau Chief/District Attorney's Office  
Joe Williams - Commissioner - Fire, Rescue & Emergency Services.  
Robert Sheron - Fire, Rescue & Emergency Services  
Noel DiGerolamo - 2nd Vice-President/Police Benevolent Association  
Michael Sharkey - Chief-of-Staff/Suffolk County Sheriff's office  
Matt Mullins - President/Deputy Sheriffs Police Benevolent Association  
Mike Rando - 2nd Vice-President/Deputy Sheriffs Police Benevolent Assoc.  
Gail D'Ambrosio - President/Suffolk County Probation Officer's Assoc.  
Stephen Larson - Suffolk County Probation Officer  
Joe Borenstein - SC Probation Officer's Association  
Dan Buckley - Suffolk County Probation Officer's Association/P Delegate  
David Maddox - Suffolk County Probation Officer's Association  
Chris Saxen - Suffolk County Probation Officer's Association

Debbie Alloncius - AME/Legislative Director  
Debbie McKee - SC Police Department, Emergency Unit  
Hope Callazo - American Red Cross/Director-Community Service Program  
Debbie Eppel - Public Information Officer of Suffolk County  
Laura Ahearn - Executive Director/Parents for Megan's Law  
Vanessa Crilly - Director/Jobs With Justice  
Jim Barr - ABATE of Long Island/President-Long Island Chapter  
Anthony LaFerrera - 1st Vice-President Suffolk Chiefs.  
President/Babylon Central Fire Alarm  
Gerard Galton - Lieutenant/Amityville Police Department  
Padraig O'Brien - Smithtown Fire District  
Dr. Luis Valenzuela - Long Island Immigrant Alliance  
Maryann Slutsky - Long Island Wins  
Melissa Sostrin - Latino Jewish Council  
Ed Roldan - Long Island Immigrant Alliance  
Cheryl Keshner - Empire Justice Center  
Michele Lynch - 1199 SEIU  
Rick Brand - Newsday  
All Other Interested Parties

**Minutes Taken & Transcribed By:**  
Alison Mahoney - Court Stenographer

***(\*The meeting was called to order at 9:49 A.M. \*)***

**CHAIRMAN EDDINGTON:**

Okay. If I could get everybody to stand for the Pledge of Allegiance.

***Salutation***

Please remain standing for a moment of silence for all those who defend our country abroad and at home.

***Moment of Silence Observed***

Thank you very much. All right, just so we can establish the flow for the meeting, I'm going to do the Public Portion and then I'm going to be asking my colleagues to take -- to make a motion to take out of order the appointments to the Hate Crime Task Force so those people can get to work.

Okay, if I could have Lieutenant Gerard Galton.

**LIEUTENANT GRALTON:**

Good morning. I'd like to thank the Public Safety Committee for this opportunity to speak. I'm speaking on behalf of Chief Don Darvey and Peter Imbert, our Mayor.

As you are all well aware, the 9/11 PSAP, it's an important part of our emergency response in Suffolk County. In the 1990's, the surcharge for land-line phones was more than sufficient to fund our entire operation. As the years have passed, residents are replacing their land-line phones with cell phones and our surcharge money is decreasing and our costs of operating the system is ever increasing. Actually, this was actually on Channel 4 last night, that now more houses have cell phones as their primary line as opposed to a land-line; well, that makes it imperative that this funding is coming from another source. So it makes sense to put this surcharge on the cell phone usage at this time to keep the 911 system flowing.

The Amityville Police Department is also a PSAP and relies heavily on this funding. We're in full support of any legislation that you folks might be able to provide to keep this money flowing and

support all of the PSAPs in Suffolk County. That's basically it. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you very much. Jim Barr.

**MR. BARR:**

Good morning, Mr. Chairman, members of the committee. As you said, my name is Jim Barr, I'm the President of the Long Island Chapter of ABATE of New York; ABATE is American Bikers Aimed Toward Education. We're a State and, motorcycle rights organization looking out for the safety of motorcyclists. One of our major concerns is the awareness of motor vehicle operators that motorcycles are on the road also. We work very hard to try to bring awareness to motorists that we are there also.

I would like to speak in favor of Introductory Resolution 1349 which would adopt that Motorcycle Awareness Month in Suffolk County be recognized. It's my understanding that the Governor was considering June as New York State Motorcycle Awareness Month. With the motorcycle season being from March till October primarily, it's very important that this be -- this awareness program be brought forward as soon as possible into the riding season. Putting it off till June is just, you know, a little too long and we would prefer to see May be accepted.

There are -- approximately 60% of motorcycle accidents occur from motor vehicles failing to yield the right-of-way to a motorcyclist. With over 30,000 registered motorcycles in this County, it is very important that this message be brought out to the community that we are there. ABATE is in the process of producing a television commercial that we are looking to air on local networks, Cablevision, we're printing bumper stickers, "Watch Out For Motorcyclists". We're doing our part, whatever we can, we ask that you please accept this resolution to try to bring -- have government also try to get that message out for us.

We'd also encourage -- I understand that perhaps, Mr. Chairman, you might be considering legislation for "Share The Road" signs to be put up on our highways. We would wholeheartedly support such a move and if there's any information or assistance we can provide in that occurring we would, you know, like to do so.

**CHAIRMAN EDDINGTON:**

Thank you. Yeah, that's correct, I'm going to be putting in legislation to direct DPW, Public Works to do it, so I'll be asking for the support of the committee. Thank you.

**MR. BARR:**

Thank you.

**CHAIRMAN EDDINGTON:**

Anthony V. LaFerrera.

**MR. LaFERRERA:**

Good morning. Thank you for this opportunity to talk in reference to Home Rule No. 7. My name is Anthony LaFerrera, I'm currently the President of Babylon Central Fire & Rescue Alarm and 1st Vice-President of the Suffolk County Fire Chiefs Council.

When the E-911 system was established for the funding received through the Verizon surcharge, back when it started it wasn't Verizon, it enabled the acquisition and the necessary infrastructure in support of the system as a whole. Once the primary infrastructure was in place, each PSAP received a share of the funding with related expenses which began with a \$98,000 contract that quickly diminished to a \$40,000 contract and now we're projecting a zero dollar contract.

We have steadily seen the funds generated by this surcharged diminished to a point where the integrity of the system is in jeopardy. Additionally, this lack of funding has forced each PSAP to bear the burden of expense required equipment, maintenance and employee education. During the same

period, despite many of us vocalizing our dissatisfactions with the formula for the wireless funding, the fund base has grown astronomically. The American public as a whole has made a transition from the wire-line telephone service to wireless service, in many cases having no wire-line telephone service at all.

The impact of this transition has been monumental both technologically and financially. We have invested to ensure we keep pace with the ever changing and advancing technology with minimal assistance from the State. Financially, this transition has drained the resources originally set in place to support the emergency services required for a strong and reliable Enhanced E-911 System. Implementing the 30 cent surcharge to wireless phones in Suffolk County is essential to ensure the development and the integrity of our E-911 system. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you, sir. Patrick O'Brien.

**MR. O'BRIEN:**

Good morning. I am Commissioner Patrick O'Brien of the Smithtown Fire District. I am also a member of the E-911 Commission. Thank you, Mr. Chairman and Legislature, for giving me the opportunity to speak on Home Rule Message No. 7.

In the past, income funding from Suffolk County PSAPs which is generated by a surcharge on land-line telephones was around \$13 million annually. In recent years, the money generated through these surcharges has been reduced to around four million annually; this has left a shortfall to the County of around nine million annually. The current PSAPs share these monies on call volume percentage which is calculated by the County. The monies awarded to the PSAPs was used to upgrade the infrastructure of the PSAPs, radios, telephone, computers, satellite, telephones, CAD systems. The monies are not usually used for any salaries, managers or employees.

What is important to realize is that if Suffolk County PSAP, FRES, goes down for any reason, the secondary PSAPs, as has happened in the past, can pick up some of the slack and can take over E-911 telephone communications for the County Fire Department; this is an important redundancy in our system. In today's climate, no one person in this room wants to add another tax to someone, but the reality is the original funding has dropped significantly through people eliminating their land-line telephones and move towards cellular telephone service. If the funding is not reinstated, these crucial upgrades that keep the PSAPs in state-of-the-art, ready to answer all emergency requests, will be gravely affected; maybe not this year, maybe not next year, but over time it will have an effect.

The Smithtown Fire District strongly supports the 30 cent surcharge on all cellular telephone plans. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you. Maryann Slutsky?

**MS. SLUTSKY:**

Good morning, Members of the Public Safety Committee, and thank you for the opportunity to share my thoughts. My name is Maryann Slutsky, I am the Campaign Director for Long Island Wins and live in Eaton's Neck.

As the appointees to the Hate Crimes Task Force takes shape, I want to emphasize the importance of relevant community representation. This task force was established in response to the murder of an Ecuadorian immigrant, Marcelo Lucero. This brutal killing was very specifically targeted at what the killers called "Mexicans". It seems apparent that the Latino community is very clearly singled out for hate crimes in Suffolk County. That is why it is imperative to have relevant and appropriate representation from the Latino community as members of the task force.

Whether you know it or not, the Latino community deals with hate crime attacks on a daily basis.

They know how their community works and can offer valuable insight interpreting their community behaviors and morays. The task force should have representation that will aid in determining and identifying the sources and causes of tension that lead to hate crimes and be able to make recommendations that will work. This can be best accomplished with proper representation from the Latino community.

When appointing task force members, I hope that the task force will thoughtfully take into consideration community members from leading Latino and immigrant organizations. It is critical that this task force accomplish its goals and develop recommendations that are meaningful and effective in putting an end to hateful violence in Suffolk County.

**CHAIRMAN EDDINGTON:**

Thank you. Melissa Sostrin?

**MS. SOSTRIN:**

Good morning. I am here for Latino Jewish Council of Long Island which is under American Jewish Committee and I am a represent -- I live in Holbrook.

We applaud the Hate Crimes Task Force as a first step, but I'm here to express our concern that while appointments have been made that are representative of certain communities -- the immigrants who are one in seven of Suffolk residents really don't seem to have corresponding representation. We know these are the people in your neighborhoods, we know these are the people that are being affected by hate crimes and we would appreciate what you could do. Perhaps the County Executive would this into consideration, I know his appointment hasn't been made yet. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you. Dr. Luis Valenzuela.

**DR. VALENZUELA:**

Good morning, distinguished ladies and distinguished gentlemen. As the previous speaker noted, we express our happiness with the appointment of the task force; we stated that here before. We know some of the appointees so far, admirable persons. Our concern, however, is that not one person who has stood out in the fight for justice, for immigrants here in Suffolk County has been appointed to the task force. I think that it's -- it would be a mistake not to do so.

We've expressed concern also about the adequate funding of the task force and the authority for the task force to get done what it intends to do and to do it effectively and efficiently. Again, the representativeness of the community that is under attack and has been under attack for which we have come to this Legislature to advocate for a number of years is not present or represented on that task force, and we look to you to take leadership in this action and get it right.

We have an opportunity to do things now to make Suffolk County a more inclusive County and we cannot do that by excluding the people who are under attack or those who have represented them. So thank you very much and please respond to our call.

**CHAIRMAN EDDINGTON:**

Thank you. Ed Roldan.

**MR. ROLDAN:**

Good morning and thank you for the opportunity to speak here today. I'm Ed Roldan, I'm a retired Policeman. I became a social worker and I represent the Long Island Immigrant Alliance.

I want to applaud you for formulating the task force. It's a great idea. It was -- it came out of a

tragedy. However, though, I'm concerned that the task force is not representing the people that it's supposed to be representing. It was formulated because a Latino man was killed simply because he was a Latino; I think that the task force needs to represent Latinos. Thank you.

**CHAIRMAN EDDINGTON:**  
Thank you. Vanessa Crilly.

**MS. CRILLY:**

Good morning. Thank you for giving me the opportunity to speak. I want to first thank Legislator DuWayne Gregory for initiating this very important task force and for everybody who supports it. My name is Vanessa Crilly, I'm from Long Island Jobs With Justice. We became very involved in helping to support the Long Island Immigrant Alliance in any way we could after the tragic death of Marcelo Lucero, and since then have been kept up-to-date on the Hate Crime Task Force appointees.

I am here to echo Dr. Valenzuela's concerns about who is making up the task force. The appointees that are being introduced today, should they be appointed to the task force, that still leaves room for the Legislators to appoint other members of the community. And I feel confident that Dr. Valenzuela and all the members of the Long Island Immigrant Alliance are very happy to meet with the Legislators again on talking about exactly which community advocates really represent the communities that are being targeted with these hate crimes. Jobs With Justice is very concerned because many of these crimes are taking place late at night, early in the morning when people are actually going to or coming home from work and that's not the kind of County any of us want to live in.

So again, I applaud you for your efforts and I strongly urge you to reach out to the very community that you wish to help by contacting the Long Island Immigrant Alliance and again, we can go over our recommendations for appointees. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you very much. Is there anybody who would like to address the committee? Yes, please come forward. If you want to wait -- if you are talking about the nominations, you could certainly come up when I call them, but if it's something else, feel free. Okay.

**MR. O'NEIL:**

Hi. My name is Michael O'Neil, I'm from the East Hampton Anti-Bias Task Force, and I, too, am here hoping that the Legislators will appoint people who you know will be passionate advocates for the -- for looking at hate crime and solutions to the problems of reporting.

As I've mentioned many times before, it's not just a problem in Suffolk County, it's a problem nationwide, and this body can lead the way not just for Suffolk County but for the rest of the nation. And I hope you will appoint people not just who are known by the Legislators but who are -- who have some expertise on this very difficult area of the law. It's very hard -- as we've seen recently in the Luis Ramirez case in Shenandoah, Pennsylvania -- to prosecute someone for motivation without the hard evidence. In that case we know there was the hard evidence, but the jury found the young men not guilty of the murder of Mr. Ramirez.

For that reason, I hope this body will appoint someone who has looked at the law. And there will be plenty of other appointees on the board that can temper what you might believe would be a radical or a militant advocate for the understanding and the reporting and the implementation of hate law crime. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you. Michele?

**MS. LYNCH:**

Good morning. I applaud you for coming up finally with a Hate Crime Task Force, it is definitely

needed in Suffolk County. And as everyone is aware, there are hate crimes throughout this country. I'm here today to say how important it is to have a representation from the immigrant community, especially Latinos since that has been the main target throughout this country and in Suffolk County, and we really have concerns about appointees not being represented from the community. So I urge you to look at, you know, your appointees and to ensure that you reach out to organizations such as the Long Island Immigration Alliance for advice and guidance on this. Thank you.

**MS. MAHONEY:**

Can you state your last name for me, please?

**MS. LYNCH:**

Sorry. Michele Lynch from Riverhead.

**MS. MAHONEY:**

Thank you.

**CHAIRMAN EDDINGTON:**

Thank you, Michele. Cheryl Kushner? Oh, I blew it.

**MS. KESHNER:**

Good try. Hi. My name is Cheryl Keshner and I'm here from the Empire Justice Center, and I'm here also to speak about the Hate Crimes Task Force.

I'd like to applaud the Legislature, and particularly Legislator Gregory, for making this possible and for responding to the community's concerns regarding the problems with reporting in terms of hate crimes and attempting to address the situation. But I am asking you to make this more than a symbolic gesture, I want this to be a meaningful task force which will actually result in some changes. So in order to do so it's important that the task force be representative of the community which is being impacted by these hate crimes and be reflective of those advocates, inclusive of those advocates who have been involved in trying to have these problems addressed.

So I would specifically ask that you try to reach out to people who have very intimate knowledge of what's going on out there. Just some examples; Sister Margaret of the Hispanic Apostolate, Luis Valenzuela of Long Island Immigrant Alliance, maybe somebody from The Workplace Project or from The Unity Group which is working with day laborers; there are so many people out there who are really out there doing things who know what's going on. So let's make this a real task force which will achieve meaningful results, okay. And, you know, you can show us that by reaching out further and making those connections. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you very much. Is there anybody else who would like to address the committee? Okay, then I'll close the public portion.

I want to recognize that we have Legislator Kennedy and Legislator Horsley present, and I thank you for being here. And so at this time I'd like to make a motion to take out of order IR 1291, 92, 93 and 94 which are --

**MR. NOLAN:**

And 95.

**CHAIRMAN EDDINGTON:**

And 95 which are all Hate Crime Task Force appointees.

**LEG. GREGORY:**

I would like to second that motion.

**CHAIRMAN EDDINGTON:**

Okay, I have a motion and second. All those in favor? Opposed? Abstentions? Okay.

If I could get the appointees to just come up to the table here and we'll just go over each one and give you an opportunity to speak.

**LEG. GREGORY:**

Mr. Chair, if I may?

**CHAIRMAN EDDINGTON:**

Yes.

**LEG. GREGORY:**

I just wanted to take a second to respond to some of the concerns that have been brought up this morning. I understand and I hear them clearly. One of the concerns that I had initially with the task force was not to make it too large where it's just -- you won't be able to function properly and then run the risk of excluding someone from the community. So I wanted to make sure that we included important key elements -- or let me reverse that -- everyone is important, but ensure that we have a diversity to the board. We have the clergy that's represented by Reverend Pearson, we have the Muslim community represented from Mr. Elsayed, we have school districts who are represented by Reynolds Hawkins and we have, and this initially was something that was an oversight for me, Laura Ahearn. Although she's known for her work with Megan's Law, through the Victim's Crime Bureau she actually deals with the victims of hate crimes, and that's an aspect I think that initially that we, at least me, I didn't look at and I think she brings an important perspective dealing with the aftermath of these horrible crimes and the work that she's done. And what she looks to do is she works hand-in-hand with the Police Department and the County dealing with the issues that they have.

I've always said that we're not going to be able to include everyone on the task force, but my hope and my goal is to allow everyone the opportunity to come before our public hearings, they'll be able to present their concerns to the task force, everyone is going to be heard. Some of the members that I've spoken to, at least one of them, has already stated that he or she may have suggestions to some changes that, you know, from what they know about the law. So I think they're taking this, their future responsibility seriously, so I think this is not going to be a -- you know, I think everyone is going to take -- you know, they understand their role, they're going to take it seriously, they understand the importance behind it and the message that we're trying to send and the work that has to be done.

Also, I neglected to mention that Renee Ortiz, she's going to be appointed as one of the Legislative appointees, you know, given her background in her community, the Latino community as former Director of Minority Affairs and all of her work that we all know so well. So I think we'll have a group that will be well represented and in the end we'll give a product that everyone will be proud of. So I know that initially there were some concerns but, you know, I think in the end everyone will be pleased; at least that's my goal. Thank you.

**CHAIRMAN EDDINGTON:**

Okay, thank you very much. All right, well, let's start with each Introductory Resolution.

***IR 1291-09 - Appoint member to the Hate Crime Task Force (Laura Ahearn) (Presiding Officer Lindsay).*** I'll make a motion.

**LEG. GREGORY:**

Second. I second that motion.

**CHAIRMAN EDDINGTON:**

Okay. Any discussion? No, okay. Then all those in favor? Opposed? Abstentions? **Approved**  
**(VOTE: 5/0/0/0)**. Laura, congratulations.  
Why don't you just tell us what your goal is.

**MS. AHEARN:**

Do I have to hold this down?

**LEG. LOSQUADRO:**

Yes.

**MS. AHEARN:**

The whole time?

**CHAIRMAN EDDINGTON:**

Yes. People talk less because they have to hold it down.

**MS. AHEARN:**

Okay. Yes, my name is Laura Ahearn, I'm the Executive Director of Parents for Megan's Law and the Crime Victims Center. Thank you so much for this opportunity.

Most of the community does know of the work that we do through our work with sex offender management and our Rape Crisis Center where we provide services to child and adult victims of sexual assault. However, most people don't know that two years ago the agency expanded its mission to include the Suffolk County Crime Victim's Center. The Crime Victim's Center provides direct comprehensive victim services to all victims of violent crime and elderly, minor and disabled victims of any crime. We have -- in 2008, the agency provided comprehensive direct victim services to over half of the victims reporting hate crimes in Suffolk County. Individuals who are targeted because of their racial identity, religion, nationality, ethnicity, sexual orientation, gender or physical and mental disability suffer not only physical injury, but also property damage and also frequently feel intense fear and isolation, making it less likely for them to participate in the criminal justice process and more likely for them to experience long-term emotional damage. I will bring these victims experiences and perspectives to the Hate Crimes Task Force to help identify sources of tensions in our communities and work towards reducing them, to help strengthen confidence to increase reporting of hate crimes and to advocate for necessary legislation to ensure that victim's rights are protected and that violators receive sentences that are commensurate with their crimes.

This appointment is very important to me professionally as a representative and as a voice for victims of violent crime, including hate crime. But it's also very personally important to me, and I'm going to give you a little insight; most of the time I don't talk about myself. I grew up in Patchogue with my mother and my grandmother. My grandmother was born in Puerto Rico and spoke with a very heavy accent. As a child, when we went to stores, I was significantly affected by the fact that she was treated differently when she spoke. I did not know why as a child, however, I do know now. My grandfather was born in Spain, he had a very heavy accent. He fought in World War II, he spent his life working very hard for the Long Island Railroad and he was treated differently. So whenever I went out with my grandparents and even my mother, there was different treatment. So I do have an understanding personally of what the devastating impact is on a family member who is affected by a community that treats them differently because of their ethnicity.

Bias in any form has an impact on a hate crime victim, their families and all of our communities. We have come a long way, but we still do have a long way to go. And our diversity I truly feel is our strength and the creation of this task force demonstrates that Suffolk County is taking a lead in not only recognizing that there is a problem, but bringing about some type of change. My life has been committed to ensuring that no victim is ever left behind and I will give you 100% of my effort on this task force. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you, Laura. Just a procedural process and I wanted to let you know the reason I'm doing the resolution and then asking you to speak rather than in the reverse is I believe that you've earned the right, your reputation is why you're here, and so rather than have you try to have to sell yourself to us, I don't want you to feel that way. You've been selected because of all the work you five people have done, so I'd rather give you the opportunity to just express your goals after we do the professional. Thank you.

***IR 1292-09 - Appoint a member to the Hate Crimes Task Force (Reverend Roderick Pearson) (Presiding Officer Lindsay).***

**LEG. GREGORY:**

I make a motion.

**CHAIRMAN EDDINGTON:**

Motion by Legislator Gregory.

**LEG. BROWNING:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Browning. All those in favor? Opposed? Abstentions? ***Approved (VOTE: 5/0/0/0).*** Thank you. Reverend?

**REVEREND PEARSON:**

Good morning, Legislative body. Good morning to Legislator Gregory, Eddington and to all of you. I'm honored for this privilege that you have given us to serve in this capacity toward the reduction and hopefully one day we can say the removal of hate crimes in our County.

I'm grateful that this County and this Legislative body sees the need to address this very visible problem in our community and that you've taken these active steps toward making our County, and hopefully what's seen here today and what's seen in the work of this body will catch on throughout our State and throughout our country. And so my goal, as always has been my goal as President of the Islip Town NAACP, is the eradication of racism and the reduction and the removal of injustice. And so this is a great opportunity for us to achieve that goal.

We've worked with this Legislative body in different capacities, as the Chair of the African-American Advisory Board to the County and as a Pastor, and I've done a lot of work with Renee Ortiz in working with relationships in our community, so this is just a great opportunity for us. And I see this as a very viable and a very positive and a very aggressive move towards making Suffolk County -- I don't like the word tolerant, but making us a County of harmony and a County of diversity and a County of unity.

And so thank you again for this privilege and I look forward to serving wholeheartedly giving 125 to 130% of my time and effort to this movement. So thanks again.

**CHAIRMAN EDDINGTON:**

Thank you, sir.

***IR 1293-09 - Appoint a member to the Hate Crimes Task Force (Mohsen Elsayed) (Presiding Officer Lindsay).***

**LEG. GREGORY:**

Motion.

**CHAIRMAN EDDINGTON:**

Motion by Legislator Gregory.

**LEG. BROWNING:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Browning. All those in favor? Opposed? Abstentions? ***Approved (VOTE: 5/0/0/0)***. Sir, congratulations.

**LEG. LOSQUADRO:**

You have to get closer to the mike.

**MR. ELSAYED:**

That's good? Can you hear me now?

**CHAIRMAN EDDINGTON:**

Yes.

**MR. ELSAYED:**

Okay, good.

**LEG. GREGORY:**

Like Verizon.

**MR. ELSAYED:**

I want to thank all of you. I'm not the best speaker, after the Reverend and Laura, she is a great person and it's my honor to be sitting next to all these people.

My name is Mohsen Elsayed, I'm from Islip. I'm the Vice-Chairman for the Muslim Advisory Board in Suffolk County and I was the first Muslim to run for office, public office in New York State. And I got people who come when I was running for office who said, "Oh, go back to your country," that's swastika, too many negative things to me, but it didn't stop me, because America is the land of opportunity. And I see Legislator Browning, she is a great example for that and she is a big advocate for our immigrant people.

I am so honored to say I'm immigrant, but first of all I'm an American. And I would like to join all of these group here and work side-to-side with DuWayne, with Mr. Jack and looking forward to work with all of you. And thank you for just choosing me to be part of this group and I will do my best and I'm so honored to be part of this group. Thank you again and I'm looking forward to working with all of you. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you.

***IR 1294-09 - Appoint a member to the Hate Crimes Task Force (David Scott Kilmnick) (Presiding Officer Lindsay).***

**LEG. GREGORY:**

I make a motion, Mr. Chair. And just a quick --

**CHAIRMAN EDDINGTON:**

Okay. Well, make a motion and I'll second that.

**LEG. GREGORY:**

Dr. Kilmnick, he couldn't be here this morning, he had to take his mother to surgery in Nassau, so he apologizes. But I think we're all familiar with Dr. Kilmnick's work with LGLY and the lesbian/gay/transgender community, well documented, he's been here before to talk about various issues related

to his community. I think he'll be a great, you know, addition to the task force and hope that we can get the support of the committee.

**CHAIRMAN EDDINGTON:**

Okay. I have a motion and a second. All those in favor? Opposed? Abstentions? Okay. Excellent. *Approved (VOTE: 5/0/0/0).*

***IR 1295-09 - Appoint a member to the Hate Crimes Task Force  
(Reynolds E. Hawkins, Jr.)***

**LEG. GREGORY:**

Motion.

**CHAIRMAN EDDINGTON:**

Motion by Legislator Gregory, second by Legislator Browning. All those in favor? Opposed? Abstentions? *Approved (VOTE: 5-0-0-0).* Congratulations.

**MR. HAWKINS:**

First I would like to thank the entire Legislative body to recognize me and the work that I've done. For my background, I have been a social worker in the school districts for 15 years, and also with a law enforcement background in civilian and military. And also growing up in Central Islip and Amityville, I have been, I guess, part of what you would call a person who has been stigmatized, stereo-typed, victimized as a child of hate crimes or just a person of color, so I know what it feels like, whether it's on Long Island or in Charlotte, North Carolina or in Tallahassee Florida where I have been victimized. So my hope is to be able to enhance the area, the community, the County and any person that I run across to understand, for them to understand how important it is to look at everybody on an individual basis and not because of where they came from and how they speak. Thank you.

**CHAIRMAN EDDINGTON:**

Okay. Thank you very much for coming this morning and congratulations.

**LEG. BARRAGA:**

Mr. Chairman?

**CHAIRMAN EDDINGTON:**

Yes, Legislator Barraga.

**LEG. BARRAGA:**

Yeah. First of all, I want to congratulate each and every one of you because I know you're very sincere people and you want to do a good job with reference to the task force. But I have to be very frank with you, I have very little positive feeling with reference to this concept of a task force on this subject along with many others, because I think a task force or a commission, my experience has been it's usually a barrier between those who really have the problem and the elected officials. A task force to me is often a diversion, and when you come in with the suggestions and recommendations, often they are not taken to heart. You saw here this morning five or six people are already coming up saying, "Look, you know, we have a problem with the kind of representation or lack of it for certain groups." When you have a standing committee that calls public hearings on this subject, then you don't have that problem; everybody comes forward, then it's up to the committee, its chairperson and its staff to write an appropriate report with suggestions and recommendations to correct this problem.

So I wish you the best, but I think already the seeds have been sown here that there are going to be groups, legitimate groups who are not on this task force that whenever the suggestion or recommendations finally come forth, they're going to have problems because they're going to say it's not all-inclusive. So do your best, but I want you to know that at least from my perspective, I have serious reservations about this approach. We have standing committees around here on this subject, the standing committee should have public hearings and everybody should come up, this

way you avoid a lot of problems and then the standing committee actually issues the report and from there the Legislature will make a determination as to what should be enacted into law, if anything.

**CHAIRMAN EDDINGTON:**

Well, thank you very much.

**LEG. BARRAGA:**

You're welcome.

**CHAIRMAN EDDINGTON:**

Okay, I have a couple of presentations. I'd like the representative from the American Red Cross, is Hope Collazo here? Okay, great.

**MS. COLLAZO:**

Hello, everybody. My name is Hope Collazo, I'm the Director of the Red Cross Community Service Program, Post Sentence Program. I want to thank you for giving me the opportunity to speak to you all today.

I'm going to give you a little background for anybody who's not sure about the Community Service Program I'm talking about. The Community Service Program is a court mandated, nonviolent offender program that's in lieu of jail days. For every jail day an individual receives, it commutes into seven hours of community service. The Community Service program is a nonviolent offender program. We take individuals who have anything under a C Felony, we take individuals who pretty much did something wrong but jail time may not necessarily be the best way for them to pay back for that crime.

The Community Service Program operates here in Hauppauge, however, we serve all of Suffolk County. We get court referrals from everywhere and every court in Suffolk County. We also receive referrals out of Suffolk County, so we end up getting well into the hundreds of individuals who are referred to our program. In the past three years, we're hitting now on high numbers. We are not a pay-for-service program. Individuals who come to our program, my program is funded through the County and the State; we have an operating budget that's just under \$1 million, right now it's falling short and close to 900,000. Previously to that, in the previous years our program operating budget was about 1.2 million. Just like everyone else in the County, we're being hit by the economy, and as we get hit we lose more and more staff. In 2007, I had 21 staff, in 2009 I have 15 and four of them are part-time workers.

The nature of the Community Service Program is to help individuals stay in their jobs, stay in their communities and be able to pay back that community. One of the ways we do that is by allowing some individuals to work directly for us and work directly for you in that they do those jobs around Suffolk County that most people can't do or can't afford to do. We have project teams that go out and do beautification throughout all of Suffolk County. We have project teams that go out and do graffiti removal throughout Suffolk County; that's the only job my crew actually does that will be done for anybody, private or a not-for-profit.

The Community Service Program functions best because we don't have to deal with all the things that County officials have to deal with, State officials have to deal with with regards to getting the clearance to go in and help out. As it stands right now, we're dealing with a lot of loss in the economy and that's hitting us because normally our budget is submitted with grants from the DPCA and those grants are the ones that take us over that \$1 million mark, and as of 2009 we no longer have any of those grants. Normally, when you go to your public pools and parks, you will see plantings done there that have been done mostly by my program free of charge, including all the planting. And right now we're looking at telling individuals, "We can't afford to do it anymore," and they're going to have to start paying for those services by buying those supplies themselves.

The Community Service Program is an essential part of the Law Enforcement Program because we are there to assist the courts and to make sure the courts have another alternative for the individuals they see every day. Thank you.

**P.O. LINDSAY:**

I have a question, Jack.

**CHAIRMAN EDDINGTON:**

Yes, Presiding Officer Lindsay.

**P.O. LINDSAY:**

Hope, your County budget wasn't cut, though, right?

**MS. COLLAZO:**

Our County budget was cut.

**P.O. LINDSAY:**

The 2009 -- your line was cut in 2009?

**MS. COLLAZO:**

Yes. I can't really say anything against --

**P.O. LINDSAY:**

Budget Review, could you help me out with this? Because I don't know where it got cut.

**MS. DONO:**

I don't know that number off the top of my head, but I could get it for you, certainly, and get back to you. It may have been cut.

**P.O. LINDSAY:**

I don't remember Red Cross being cut in last year's budget talks --

**MS. DONO:**

I'd have to look.

**P.O. LINDSAY:**

-- but we'll find out what happened.

**MS. DONO:**

I'll get right back to you.

**MS. COLLAZO:**

Okay.

**CHAIRMAN EDDINGTON:**

Any other questions? Legislator Gregory.

**LEG. GREGORY:**

So you're saying that -- part of what you said was that your loss of grant funding is from the State?

**MS. COLLAZO:**

Yes.

**LEG. GREGORY:**

And that's potentially -- that's affected your staffing levels?

**MS. COLLAZO:**

Yes. As of -- you know the State year runs different from the County.

**LEG. GREGORY:**

Uh-huh.

**MS. COLLAZO:**

As of July, we will be losing two more positions on our State budget.

**LEG. GREGORY:**

And what's the impact of -- I've worked with some of your crews, even when I was with the Town of Babylon doing a lot of beautification projects, so each person has a crew that they go out with of what, I guess up to maybe ten people or --

**MS. COLLAZO:**

We try to make sure we can fully staff the crews because you can't send one person out with five people. We try to make sure that there's an equal number of individuals of crew personnel and staffing. And any time we have to cut somewhere -- I always try to make do with what I have, period, and if there's a way to figure it out I do. Right now I'm just cutting people from different positions, therefore I always have something that overlaps where I can move somebody. I'm not like most County jobs where you can't just take one person from here and put them there. My program, I can try to maneuver people around, but there's just so much maneuvering you can do. Right now I have case workers who are working over a hundred cases at a shot. We have juvenile crews where the more I lose on juvenile staff the less I can have a juvenile crew go out.

**LEG. GREGORY:**

Yeah, because the work that you do has a direct impact on us. You know, if there's no alternative, the only option there is to place them in jails and we don't want people to be in jails, you know, that shouldn't be in jail that can be served -- that can serve the community in a different way. So we need to address whatever issues that you may have as far as budgeting.

**CHAIRMAN EDDINGTON:**

Yeah, I was wondering if you could -- have you ever made an estimate of your daily costs for personnel? I mean, in other words, we know that incarceration is 205 to \$240 per day per inmate. Have you ever -- because what I find around here is unless we can show a cost benefit analysis, programs disappear.

**P.O. LINDSAY:**

That's what this sheet is.

**CHAIRMAN EDDINGTON:**

I beg your pardon?

**P.O. LINDSAY:**

The sheet.

**CHAIRMAN EDDINGTON:**

I'm sorry, I've been working, I haven't gotten a chance to do the reading. I'm sorry. Is that what this is telling us?

**MS. COLLAZO:**

This sheet basically breaks down the numbers that we receive and how they commute into different aspects of labor costs, jail costs and dollars saved to the County. The breakdown for staffing is not necessarily part of the aspect. The thing to remember is that the Community Service Program is not a County staff program, so we don't pay the same way the County pays and we don't have the

benefits that the County has. So the County saves money by utilizing a not-for-profit agency because they don't have to worry about the full benefit package that someone would receive as a County staff person.

**CHAIRMAN EDDINGTON:**

Gotcha. Thank you. Legislator Losquadro?

**LEG. LOSQUADRO:**

I was just going to point out, to follow-up on what Legislator Gregory said, not only do we have the alternative to incarceration aspect of this, but I know in my district we've done a tremendous amount of graffiti removal and beautification. And these are all things, as you pointed out and this clearly illustrates, things that -- especially in these times with money being tight, as you pointed out, probably would not get done, or if they were done through other means would cost a great deal of money. So it's a very valuable service for a multitude of reasons. I know I was on that Budget Working Group with the Presiding Officer and I know this is something we wanted to make sure that we preserved because we know its value. So thank you.

**MS. COLLAZO:**

I really do have to thank you as well as Legislator Lindsay. You worked very hard to help us get funding for the Graffiti Program last year and we always will try to get stuff done when we get a call from the Legislator or when we get calls from COPE or any organization that calls -- that needs assistance that they can't necessarily pay for. And the money we received from the Graffiti Program really helped us to get out there and do more graffiti jobs. This year, however, we're back to saying we have to put you on a waiting list and as we get to that point, we'll do it when we get a chance.

**CHAIRMAN EDDINGTON:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. Even though I'm not a member of the committee, I -- as you're speaking, it occurs to me I need your telephone number. And then the other thing that I need to ask you about is when we do the cost benefit analysis or comparisons that the Chair referred to, we all know that it costs less to keep somebody in the Criminal Justice System doing their time through you. But I see you break down between adult and juvenile, and I would suggest -- we have no in-County, secured juvenile detention center. If the courts are remanding, I believe we have to go ahead and ship out-of-County and that cost will be at least 300, if not more, I think when we have to send juveniles to secure facilities in I believe it's the Bronx or, you know, several other areas. So even as we look at this cost matrix, we probably should add that piece to it as well. Thank you.

**CHAIRMAN EDDINGTON:**

Okay, thank you very much for your presentation. Yes, Diane.

**MS. COLLAZO:**

Thank you.

**MS. DONO:**

The data for the budget for the Red Cross contract was about \$20,000 less for 2009 as compared to the 2008 adopted level.

**CHAIRMAN EDDINGTON:**

Okay, thank you very much.

Okay. I'd like to have Chief Moore, if he could come to -- Legislator Losquadro has some questions about the potential budget savings for Suffolk County Police Fund.

**CHIEF MOORE:**

Good morning. Whoops.

**LEG. LOSQUADRO:**

You have to keep holding it. It's tough for us, you know, for the Italian guys, it's really like I'm half mute now, I can only speak with one hand.

*(\*Laughter From Audience\*)*

**CHIEF MOORE:**

Good morning. I am Robert Anthony Moore, Chief of Department, Suffolk County Police Department.

**LEG. LOSQUADRO:**

Thank you, Chief, for coming down. We had a bill come before us at our last meeting which this Legislature did not move forward. Part of the concern that I had with just striking a dollar amount from a budget line is we've seen through every other department across this County, including other law enforcement divisions within Suffolk County, an actual budget mitigation plan. This is what we're going to do, a direct correlation; if we don't do this, if not X then Y, and that would mean this number of layoffs or these services not provided.

I know the Police Department, you know, you guys have been working very hard, I know you've been having meetings. What are -- what is the actual budget mitigation plan within the Suffolk County Police Department? Because to me, it's just saying, "Well, we won't pay overtime." Well, that doesn't work because it's uncertain, we don't know if we're going to have a natural disaster, we don't know if we're going to have a man-made catastrophe. These are all uncertainties. Isn't there an actual budget mitigation plan? Are there units that you're saying, "If we don't have the funds, we're going to have to dissolve this unit or we're going to have to combine these units." What is the Police Department looking to do to save money? Or in the -- in the absence of a certain amount of money not being available, what will the department have to do?

**CHIEF MOORE:**

At this time there is no written plan to consolidate or reduce or eliminate units within the Suffolk County Police Department. There are a number of things that we, in the short-term, have begun to plan for. In some instances, we're depending very heavily on the cooperation of other agencies and other levels of government. A good example would be the Town of Babylon, as you know, every year has a Wyandanch Day Celebration; for the Police Department, it's a massive undertaking. This year it was scheduled for June 13th, a Saturday; that was the same day as the Sergeant's exam.

Now, in the past the Police Department, understanding that when a town has an event it's usually planned months and months ahead of time, and they have vendors and all these other, you know, permits and other things that don't make it that easy for them to switch their plans. Well, in this instance, you know, because overtime has been curtailed, we asked Town Supervisor Steve Ballone if he would consider moving the date of Wyandanch day and to our utter delight he did. Now, that would represent a significant savings for the Suffolk County Police Department. In other instances, special events, the scheduled sorts of events like The Fall Festival in Huntington, the Rocky Point St. Patrick's Day Parade, you know, those kinds of things, Central American Day in Islip; these are massive undertaking which cost the Suffolk County Police Department tens of thousands and in some instances hundreds of thousands of dollars in overtime. Through the cooperation of the hosting towns or agencies, asking if they could at all possible schedule these things not on the same day but over time, if by asking them if they would consider holding these events on days other than Sunday and Monday which, as you know, are the two days that COPE is not available, we have more resources in order to address their needs without costing the Suffolk County Police Department and the taxpayer prohibitive amounts of money. So that's one example of what we're doing in the short-term.

Another thing that we're doing and we've already begun doing is, as you know, once Police Commissioner Richard Dormer came into office, he immediately embarked on a program of redeployment of non-patrol personnel to patrol for varying amounts of time; well, certainly this year we're going to be expanding that program and asking those non-patrol officers to spend a little more time in the field than they have in the past. So those are some of the things in the short-term.

As far as a specific plan, in the case of the Police Department, as you know, it's not the scheduled events that cause us to lose sleep at night, it's the unscheduled events, and there's really no way to plan for those kinds of events. We are aggressively pursuing stimulus money, as you know. So it's difficult to say what's going to happen when we can't forecast what our needs are going to be, especially when it comes to unscheduled events.

**LEG. LOSQUADRO:**

I understand that and I appreciate the, you know, working with other municipalities and trying to find efficiencies there. But when you say you have no written plan; one, I sort of find that a little bit surprising given what we've been through and given how much attention that the County Executive has put on the fiscal situation that we're in. I know he has demanded all departments to come up with contingency plans as to how they're going to deal with this. And being that the Police Department is a very sizeable expense for Suffolk County, we all know that, to say that, you know, we're just sort of relying on the good will of others at this point doesn't seem like much of a plan at all. It seems like, you know, we're really just sort of holding on a wing and a prayer here.

You talked a little bit about redeployment for a moment there; are we talking about COPE, Crime Section, Gang Unit, those type of units?

**CHIEF MOORE:**

Yes, sir. Also, those officers, those few remaining officers in commands others than those. For example, the Support Services Division and specifically the officers assigned to the Police Academy.

**LEG. LOSQUADRO:**

I don't want to throw a wrench into the gears here, but one of my concerns is I read the application for the grant money that we put in. And very specifically in that grant application, it asked and was a requirement for community-oriented policing measures. And I'm concerned that the more we draw back on that and we wind up taking these units and redeploying them, you know -- number one, are we going to jeopardize that money? Number two, what are we doing to the services that those units were providing? To my knowledge, a lot of these individuals, especially in Gang and Crime Section, they schedule appointments with people to conduct interviews. You know, what are we doing -- because I imagine this has to be done on a fairly fluid basis, so, you know, if someone's out sick or whatever reason, there have to be instances where these interviews are not being handled or having to be rescheduled. How is that -- I'm concerned about the service that we're providing within those units, and that goes back to, you know, we just spent this time here today, you know, with the Hate Crime Task Force, you know, that we have units that are supposed to be responding to these crimes. The front line, before it even gets to any private citizens having discussions about this stuff and how they're going to make recommendations to the elected officials, that we can better address this.

Law enforcement is obviously the front line. And if we have situations where we're not handling things in a timely fashion or we're having to, you know, tell people that are victims of crimes that we have to postpone an interview; that's of great concern to me. That's why I want to know specifically what the department's budget mitigation plan is, and if that's part of the budget mitigation plan, how are we planning to address that? How are we planning to address those concerns with those fundamental law enforcement services to the public?

**CHIEF MOORE:**

I don't really have a specific answer for you right now. I can say this; back in the early 90's, Traci Pollack -- who is in the room right now, she's one of our grant writers -- and I were the two

individuals who wrote the initial grant that led to the hiring of hundreds of Police Officers under the COPS Universal and later COPS -- whatever they called it after -- no, COPS More was actually a technology grant, but it was COPS Universal, so we are very familiar with that process. And I can tell you that this time around with the stimulus bill there were far fewer strings attached, so we're much more comfortable with it now than we were in the past.

However, too, back in the early 90's when the notion of moving from a more static 911 response-type patrol methodology to a community oriented proactive approach, there were many Police Departments in the country who believed that every officer was a COPE officer; for example, Newport News. So they never made a distinction between a Patrol Police Officer and a COPE officer, they felt that all their officers are COPE Officers. The Suffolk County Police Commissioner is moving towards that theory as well.

Now, having said that, we see great utility in our COPE officers. And our COPE officers are going to be there and available, there are just going to be times -- and it's not going to be a hundred percent of their time. There are going to be times when they're in a patrol car answering 911 calls just like everyone else, and then there are going to be times when they're free to pursue the more community oriented policing type strategies that you're talking about. So it's not an all or nothing thing, sir. Will there be less availability? Yes, yes. But periodically that's what -- I remember when we had the unfortunate airplane crash, the TWA plane that crashed on the south shore, and in order to maintain patrol services, we used all of the COPE officers in Suffolk County to manage that site, and that degree of flexibility is still available to us.

**LEG. LOSQUADRO:**

Well, I'll touch on that, then we'll go back to part of the other question that I asked that I didn't get an answer to yet. But I mean, yes, to a degree, all Police Officers, just by virtue of their job in patrolling a sector, get to know the people there, who are the trouble makers, who are the people you can rely on for information, all of that, I mean, that's part of the job. But as we know from the increase in population density, the increase in the number of incidents, the size of sectors that officers are patrolling, they are tasked almost entirely with responding to calls for service. So that's where the COPE Units come in, that they can do those specific patrol checks and problem areas. You know, I know it's been of tremendous service to my Legislative District being able to respond to specific complaints of speeding in certain areas or, you know, kids causing problems at night, whatever the situation may be, that when officers are constantly, you know, responding to calls forever service they just don't have the time for that anymore. So I understand the philosophy of all officers having an element of community-oriented policing, absolutely, that's their job. But just the nature of the job now here in Suffolk County I think requires us to have units separate and apart from that, that can do those functions specifically.

Now, back to the other part of my question which was about the redeployment, especially for Crime Section and Gang Unit, we've talked a little bit about COPE. But handling those incidences and those interviews, how does the department plan to -- how are they dealing with that, is that taking place right now, how do they plan to deal with that? Because again, you know, we sat here and talked about this hate crime stuff and this anti-bias stuff and people get their houses broken into and we spent a lot of time over the past couple of years talking about scrap metal which, you know, the value is down; it's always something, there's always some hot issue going on, who knows what it is at the moment, who knows what it will be next week and next month. But the point is there's always somebody out there who is going through a very difficult, trying period in their life and when they call the Police Department and someone says, "We're going to come speak to you about this," take your information and start investigating this, I don't want that person to then have to get a phone call and say, "Well, we're not going to be able to make it," or not get a phone call and just have someone not show up. How is that being addressed.

**CHIEF MOORE:**

Well, I don't have it. Again, I can't answer that question other than to say that suggests on Sunday

and Monday of every day all year round try not to get in trouble because COPE's not available.

The fact of the matter is during the course of my career, and specifically during the course of the past six years that I've been Chief of Department, there have been ebbs and flows, not only in crime patterns but in the economy, and the Police Department is constantly trying to evolve in order to meet those needs.

When I first became a Police Officer there were commands that no longer exist. In the past few years the Commissioner has eliminated commands or had commands absorbed into other commands, and on the other hand he's either increased the size of some commands or created commands depending on needs. So we're in a constant state of flux as far as that's concerned, and I think that's one of the things that the Police Commissioner is most proud of is the flexibility that the Police Department has.

**LEG. LOSQUADRO:**

Please don't move to the 6th Legislative District and run against me, because you can talk circles around most politicians, I'll tell you that.

*(\*Laughter From Panel & Audience\*)*

You didn't answer that question and obviously you can't, and I guess since I've asked it several times now and gotten the same answer, I guess I'm not going to get one.

It seems to me that there is no written plan, as you've said. This is of great concern to me, I hope it's of concern to my colleagues because I don't see that we really have a real plan in place to respond to the public when we -- I understand, it's a fluid process, but when we make these changes we have to understand, there are going to be ramifications. I don't see that we have a real plan in place to deal with the impacts to the public and those who are victims of crimes. I don't see that we have a real plan that's being put forward to the elected officials or to the public here as every other department in this County has, including other law enforcement divisions, to say if not X then Y. I'm not seeing that in the Police Department, so we don't know what's going on, and therefore and it's very difficult for us to make decisions in a vacuum. And until such time as I see more information forthcoming, I'm not really inclined to give that level of flexibility as I did not vote for that bill that came before us which was just a blanket striking an amount and I'm not going to be inclined to do so in the future. We need to know and I think it puts the department in a better position to say -- to be upfront and say, "Without this amount of money, this is what we're going to have to do." Be straight forward with that. And I think it puts the department in a much better position, especially with the elected officials, as to how we are going to have to deal with that situation. You know, to just say we don't have a plan at this point is not sufficient for myself as an elected official and I hope not for my colleagues. So thank you for coming down, Chief Moore.

**CHAIRMAN EDDINGTON:**

Chief, I think we've dealt with the lack of a plan, and I want to talk about, a little bit about my personal fears as a the Chair of Public Safety. But before I do that, I want to start off because I think sometimes people only hear the last part of what I say so I'm I want to make sure that I'm clear. I want to compliment the County Executive on his managing of personnel in tough times, his allocating of tax revenue and dealing with the shortfalls and the ability that he's had working with the Commissioner to create commands and task forces to meet special needs. I mean, I think it's been a great job the four years that I've been here and meeting the needs of the community with limited resources and limited funds. I hope everybody can hear that.

**LEG. GREGORY:**

Are you feeling okay?

**CHAIRMAN EDDINGTON:**

I just want to make sure everybody can hear that, that I think --

**MR. ZWIRN:**

Can you say that again?

**CHAIRMAN EDDINGTON:**

You got that, Ben? I want to make sure you're hearing that.

**MR. ZWIRN:**

Could you say that one more time?

**CHAIRMAN EDDINGTON:**

But here's my concern. My concern is that we're doing a great job with limited funds. And everybody I talk to, whether it's Patrol Officers or Lieutenants or anybody else that can feel they speak freely, say that we're maxed out now. I mean, we're giving maximum output from our group and we're trying to get 80 more Patrol Officers and we know that retirements have been 75 and now maybe there will only be 50 for the next two or three years. But we're going to be going down in size, but I don't see any crime going down, really. I mean, we've done a great job, you guys have done a great job maintaining, but we know in this economic crisis there are going to be needs to be filled with those task forces that the County Executive and the Commissioner have been booed in meetings, but we can't -- I don't see how we can go down five and a half million dollars unless you can show us a plan on how that's going to do it. Because I -- maybe I'm just not as smart as the rest of you, but I've got to see it to understand how we can do it. Because I really take this job serious and I have to know how we're going to do so much more with so much less. Because I don't -- I think you guys have been doing a brilliant job with what you've got, but I am concerned when I hear that it's going to go down. And I think I would be remiss and I think the committee would be remiss if we don't ask for more information. I trust what you guys say and do, but I need to at least have a plan so I can tell my constituents that, "Oh, yes. It may look like services are going to be reduced, but it's not really because this, this and this and this, and this will go here."

So I hope -- I don't want it to appear like an attack. I'm asking for more information and I think that's what Legislator Losquadro has been saying for a half hour. We just need more information. Okay? I think that's been my ability, to just get -- you know, you guys have been talking great and flowery and stuff, but all we need is to know where it's going to go and how you're going to do it. You've been doing a great job, we want you to keep doing it, but we want to make sure you have the ability to do it.

**LEG. LOSQUADRO:**

Mr. Chairman, I would just like to say the flowery speech and charm really haven't had much to do with where I've gotten.

**CHAIRMAN EDDINGTON:**

Legislator Kennedy and then Legislator Barraga.

**LEG. KENNEDY:**

Legislator Barraga is a member of the committee, I will defer to him first. I'm just a visitor.

**CHAIRMAN MONTANO:**

Legislator Barraga.

**LEG. BARRAGA:**

I would like to compliment no one.

*(\*Laughter From Audience\*)*

**CHAIRMAN EDDINGTON:**

What a surprise.

**LEG. BARRAGA:**

Chief, while you're sitting there let me ask you a question. Because I have some concerns about a resolution coming up, 1312, because it calls for an appropriation of \$180,000 for furniture and equipment at the 4th Precinct. And in all fairness, when I take a look at this and when I take a look at the overall spectrum in terms of what's happening in this County where people are lagging their payrolls, where people are sacrifice on member items and news letters and we're not filling positions, and then I see serial bonds being issued to the tune of \$180,000 for furniture and equipment, you know, I have to ask myself what's wrong with this picture? And the question becomes I understand the 4th Precinct isn't finished yet, it would be nice to have new furniture, but from an economic perspective, can't you reach out and get furniture someplace else from other agencies and departments?

I seem to recall, and I could be wrong on this, the Presiding Officer at one time talking about some sort of building somewhere that had a lot of unused equipment and furniture that the County is no longer availing itself. But, you know, I'll give you an example, you come to my office, my desk is my desk, my Aide's desk is my desk. I've got furniture in there 25, 30 years of age and, you know, I'm not sure any of it is County-owned at this point. But, you know, the furniture doesn't affect performance. And in these kind of economic times, you know, I'd like you to really give some serious thought to maybe, you know, doing something other than us having to issue these serial bonds. Because, I mean, how do I make the determination when I look at somebody who has had to lose two weeks of their payroll by way of a lag? What would you like me to say, "Let's go to the 4th Precinct and take a look at their new furniture we just spent \$180,000 on capital"?

**CHIEF MOORE:**

We'll be by this afternoon, sir.

**LEG. BARRAGA:**

I'm sorry?

**CHIEF MOORE:**

Did you say you had some extra furniture?

**LEG. BARRAGA:**

No. I've got a 30-year old conference table you can have, which was put together by {CorpKraft}, the prisoners of the State of New York from {Morgenthal} who didn't want it; even the State didn't want that back, but it's in good shape. But the point is I'm sure, there's got to be some -- you know, if it were good times, economic good times, fine. But right now, you know, I think that sends the wrong message. Do you have any comment on that or do you --

**CHIEF MOORE:**

Yes, sir; it's not our bill.

**LEG. BARRAGA:**

Well, I don't -- I mean, I know it's not your bill, but do you have a point of view with reference to the bill?

**CHIEF MOORE:**

Yes; I'd like to thank Legislator Nowick and Kennedy for putting the bill forward.

**LEG. BARRAGA:**

So you support the bill. You don't have any problems with the 180,000 being spent on the furniture?

**CHIEF MOORE:**

You might consider taking a trip to the 4th Precinct.

**LEG. BARRAGA:**

No, either -- you don't have a problem with it, right; yes or no?

**CHIEF MOORE:**

No, I don't have a problem with it.

**LEG. BARRAGA:**

Thank you.

**CHAIRMAN EDDINGTON:**

Legislator Gregory.

**LEG. GREGORY:**

Thank you, Bob, for coming here today. And I will compliment you because I know you and I think we have a personal as well as a professional relationship and I think you do your job very well and you're respected. I just have concerns just like Legislator Losquadro does. I'm concerned that, you know, by just the general nature of striking out appropriations for overtime from sales tax when there's no real tangible plan in place. And some of the things that you had mentioned today have given me even more concern where you're looking to redeploy the Gang Task Force and COPE units which --

**LEG. LOSQUADRO:**

Crime Section.

**LEG. GREGORY:**

Crime section?

**CHIEF MOORE:**

Well, we have been doing that, but that wouldn't be new.

**LEG. LOSQUADRO:**

It's been in place.

**LEG. GREGORY:**

Oh, really? So where are your plans to -- when you talk about redeploying it, I'm thinking you're taking it out of my community. I mean, just last Saturday there was a presentation, a gang awareness workshop where probably about a hundred people came into my district and their representatives, Detective Sergeant Reicks was there and Inspector {Cassane} and others, you know, they gave a presentation about gangs and gang awareness. I have probably over 10 or 13 gangs in my district and I'm concerned when you hear about redeployments of personnel when I need more personnel to address an ever-growing situation in my community, so that gives me grave reason for pause.

**CHIEF MOORE:**

Well, the officers won't be deployed out of their precinct, the Gang Officers and the Crime Section Officers, the COPE Officers, and that's actually a plus. You know, our officers certainly have the training and the intelligence to work anywhere in any environment, we've always been very proud of their ability to shift gears on the spur of the moment. But we've always found it more efficient when officers remain in areas they're familiar with.

**LEG. LOSQUADRO:**

Will you suffer a brief interruption? It's still a reduction in service, no matter how you look at. It's fewer bodies, if you have someone who's going to backfill patrol, I think that's what the Chief is

alluding to, yes, you'll keep them within the same precinct, within the same area, they know the communities, that's good. But if they're doing the patrol function which we discussed earlier, responding to the calls for service, they're not there to perform those other functions, be it Gang, Crime Section, whatever it may be, they're backfilling another function. So they may still be in the same area, but it's still a reduction in service because it's fewer bodies.

**LEG. GREGORY:**

Right, I understand that. And I apologize that I was called out, so I missed part of your presentation in the beginning. But, you know, I've been an advocate since I've been here that we need more Police, particularly in my district where crime has increased. And if there's going to be a reduction in services, I cannot honestly look at my constituents and say, "Well, I'm fighting for you," and I'm helping reduce and make them less safe when crime is increasing and I'm supporting measures that are taking away Police to secure and protect the community as best that they can. I understand there's budget concerns, but I would ask for 80 more officers just in my district alone if that would help.

So I really have a problem with this. If you were to eliminate a division, which I don't support, to me that's something tangible.

But say we're going to strike five and a half million dollars in overtime when you admittedly said yourself that, "Well, you know, we can have a plan in place, but circumstances being what they are, you know, that's going to be big at the end of the day." So I would like to see a more tangible plan in place and say, "Okay, this is where we're getting the five and a half million dollars." We're not putting some plan in place, crossing our fingers and hoping that everything works out. You know, put something in place that will happen and then those -- and we can realize those savings.

So I don't know what that is. You know, I hope that we can dialogue on that and I think that will make some of the members more comfortable with this.

**CHAIRMAN EDDINGTON:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. And while not a member, I appreciate the opportunity to comment and I'll comment on just a couple of things.

First as to the resolution regarding furniture that my colleague just spoke about, I'm going to respectfully request, Mr. Chair, that this committee go ahead and table that resolution. We were originally approached about having that funding in place with the anticipation of having occupancy with the 4th Precinct I think prior to the end of the year. Since having not had an opportunity to speak with DPW, it appears while we have an aggressive and very good construction schedule, occupancy probably at is point is not going to occur until perhaps February, I believe, of 2010. So, therefore, we certainly can go ahead and suffer a tabling for at least one cycle and Legislator Nowick and I will get some more specific information.

Then if I can, Chief. My colleagues here have spoken, I guess, very comprehensively as usual when it comes to concerns about policing. Let me see if I can share with you pragmatically from my perspective what I know, I guess, about the 4th Precinct and then what I've heard department-wide. You gave an excellent analogy about the Sergeant's exam and Wyandanch Day, but it's my understanding that there have been no Sergeants made off the list exam at all, and that, in fact, we have about 38 Sergeant vacancies right now, and I know in the 4th Precinct we have four Sergeants vacancies. So I know in order to go ahead and do staffing on the overnights, when I call at eight, nine, ten o'clock in the evening, I'm usually talking to a Staff Sergeant, and that I think is kind of your line supervisory person in the house for that particular shift off day. So you must be operating off of overtime and overtime extensively right now in order to keep that supervisory person in place. Logically, I don't understand how you could go ahead and dump the OT financing since you're operating off of that kind of OT.

The other example I'll give you is Officer Jeff {Savasta}, the Neighborhood Watch officer here from the 4th Precinct; an outstanding individual. As a matter of fact, he is a testament to the department and to yourself and to the Commissioner and he is an excellent resource for me in the community. I have him out regularly for neighborhood watches and I can tell you, in my short -- well, my four or five years, the neighborhood watches in the 4th Precinct have grown expedientially, but he's only one man. He's only one man.

**CHIEF MOORE:**

Yes.

**LEG. KENNEDY:**

And as a matter of fact, he tells me about not only his neighborhood watch duties, but his ticket-writing duties, his special other assignment duties. Chief, that's the only tool I have when I go into a community like Nesconset that's deeply concerned about armed robberies in pharmacies, about drug apprehensions and teenagers with needles in their arms. What am I supposed to tell them?

The first thing I'd ask you is take that application that you just sent in for 80 officers, amend it right now, ask for another 40 officers, see the 120, see the 130. We need more officers. And that's saying that we are going to, by, you know, a wing and a prayer, suffer another eight to 10 to 12 months before those cadets come back out of an academy. I can't see how you can logically function with less OT based on my simple experiences with the 4th. I'll ask you, do you have any response to that?

**CHIEF MOORE:**

Well, not at this time, no.

**LEG. KENNEDY:**

Okay. Well, then I'll just ask that you respectfully take all of those items under consideration, please.

**CHAIRMAN EDDINGTON:**

Are there any other questions for the Chief? No. Then thank you very much. I hope you enjoyed your morning. Yes, sure, Mr. Zwirn.

**MR. ZWIRN:**

Thank you, Mr. Chairman. I just would like to say, and I say this with all due respect, I think the questions that were asked were all legitimate and fair questions because people want to know what services that they can expect. But I just want to remind everybody, because sometimes I think we lose site of the fact that we are in an economic dilemma that perhaps is unprecedented in the country and in the County. And we are trying and the County --

**LEG. LOSQUADRO:**

Mr. Chairman?

**MR. ZWIRN:**

If I just might finish.

**CHAIRMAN EDDINGTON:**

Let Mr. Zwirn finish. Go ahead.

**MR. ZWIRN:**

The Police Department gets about \$69 million from the General Fund through sales tax exchange. We don't -- we're not seeing sales tax revenue come in. You know, the projections from BRO are \$117 million in shortfall in revenue. And I know that there was a bipartisan group that's been meeting with the County Executive trying to come up with plans to try to reduce expenses across

the entire County, and it was agreed that it would be every department across the board that would reduce and come across with a lag payroll or something to the effect that would give us the kind of savings. We have already reached in to the Tax Stabilization Fund to try to get through this year. AME has agreed to a lag payroll, the Correction Officers have worked out a settlement, and the Police Department is part of the County and we're asking for their support and help in getting through this.

The County Executive is trying to manage resources as best he can. And let me say to Legislator Barraga, we're not in support of that bill, of the \$180,000 for furniture. Aside from being premature, we respectfully agree with what a lot of what you had to say today about trying to spend money and send a message to the public. We're looking for ways to try to save money. Would the Legislature support the fact that the County reduces Police presence at special events, or not show up at all? I mean, this is a complicated thing? We're trying to keep the services that the people expect --

**CHAIRMAN EDDINGTON:**

Right.

**MR. ZWIRN:**

-- public safety being number one, to make sure that when somebody --

**CHAIRMAN EDDINGTON:**

I think you've made your point. But I will tell you that I don't think we need a reality check. We've said that, and I hope you heard my statement; I complimented the County Executive and staff and everybody because of what they've done with so much less. But when you say like, "Well, we're all going to suffer equally," it's -- people are not equal. You could say everybody is equal, they are not. And what we're saying here at the Public Safety Committee is that public safety is our number one priority, and so that's why we're verbalizing our concerns.

We're not taking away anything from any other department and what they've done. We're just saying this is our job here, as a Public Safety Committee, to verbalize our concerns and that's what you're hearing today. It's not beating up on how you do what you do, I'm just trying to say we are concerned about the numbers and we just have to be guaranteed that the safety of our communities are going to continue at the same level and that's what we're saying here.

**MR. ZWIRN:**

Can I just ask one question? And I'm trying the understand.

**CHAIRMAN EDDINGTON:**

Well, you know what? I don't think you get to ask questions at this point. I wanted you to make your statement. I'd like to let Legislator Losquadro ask you a question.

**LEG. LOSQUADRO:**

Thank you. Mr. Zwirn, I'm part of that bipartisan working group and you know, and I just said this other day, we have made very difficult decisions, some of which did involve other aspects of law enforcement. My problem is, and I thought I stated it very clearly to the Chief, I want to see a plan. The Police Department is the only department that has not come forward with a -- or even the Executive Branch has not come forward to us with a plan that says, "If not this, then there's going to be this. This is going to be the impact." To simply just pretend nothing is going to change or pretend we're going to continue to provide the same services to people just isn't realistic. I think, as I said before, it actually puts the department, even the Executive, in a better position to come forward and say, "This is what we're going to have to do." Be realistic.

I mean, I think at this point we all understand, we're all grown-ups here. We know the problem, this is what's going to have to happen; this is what we're doing, this is what we're going to have to do and this is what we are not going to be able to do as a result. I really wish the Commissioner had been here today. You don't look much like him but I guess you're sort of in place of him today;

we have the Chief here, unfortunately I guess the Commissioner couldn't make it. But whether it be from the department or whether it be from the Executive Branch, we want to see a plan. That's what I was asking for, that's what I still want to see; how is the department going to address this shortfall? We know there's a shortfall, and to simply keep pretending everything is going to -- you know, we're going to move this to here and rob from Peter to pay Paul just isn't reality, and we know that, we've known that for a long time.

So we want to see how the department is actually going to function with this and what services are going to have to be impacted by that. And I think that is not only what we want to see, but I think the public would rather see, a reality check. And I think that puts everyone in a much better situation to understand, you know, what sort of concessions are going to have to be made, what sort of negotiations are going to have to take place or what sort of services can be done without, and that's what we want to see, that's what we're asking for. So I have to agree with the Chairman, you know, we don't need that reality check, we know, it's been driven home to us. And we have made the decisions here, ultimately it's our votes that have made these changes take place thus far, and we're going to continue to do that, but we need information to move forward. So I thank you for coming up to speak.

**MR. ZWIRN:**

And I appreciate your comments and I'll bring that back to the County Executive and if we bring back a detailed plan, we would hope we'd have your support for it.

**CHAIRMAN EDDINGTON:**

Thank you very much. At this time, I would like to ask BRO to answer the question that we had talked about, my favorite topic, the Probation Department Firearms training.

The County Executive has said that we'll save a lot of money -- and that's what we're talking about here, saving money -- by having the Police Officers do their training. And so you were going to let us know about that piece.

**MS. DONO:**

Thank you, Legislator Eddington.

**CHAIRMAN EDDINGTON:**

You've got to hold that down.

**MS. DONO:**

Okay. We started our analysis by going to the Department of Probation and we obtained actual data for 2008, relative to the actual number of our overtime hours paid to those eligible, the firearms instructors that were eligible for overtime. And these are actual costs for 2008 which were \$80,312 in gross cost, and after 18% State reimbursement -- which was the old rate, unfortunately, but we're talking about 2008 -- the net cost was \$65,856 for the Probation Department to do their own firearms training at the range.

Then we approached the Police Department and we utilized the same ratios, the number of days at the range, the numbers of instructors that we utilized, the average salaries of the Police personnel who were assigned to the range, and the total came to -- and this is gross and net as there is no reimbursement for Police personnel salaries, it came to \$82,346.

We found that there were additional issues other than cost that we thought were important enough to be brought forward to the committee. There are several functions, and they're very important functions, that have remained with the Probation Department that the Police has not assumed in taking over this function, they are time consuming and they're labor intensive. One of them is the actual coordination and scheduling of the 190 people in the Probation Department who must meet their requalification testing every year by New York State Law; they have to schedule those people, they have to get them to the range. In addition to that, the semi-annual night firing course must -- that's a requirement that is recommended for liability purposes, and so they must schedule 95

people every year for the night firing course. Understand that people can meet their requalification and their night firing requirement on the same day if, you know, they're able to access the course at night.

The other function that Probation still retains is the armory function. And the Police do not do this for the Probation Department with the exception of new hires where each night, while the Probation Trainees are undergoing their training program, the Police store their guns at night. If Probation existing personnel fails their requalification, somebody from the Probation Department has to go out to the shooting range and take a gun because the personnel can't carry that gun until they meet their requalification. So that's additional time that Probation firearms instructors are spending in follow-up if someone fails their requalification.

We also found that the Probation Department used the shooting range 33 days in 2008, whereas the Police Department have scheduled them for 26 range dates this year. They have already had a number of range dates and we have found that unless the department can get a certain number of personnel there at each one of the scheduled range dates, they're going to fall behind and they will not be able to train all their people within the required period of time.

I know that there was a range date last night, I don't know if the department can respond to how many people actually did their requalification last night and how many passed, but my calculations were that they needed to have 24 people there last night in order to keep up with the schedule. There's a cumulative problem of if people -- there's not enough people in Probation to be scheduled on the required -- on the set range date, then each successive scheduled date they're falling behind.

We also found that although it appears on paper that it should be possible to schedule all of the Probation personnel according to the range date set by the Police, we also found that the Probation personnel often have superseding work obligations that prevent them from being able to access the shooting range on a designated day; they may be -- that may include court appearances, they have something that's called "office report day" and a number of other superseding obligations.

Finally, one question we had asked the Police Department which we have not received a response to was the actual components of their range training day as compared to what the Probation Department included. The Probation Department's range day training included some very specific job-oriented elements and their point has been if the Police do not incorporate these elements into their range training date, then their personnel may be missing out.

**CHAIRMAN EDDINGTON:**

Let me stop you. You gave me a lot of information, I just want to throw back some of what I'm hearing. When I hear the differences about -- and by the way, I want to just preface this, that this is not pitting one department against the other, it's to qualify a statement that we're saving money by using certain parts of the public safety group.

I'm hearing that there's a \$16,690 difference between using salaries of the Probation and the Police personnel there, the numbers you gave me. Then I'm hearing that like paper versus reality; I mean, it may sound good on paper, and basically that's -- when you're making a budget, I guess that's what you're looking at. But the reality of it is, as we're hearing from you now, is that this is going to cause a lot of scheduling problems, if not initially somewhere down the road. That we're going to have qualifying issues for Probation Officers, that we're going to still need some Probation Officers to do specific job-oriented training. And then I don't know if you can find this out, the average base salary of 13 -- of Probation Officers, but the average base salary of the officers that are doing the training now, the Police Officers, is one thousand two hundred -- \$102,377, and I would be willing to bet the Probation Officers, 13 of them wouldn't base out to be that, based on the numbers you gave me of 85,000 and 82,000.

So I'm going to ask that maybe the County Executive's Office can reevaluate this in real personnel

issues rather than what looked good on paper. And again, I want to compliment the County Executive for trying to find cost saving ways, but if this really is going to cause qualifying problems and all the issues that you've kind of alluded to, I think we then need to second -- a second look at this to make it reality so that, again, the people in Suffolk County could get what they need and are safe and that our Probation Officers get the training in a timely fashion. We had to put legislation in to do that, now I don't want it to fall down on them.

Okay. Anybody else who wanted to comment?

**LEG. LOSQUADRO:**

Yes, Mr. Chairman.

**CHAIRMAN EDDINGTON:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. And I think that the one component -- I mean, thank you for doing this analysis, by the way. And obviously we see the monetary analysis, but I think the one glaring omission and the information you didn't receive is on the specific training techniques and whether or not -- because I think that would factor into the economic analysis if Probation is still having to do certain components themselves, you know, to make up for certain jobs, specific functions that are not being addressed through the Police Department.

And again, I have to agree with Legislator Eddington completely, this is not anything, you know, trying to pit one branch of law enforcement against another. This is about what is the most effective, most efficient way to go about training these officers, coupled with getting them the specific information that they need. And I think even with factoring that in, we could pretty clearly see that it's certainly more cost effective keeping it in-house, even with some of these questions remaining unanswered, and if you factor that in, that divide could probably widen considerably. So I thank you again for your analysis.

**CHAIRMAN EDDINGTON:**

Yes, please pass that on to the rest of the department.

**MS. DONO:**

(Shook head yes).

**CHAIRMAN EDDINGTON:**

Okay. Mr. Zwirn, if you could just by the next committee meeting just be able to give us some more information on the reevaluation of that, I would really appreciate it.

**MR. ZWIRN:**

Yeah, I'll do that, Mr. Chairman. But could I just ask, there's one sentence in this report that I think if we can get clarified would be helpful, and it's, "The calculations do not include a factor of quantifying the cost of diverting the Probation Officer from caseload duties to performing the duties of training." If somehow that could be quantified, that would be extremely helpful.

**CHAIRMAN EDDINGTON:**

Okay, we'll look into that. Thank you.

**LEG. LOSQUADRO:**

Well, if I could just point out, Mr. Chairman.

**CHAIRMAN EDDINGTON:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

I think the testimony has been that those officers maintain a full caseload, and that's why there was some overtime costs necessary in having them do the firearms training. So that was the testimony that was given to us.

**CHAIRMAN EDDINGTON:**

We will have that -- oh, go ahead, Diane.

**MS. DONO:**

I know there were a number of percentages that were being thrown around at the committee meeting where this task was assigned to us; I believe some people were using 10%, 7%. The actual percentage of time that the firearms training instructors are away from their caseload by performing this function is 3.9%.

**CHAIRMAN EDDINGTON:**

Thank you very much. Okay. I wish all the answers could come that quick, huh?

*(\*Laughter From Audience\*)*

Okay. Then with no other comments or questions, we'll move on to the agenda.

**Tabled Resolutions**

***2207-08 - A Charter Law to prevent double taxation for Police services in certain towns and villages (Romaine).*** I'll make a motion to table.

**LEG. GREGORY:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Gregory. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 5-0-0-0).***

***IR 1028-09 - Establishing new procedures for housing homeless sex offenders (Schneiderman).***

**LEG. BROWNING:**

Motion to table.

**CHAIRMAN EDDINGTON:**

Motion to table by Legislator Browning.

**LEG. GREGORY:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Gregory. All those in favor? Opposed?

**LEG. LOSQUADRO:**

Opposed.

**CHAIRMAN EDDINGTON:**

One opposed. Abstentions? Okay. ***Tabled (VOTE: 4/1/0/0 - Opposed: Legislator Losquadro).***

**Introductory Resolutions**

Intro Resolution 1291-00 -

**MR. NOLAN:**

You did those.

**CHAIRMAN EDDINGTON:**

Oh, I did them.

**LEG. GREGORY:**

1311.

**CHAIRMAN EDDINGTON:**

***IR 1311-09 - A Local Law to implement a Red Lights Camera Program (Presiding Officer Lindsay).***

**MR. NOLAN:**

That has to be tabled.

**LEG. LOSQUADRO:**

Motion.

**CHAIRMAN EDDINGTON:**

Motion to table for a Public Hearing. Second by Legislator Losquadro. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 5-0-0-0).***

***IR 1312-09 - Amending the 2009 Capital Program & Budget and appropriation funds for the purchase of furniture and equipment for the new 4th Precinct (CP 3184) (Nowick).***

**LEG. LOSQUADRO:**

Motion to table.

**LEG. BARRAGA:**

Second.

**CHAIRMAN EDDINGTON:**

Table and a second; motion to table by Legislator Losquadro, second by Legislator Barraga, and this is at the request of the sponsor.

All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 5-0-0-0).***

***IR 1314-09 - A Local Law to authorize a County Registry for Domestic Violence Offenders (Gregory).***

**LEG. GREGORY:**

I'll make a motion to table, it has to go to Public Hearing.

**CHAIRMAN EDDINGTON:**

Table for a Public Hearing by Legislator Gregory.

**LEG. BARRAGA:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Barraga. All those in favor? Opposed? Abstentions? **Tabled (VOTE: 5-0-0-0).**

***IR 1330-09 - Accepting and appropriating a grant in the amount of \$26,000 in Federal pass-through funds from the New York State Division of Criminal Justice Services for the support of the Suffolk County Police Department's 2nd Precinct Community Support 2009 Grant Program with 100% support (County Executive).***

**LEG. LOSQUADRO:**

Most to approve and place on the Consent Calendar.

**CHAIRMAN EDDINGTON:**

So moved by Legislator Losquadro.

**LEG. GREGORY:**

I'll second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Gregory. All those in favor? Opposed? Abstentions? ***Approved and placed on the Consent Calendar (VOTE: 5-0-0-0).***

***1333-09 -Accepting and appropriating a grant in the amount of \$100,000 in Federal pass-through funds from the New York State Division of Criminal Justice Services for the support of the Suffolk County Police Department's North Bellport - East Patchogue - Patchogue Task Force Grant Program with 100% support (County Executive).***

**LEG. LOSQUADRO:**

Same motion.

**CHAIRMAN EDDINGTON:**

Same motion, same second. All those in favor? Opposed? Abstentions? ***Approved and placed on the Consent Calendar (VOTE: 5-0-0-0).***

***IR 1349-09 - Declaring May "Motorcycle Safety Awareness Month" in Suffolk County.*** I'll make a motion to approve.

**LEG. LOSQUADRO:**

Second, Mr. Chairman.

**CHAIRMAN EDDINGTON:**

Second by Legislator Losquadro. All those in favor? Opposed? Abstentions? ***Approved (VOTE: 5-0-0-0).***

***IR 1362-09 - Accepting and appropriating 100% Federal pass-through grant funds from the NYS Office of Homeland Security (OHS) in the amount of \$45,000 for "Operation Shield" under Homeland security Grant Program (HSGP) to be administered by the Suffolk County Sheriff's Office in partnership with the East End Marine Task Force and to execute grant related agreements (County Executive).*** I would like to make a motion to approve and put on the Consent calendar.

**LEG. GREGORY:**

Second.

**LEG. LOSQUADRO:**

On the motion, Mr. Chairman.

**CHAIRMAN EDDINGTON:**

Second by Legislator Gregory. On the motion, Legislator Losquadro.

**LEG. LOSQUADRO:**

I just wanted to ask, this East End Task Force, would this be a function -- does the Sheriff's Department have the -- if there's someone from the Sheriff's Department here?

**CHAIRMAN EDDINGTON:**

There is.

**LEG. BROWNING:**

Mike Sharkey.

**LEG. LOSQUADRO:**

Yeah. Mike, if you could come up perhaps?

**CHAIRMAN EDDINGTON:**

Mike Sharkey?

**P.O. LINDSAY:**

They still have the duck?

**LEG. LOSQUADRO:**

I just wanted to know what functions this would be fulfilling and what capabilities? I know in the Rocky Point St. Patrick's Day Parade I saw the amphibious vehicle the Sheriff's Department has, but I was wondering what other marine capabilities the Sheriff's Department has currently and what they would be utilizing under this grant.

**CHIEF SHARKEY:**

We have been running the Marine Unit for the past several years, since Sheriff Tisch was in office.

**LEG. LOSQUADRO:**

Yeah, I just don't know what you guys have in there, though; that's why I was asking.

**CHIEF SHARKEY:**

I believe it's a 28-foot vessel. But this particular grant is a cooperative effort between various east end law enforcement agencies from the towns, villages, State Police, Coast Guard to do several patrol operations over the summer.

**LEG. LOSQUADRO:**

Okay, very good. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you, Chief. Okay, we have a motion and a second. All those in favor? Opposed? Abstentions?

**LEG. LOSQUADRO:**

Place on the Consent Calendar, right?

**CHAIRMAN EDDINGTON:**

Yeah.

***IR 1365-09 - Appropriating DWI Seizure funding to further support the Suffolk County Special Traffic Options program for Driving While Intoxicated (STOP-DWI) Program in its efforts to educate the public on the dangers of driving while intoxicated and to work with***

***Suffolk County law Enforcement Personnel to eliminate drunk drivers from our highways (County Executive).*** I'll make a motion the approve.

**LEG. LOSQUADRO:**

I'll second, Mr. Chairman.

**CHAIRMAN EDDINGTON:**

Second by Legislator Losquadro.

**LEG. LOSQUADRO:**

Again, could we just get an explanation on this?

**CHAIRMAN EDDINGTON:**

On the motion?

**LEG. LOSQUADRO:**

Because I see it's coming from -- you know, it's 1.433 million. This is from the Vehicle Seizure Program?

**CHAIRMAN EDDINGTON:**

Yep.

**LEG. LOSQUADRO:**

Asset Forfeiture, I guess?

**CHAIRMAN EDDINGTON:**

You've got three people to answer, wow. Okay.

**MS. PEREZ-LENT:**

Good afternoon. My name is Maria Perez-Lent and I am the STOP-DWI Coordinator. This is funding that is in the budget -- is that correct? And it's basically taking funding that comes from the DWI Forfeiture Program here in the County, funding that was available to us. And it's to fill our budget because we've seen a stagnation, somewhat of a decline in our revenues which are based on a hundred percent fine collection, DWI fines. So as we move forward into '09 and 2010, in order to continue the program as it currently exists, we need the additional funding which is available to us.

**LEG. LOSQUADRO:**

That makes perfect sense. I'm just surprised to hear that the revenue, if it's based on fine collection, that that has gone down; to what do you attribute that?

**MS. PEREZ-LENT:**

Well, our fine collections are collected by the three court systems and we've had conversations with the various courts and there's no simple answer to it except to say that a number of factors play into that. One is obviously the ability to collect on individuals, sometimes they are unable to pay, particularly with DWI offenders, they tend to be --

**P.O. LINDSAY:**

Dead beats.

**MS. PEREZ-LENT:**

-- lower income in some cases. There's also --

**LEG. LOSQUADRO:**

Well, I need to stop you right there. That's actually -- I'm not an attorney, but we have a number of attorneys who sit on this body and there are --

**MS. PEREZ-LENT:**

I think I misstated it.

**LEG. LOSQUADRO:**

Actually, a lot of them tend to be actually somewhat affluent, especially the ones who are paying the fines in lieu of jail time.

Do we attribute that somewhat to fewer numbers of prosecutions; are we seeing fewer people go through the system in general?

**MS. PEREZ-LENT:**

I can't speak to that in terms of what's going on within the courts.

I can only speak to what I've been told by the court administration which is that there's issues of changes in the way that they -- alternatives to incarceration sometimes play a roll where they are changing the way they sentence the individual, so there are times when the fine is not collected.

There's issues with collection of fines for those individuals that are DWI offenders in terms of paying; there's nobody out there going after them if they're not paying, we don't have a system.

**LEG. LOSQUADRO:**

I understand the dilemma that you're in; you are the Coordinator for this program and I understand you need this money. But what I would suggest is to take a close look at those statistics, and I would be very interested to see are we seeing a decrease in the number of prosecutions or arrests for DWI than we've seen in the past? Is that a factor in this decrease in revenue that you're experiencing? Again, I'm not disputing that you're seeing a decrease in revenue.

**MS. PEREZ-LENT:**

One thing I could tell you is the arrest did not go down. It does go back to the courts, and unfortunately -- I think Allen may have some information.

**MR. KOVESDY:**

Good morning. We polled the District Court. We actually met with them because we were concerned.

**LEG. LOSQUADRO:**

Yeah.

**MR. KOVESDY:**

And we actually, between '07 and '08, got a million dollars less in DWI and bail money from the District Court as a function of what the Judges are doing; I have the dollars and cents, if you would like them. But we were shocked because both accounts dramatically came in less, especially the bail which had --

**LEG. LOSQUADRO:**

With similar numbers of arrests.

**MR. KOVESDY:**

Yes.

**LEG. LOSQUADRO:**

I mean, that's really discerning what the courts are doing.

**MR. KOVESDY:**

Yeah. We actually met with them in Central Islip to go over the numbers because we couldn't believe them, and they were kind enough to provide us with the numbers.

The other point is we put this money in revolving accounts, therefore whatever we don't spend in year one would be available for year two or year three. So if the revenues do come up, we won't

have to tap that. But the law is very specific, it requires you to take all the money at one particular point in time.

**LEG. LOSQUADRO:**

Okay. Thank you, Allen.

**CHAIRMAN EDDINGTON:**

I was just wondering if you could answer. I know that vehicles are seized for driving infractions after a couple of times; do you see any of that funding?

**MS. PEREZ-LENT:**

That is -- this is the funding for that. This is the funding, yes.

**CHAIRMAN EDDINGTON:**

Okay. So then -- and then you get the money from when we sell, the County sells the vehicles.

**MS. PEREZ-LENT:**

Correct. This money is coming from the selling of the vehicles and it's a portion of that revenue.

**CHAIRMAN EDDINGTON:**

Okay. All right, thank you.

**LEG. KENNEDY:**

Mr. Chairman?

**CHAIRMAN EDDINGTON:**

Legislator Kennedy, I'm sorry.

**LEG. KENNEDY:**

That's quite all right. Again, thank you, even though I'm not a member of the committee. I'll have the same question on Tuesday, so if I can ask now. What do we do with almost one and a half million dollars? Do we fund programs in schools? Do we fund personnel? Where does it go to?

**MS. PEREZ-LENT:**

The money in my program basically is cut up into various parts, the largest part being enforcement. A large percentage of my budget is to support DWI enforcement by the various County Police agencies, it includes the Suffolk County Police Department. We 100% support the safety team out of Highway Patrol, and that is all that they do is the DWI enforcement. We have funding for, I believe, about 14 town and village departments, we give money to the Sheriff's Department. The District Attorney's Office gets some funding and Probation for the Correctional Alternative Facility, and the rest goes to support education and through -- we do panels in the high schools and public information.

**LEG. KENNEDY:**

Thank you. And it's an extremely important function, and maybe what I'll do is contact your office afterwards, just so I can get an idea about the breakdown.

And if I can just shift either to Diane or to Allen. So there is a significant piece of this 1.5, then, that's now moving over to Police District funding that offsets the operations of Police Officers; is that it?

**MR. KOVESDY:**

No, that's not completely right, John. What this is is that the law requires that 70% of the funding goes to the DWI programs that Maria just explained, 20% goes to the Law Department who has attorneys that are in the budget, and 10% goes to the Sheriff's Department. So what was happening was that the revenues over the last year and a half were not sufficient to pay for all the

things that Maria was mentioning. So we had this pot of money that was sitting there off-budget that we just brought into the budget.

When you approve the budget this year, the 2009 Adopted Budget, you moved in \$1.3 million of this into the budget, you moved it into the proper departments; this administratively takes that money and puts it into the budget and it balances it. The only difference is we had \$1.4 million in this account, and when we did the budget in September we put in 1.3. So this balances the budget. It makes the DWI Program whole without having to go and use taxpayers money to fund the program. This would have been the first year that we would have had to use General Fund money to fund this, but there's a whole listing of towns and villages. It's in four appropriations in the County; it's in the Police Department, it's in Probation, it's in Law and it's in the Sheriff.

**LEG. KENNEDY:**

I'm not going to take the committee's time up anymore. I'm still -- I'll make the phone calls to both of you, then, afterwards, because I still don't understand where this is moving. I'm also -- now if you're telling me that there was one-and-a-half million dollars that was off-budget that now has come in, is there anything else still left off-budget or did you exhaust all the forfeiture --

**MR. KOVESDY:**

No. The law is you have to take everything that's in the pot at one particular point in time, so the pot had \$1.433 million in it, so we took everything.

**LEG. KENNEDY:**

And so from this point forward now, all our vehicle seizures will go to populate that off-budget account again?

**MR. KOVESDY:**

Right, and then we'll do another resolution when the money gets sufficient and bring it back into the budget.

**LEG. KENNEDY:**

All right, Mr. Chair. I'll yield. I'm not a member.

**MR. KOVESDY:**

John, that's why in the packet I included the copy of the law and the revenue and the whole thing, so it's self-explanatory. But I did include the original law, the seizure law and everything, it explains parameters which we had to use. It's a little convoluted, but we did the best we could.

**LEG. KENNEDY:**

Okay, Allen. Thank you. Thank you, Mr. Chair.

**CHAIRMAN EDDINGTON:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

No, Legislator Kennedy addressed the questions that I had.

**CHAIRMAN EDDINGTON:**

Well, I welcome Doug Death to the table. Did you want to add anything?

**MR. DEATH:**

No, the numbers were just -- I handle the fine numbers and had the questions gotten a little more detailed, I have those numbers available.

**CHAIRMAN EDDINGTON:**

Okay. Well, thank you very much and keep up the good work.

**MS. PEREZ-LENT:**

Thank you.

**CHAIRMAN EDDINGTON:**

Okay. I have a motion and a second. All those in favor? Opposed? Abstentions? **Approved (VOTE: 5-0-0-0).**

***IR 1380-09 - Amending the 2009 Capital Budget & Program and appropriating funds in connection with expansion of the Sheriff's Enforcement Division at the Criminal Court Building (CP 3013) (County Executive).***

**LEG. LOSQUADRO:**

I'll make the motion, Mr. Chairman, but I have a question.

**CHAIRMAN EDDINGTON:**

Motion, I second that. Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. Is this for the acquisition of the land to do this expansion, or is this for planning, construction? I'm not sure if I'm reading this properly.

**CHAIRMAN EDDINGTON:**

I'm hearing that it's construction, but Chief, if you could come up and just validate that.

**CHIEF SHARKEY:**

Yeah, this is money for construction to add on to the existing facility.

**LEG. LOSQUADRO:**

Okay. And the dollar amount was?

**MR. NOLAN:**

Five hundred thousand.

**LEG. LOSQUADRO:**

Five hundred thousand?

**CHIEF SHARKEY:**

It's half a million, yes.

**LEG. LOSQUADRO:**

All right. Thank you, Chief.

**CHAIRMAN EDDINGTON:**

Okay, we have a motion and a second. All those in favor? Opposed? Abstentions? **Approved (VOTE: 5-0-0-0).**

All right, ***Home Rule Message No. 4-2009 - Requesting the State of New York to amend the Vehicle & Traffic Law and State Finance Law in relation to the creation of an Ignition Interlock & Mandatory Probation Pilot Program for all persons convicted of driving while intoxicated, making an appropriation therefore and providing for the repeal of such provisions upon expiration thereof of Senate Bill S27 (Horsley).***

I'm going to make a motion to table at the request of the sponsor.

**LEG. LOSQUADRO:**

Second, Mr. Chairman.

**CHAIRMAN EDDINGTON:**

Second by Legislator Losquadro. Okay. All those in favor? Opposed? Abstentions? *Tabled (VOTE: 5-0-0-0).*

*Home Rule No. 7-2009 - Requesting the State of New York to authorize the County of Suffolk to establish a wireless surcharge (Senate Bill S.4026 and Assembly Bill A.7336) (Horsley).*

**LEG. GREGORY:**

I'll make a motion to discharge without recommendation, Mr. Chair.

**CHAIRMAN EDDINGTON:**

Okay, I have a motion to discharge without recommendation.

**LEG. BROWNING:**

I'll second this motion, but can we have --

**LEG. LOSQUADRO:**

I have questions.

**CHAIRMAN EDDINGTON:**

Yep. Seconded by --

**LEG. BROWNING:**

Can we have someone come up and --

**CHAIRMAN EDDINGTON:**

Seconded by Legislator Browning, and on the motion.

**LEG. BROWNING:**

Can we have the Commissioner come up and explain what this would do?

**CHAIRMAN EDDINGTON:**

I would like to also have Commissioner Jones.

**LEG. BROWNING:**

Anybody else that wants to talk.

**CHAIRMAN EDDINGTON:**

The Police Commissioner and anybody else that's --

**CHIEF MOORE:**

I'll be over here if you need me, sir.

**CHAIRMAN EDDINGTON:**

Okay. So what's up?

**COMMISSIONER WILLIAMS:**

I'd like to defer to Matt Jones from the Suffolk County Police Department which is the Chairman of the 911 Commission.

**MR. JONES:**

Good morning. My name is Matt Jones, I'm the Director of Information Management at the Suffolk County Police Department, and also serve as the Commissioner of the 911 Commission.

**CHAIRMAN EDDINGTON:**

Okay. Legislator Losquadro, did you want to go first?

**LEG. LOSQUADRO:**

If Kate wants to, she can.

**CHAIRMAN EDDINGTON:**

Oh, then Legislator Browning volunteered.

**LEG. BROWNING:**

Yeah, I guess --

**LEG. LOSQUADRO:**

She asked first; ladies first.

**LEG. BROWNING:**

Oh, thank you. You know, basically I'd like someone to, I guess, explain how much it is. Obviously it's going to be an additional surcharge on cell phones, and how much that surcharge approximately would be and, you know, where is this money going; anything you can tell me.

**MR. JONES:**

Sure. The surcharge can be up to 30 cents per wireline phone -- per wireless phone, and that would be a phone with an address in Suffolk County. Based upon some estimates from 2008, there's about one million one hundred ninety-three wireless cell phones in Suffolk County. If full collection of the surcharge were available, that would amount to about \$4.3 million per year. Again, there's -- governments are exempt, law enforcement and public safety are exempt, and then there's the collection of all the fees. So you don't normally know until the checks begin to come in as to what the total revenue will be.

**LEG. BROWNING:**

Maybe Joe or you can answer, you know, because I know that this -- I'm wanting to know is this to do with villages and towns, is this Suffolk County as a whole that's going to benefit from this? You know, because I question surcharges. We have a 911 surcharge already on our cell phones, and I understand that Suffolk County doesn't get any of it.

So what is this money going to pay for and who is going to benefit from it?

**MR. JONES:**

Sure. Presently in Suffolk County there are twelve public safety answering agencies or twelve 911 -- twelve agencies that take 911 calls. Those twelve agencies, the equipment, everything they need to answer and take those 911 calls has always been paid by the County through the surcharge on the wireline. When the wireline surcharge first began, it was in excess of \$5 million a year and over time the surcharge has eroded down to this year to about a 1.9 million in collection. That 1.9 million is not even enough now to maintain the core necessity of this County-wide system for all twelve agencies. There's a lot of expenses with the network that Verizon uses, it's a specialized, dedicated network for 911 services. There's telephone equipment at every agency that the County pays for, there's other ancillary costs that the County pays as a whole to the benefit of all the PSAP's that are part of the system. And Those twelve PSAP's were identified in the initial law that was passed back in '96, allowing the County to move forward with enhanced 911 service.

**CHAIRMAN EDDINGTON:**

Legislator Losquadro?

**LEG. LOSQUADRO:**

Thank you. I have a couple of concerns here. Number one, when we first discussed this, I was initially told we were the only County in New York State that didn't do this. Now, I couldn't get completely current information from the State Comptroller's office, but it's fairly recent, and I counted ten counties in New York State that don't impose a surcharge and some of those were the

largest ones; Nassau, Rockland, Suffolk, Westchester, that don't impose these surcharges. Do you have any information that any of those -- since I got this information, which is about a year or so old, have any of them imposed this surcharge in that time period?

**MR. JONES:**

I'm not sure who supplied that, but I know for certain Nassau County has had a surcharge on their phones. Westchester County is a little bit different. Westchester County, their 911 calls from cell phones are handled through the State Police. So the fact that they're not taking those calls, they're really not enabled to enact that kind of legislation for a surcharge. The other counties, some of the other counties I'm aware of are the much more smaller rural counties that may not even have that limited amount of cell phone service up in their counties to make a difference.

**LEG. LOSQUADRO:**

Right. I mean, I was looking at some of -- I didn't even mention some of the smaller ones throughout the State, I was just pointing out some of the larger ones that I saw.

Just to follow-up, just so we can hear an explanation, Legislator Browning mentioned it. I have a copy of a phone bill here. The New York State E-911 fee, \$1.20 on this phone bill; where does that money go and how does it, or does it not, benefit us? If you would give us an explanation.

**MR. JONES:**

Seventy cents of that fund goes directly to the State General Fund, to a special revenue account. Fifty cents of that money goes to the State Homeland Security, part of a -- they're using that for part of a State wireless radio network. There is a pool of an annual allotment of just \$10 million that the State allowed for for the past few years and that \$10 million is a reimbursement to those counties that do take 911 phone calls. But the pool of money has not increased even though the revenue they've gotten on the surcharge has increased. I believe --

**LEG. LOSQUADRO:**

How much have we gotten out of that pool? Being that we are one of the larger counties, not that we ever really seem to get our fair share out of New York State; but how much have we gotten out of that pool?

**MR. JONES:**

This past year it was 831,000.

**LEG. LOSQUADRO:**

That was for '08.

**MR. JONES:**

Yes.

**LEG. LOSQUADRO:**

Again, looking at the phone bill, obviously we have New York State sales tax and then a decent component of Suffolk County -- we're collecting the full component of Suffolk County sales tax on these wireless bills. I mean, on this particular bill I have in front of me, \$3.40; that's not an insignificant amount of money considering everybody has one of these stupid thing strapped to their hip or in their pocketbook nowadays, you can't get away from them. We're collecting a lot of money from this.

And I think the concern that I have, and I know it's been voiced by some of my colleagues, is that if we impose an additional surcharge, we want to make sure that this is going to be in some sort of strictly dedicated fund, that this is not something that's just going to go back into the General Fund and we wind up in the same boat. Because we're collecting a ton of money on this right now, I feel that a good portion of this money that we're collecting on these wireless bills should be dedicated towards improving and maintaining the system. But we're not, we're just collecting it as general

sales tax and putting it into our General Fund and it all gets swept into one big pile, and that's why we're in the situation that we're in, that we need additional funding for this. I don't think that's right and I don't want to see a similar situation occur if we go and tack more money onto this. Which at the moment, I mean, I'm inclined to see it before the full body, but I don't know if I'm inclined to vote for this yet before the full Legislature. I think we need to have more discussion on this. But the way that these surcharges are structured, either to you or maybe to Counsel, would that be in a strictly dedicated fund that could not be used for any other function?

**MR. NOLAN:**

Yeah. The way that the State law is drafted, the money can only be used for this purpose, the 911 response. And if there's money left over at the end of the year, it has to remain in that account, it can't go to the General Fund. It rolls over for the specific purpose outlined in the Statute.

**LEG. LOSQUADRO:**

The State got something right there; I'm impressed.

All right. Like I said, I still do have concerns on this based on the amount of money that we're already collecting in sales tax revenue on these bills on a monthly basis all across this County. It's a lot of money. I don't have any statistics as to how many cell phones are registered here in Suffolk County or how many bills come to residents here in Suffolk County, but just this bill in front of me is \$3.40 and multiply that out, you're collecting a lot of money off these phones and I think we should have -- I know it's no fault of yours, but I think we should have done a better job in allocating some of that funding towards making sure we didn't get into this situation. So I appreciate everything you're doing, we just need to work it out on our end how we're going to get you that money. So thank you.

**CHAIRMAN EDDINGTON:**

I have a question, I mean, I have a couple of concerns, actually. You know, for the last ten years I've listened to Assemblywomen Eddington talking to LIPA and them continually saying, "Surcharge equals tax"; So it's in my head, it's a synonym. So we're talking about raising taxes in a very bad time. And so I'm going to ask what the County Executive's position is on this, because I don't know if he supports it or not or what.

And I agree that costs are up. Here's my concern. Over the last couple of years, I've heard from Riverhead Town and Babylon Town that they've not been getting, as they see it, their fair share of the land-line tax money, and I understand that our expenses have gone up in the County because we've had 911 operators here talking about that. And so my concern is that if we get additional funding for the wireless, how are we going to be sure that it's equitably distributed through all, whatever it is, 12 PSAP areas? Is that only for Legislator -- can you answer that, how it would be distributed?

**MR. JONES:**

The commission itself by law is empowered to submit a budget, and every year the commission sits down, looks at the surcharge revenue and then compares the core costs of the system against that funding. When there's additional revenue available, the commission will come up with a formula to decide how best to share that funding among the PSAPs.

The problem we've encountered now is that we're in a deficit, we're not collecting enough surcharge revenue to even pay for a core system. So essentially we're going back to the tax base and saying we need more -- we need tax revenue into this budget fund in order to accommodate the needs of the system. So by enacting a surcharge, you're now bringing that level of funding back up and the commission would work on a budget, with County Executive and Legislature approval, to say here's how we would like to share that revenue amongst the PSAPs

**CHAIRMAN EDDINGTON:**

So that the formula that you'll come up with will be approved by the County Executive and by the full Legislature before it's implemented.

**MR. JONES:**

Right, it will be submitted as part of the normal budget process.

**CHAIRMAN EDDINGTON:**

Okay, thank you. Mr. Zwirn?

**MR. ZWIRN:**

I would concur. Ultimately, the Legislature looks at it in the budget and makes the final determination. But there are twelve PSAP'S that get funding, you know, Amityville is one of them, Smithtown Fire District is another, Southold out in the east end, Riverhead, East Hampton, East Hampton Town, the Village, I mean, so it is spread out across the County and revenue is down. So the County Executive, if the Home Rule message goes forward, he is supportive. We have the bills that are up in Albany carried by Assemblyman Sweeney and Senator Foley, so before they can move forward they need a Home Rule Message.

**CHAIRMAN EDDINGTON:**

I guess what I'm saying is that we've had different groups come to us saying they're not getting their adequate share of the fund. And I guess what I'm saying, I want to solve this problem, but I don't want to have, you know, five of the twelve groups come saying, "The formula isn't fair and we're not getting our share." How do we deal with that?

**MR. ZWIRN:**

Well, I think that's a separate issue. But if you don't have the additional revenue coming in, that discussion never has to take place.

**CHAIRMAN EDDINGTON:**

So I can alleviate a problem by letting this one go.

**MR. ZWIRN:**

Well, I wouldn't suggest that, but --

**CHAIRMAN EDDINGTON:**

Okay. No, I'm just trying to reflect back what I heard you say. Okay, Legislator Losquadro and then Legislator Kennedy.

**LEG. LOSQUADRO:**

Thank you. You mentioned Legislator Foley sponsoring this; I found that a little bit ironic considering a portion of the current taxes on this phone bill is the MCTD Sales Tax which is the Metropolitan Commuter Transportation District Tax which benefits the Metropolitan Transit Authority. So there's already a tax on here, for which Mr. Foley so graciously yesterday saw fit to cast his vote for additional monies there. And it's just ironic that he has sponsored-- you know, he thinks it's okay to put another surcharge on here.

**MR. ZWIRN:**

Well, it's only --

**LEG. LOSQUADRO:**

I didn't even point that surcharge out. I mean, there are a multitude of charges that are already on these bills, some of which, obviously this one, would be something that would directly benefit the people who are using these devices, but others, which have nothing to do with wireless

communications, this Metropolitan Commuter Transportation District Tax. I think people are very frustrated when they look at these bills already and, you know, I think we're going to have to, you know, do a very good job, if we move forward with this, of explaining why this is necessary in a time where, you know, people are already very frustrated with their taxes. And I have to agree with Legislator Eddington, call it what you want, a surcharge, it's an additional tax on people.

**CHAIRMAN EDDINGTON:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. I have had many conversations with Matt; as a matter of fact, you've been most helpful with working with the support for the Smithtown PSAP. But tell me a little bit about the metrics, Matt. You know, when I got a chance to speak to Mr. O'Brien and Matt Curtis, I think -- and I got a chance to go ahead and tour their facility. I believe it was in 2008, they handled about seventy-five hundred, I think, 911 calls. What are we looking at County-wide? When we look at the volume that we have, what did we do last year?

**MR. JONES:**

County-wide, including the County police, it's well over a million calls per year.

**LEG. KENNEDY:**

Okay. We had a million calls and we're looking at, if this were to go forward, about 4.3 million which would be added on top of, I guess, the 1.3 that we have now. So we'd have a net gain of funding. When you go back to that base year of 2003 where you had the four million, how many calls did you have at that point? What are we seeing with the volume of calls; is it static, is it up, is it down? How do we base it and how do we compare it?

**MR. JONES:**

The volume of calls is always increasing. With the proliferation of cell phones, when you have a car accident, you know, instead of getting two calls you're getting 25 calls, so overall, call volume has increased from year-to-year. And as some agencies begin to pick up other services and other features, their call volume by itself is increasing also.

**LEG. KENNEDY:**

So it's a fair statement -- you know, maybe you don't have those numbers at hand, but I'd be interested before next Tuesday to see where that volume has gone as far as the management of the calls themselves as we contemplate this.

The other thing, like all my colleagues, is I'm loathe to contemplate any kind of tax. And I think the Chairman hit the nail on the head here, this is -- you know, a rose by any other name, I guess, is a rose; it's a tax. But sometimes, and we've seen this before, back in my days in the County Clerk's Office, we tried to go ahead and justify increases in recording fees and filing fees by putting them into lock box and making sure that we would have a dedicated fund that would ultimately have those revenues remit back down to whatever the specific function is. This money goes to equipment, but there's a tremendous amount of personnel that also operate the E-911 system under the 911 system. Do you offset any of our personnel with these funds?

**MR. JONES:**

For the outside PSAP's, for the non-County PSAP's?

**LEG. KENNEDY:**

Outside PSAP's, our own FRES, our PD.

**MR. JONES:**

The only employees that are included on a -- on the budget are those employees of the Police Department, the Emergency Complaint Operators and the Public Safety Dispatchers. However,

there's still not enough revenue coming in to cover the cost of the core components of the system. So basically those people are in that budget, but through a General Fund transfer, that's how those actual salaries are actually paid.

**LEG. KENNEDY:**

All right. I just have a question for either, I guess, for Counsel and/or the County Executive's Office, too. If this bill were to pass, is there further action that's required from us in order to actually bring this about and have this occur?

**MR. NOLAN:**

Absolutely. Yeah, we'd have to -- this just auth -- the State law authorizes the County to implement this surcharge. We would have to pass another Local Law to actually implement this later, if the State authorized it.

**LEG. KENNEDY:**

Okay. All right. I'll yield on that point, then. Thank you.

**CHAIRMAN EDDINGTON:**

Legislator Lindsay.

**P.O. LINDSAY:**

I encourage my colleagues to get this to the floor, whether you do it with an approval or just passing on to the main body. I guess a couple of months back, when we found out the problem that we're in, and it's a huge problem, we came up with an overall game plan of a three-legged stool of cutting back expenses, of raiding our rainy day fund and enhanced revenue. This is the first revenue bill that's come through us, and yes, it is a tax. It is a tax. But you have to -- you know, in my opinion, we need the enhanced revenue to stay out of trouble.

You just had a lengthy discussion about the Police Department cutting five and a half million dollars in overtime; God, we don't want to do that. How are we going to pay for it, folks? Come on, this is a reality check. How are we going to pay for it? You know, this system was fully funded by land-lines for years, and the problem with the revenue going down, there's less and less land-lines; more and more people are switching to mobile phones. That revenue has to be replaced because ultimately it's coming out of the General Fund, and if we don't replace it, it just makes the hole bigger and bigger. So I just implore you to get this to the floor, however you do it. All right?

**LEG. LOSQUADRO:**

Just one quick question?

**CHAIRMAN EDDINGTON:**

Legislator Gregory.

**LEG. GREGORY:**

I just wanted to comment that I totally agree with what the Presiding Officer said. You know, often we don't have the expertise for various issues that come before us and we ask those that work in the field to come to us and you're coming to us saying that you need these funds. Recognizing that you are back here pretty much with a \$5 million budget, pretty much are revenue generated, now you're down to one million and you're looking to replace the four million with this surcharge tax or whatever you want to call it to make -- to meet your needs, and it's an important need because we need to ensure that our services are coordinated. I have two PSAP's in my district, Amityville and Fire Alarm, they've come forward today, they support this. So I think the industry supports it, I think we should support it, and I think it states, you know, the importance of this issue. God forbid should we go through another event like 9/11 and that Emergency Service cannot coordinate the operations, that's frightening to me. Particularly, you know, coming from a military background, you know, we need that coordination to protect not only them so they can do what they need to do, but to protect us as residents and citizens of Suffolk County.

**CHAIRMAN EDDINGTON:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. No, the Presiding Officer makes a very valid point, and I certainly am in favor of bringing this forward to the full body. My question, with the proliferation of the voice-over IP's, you know, many people are going away from obviously traditional land-lines, and if they do have a home phone line, it tends to be through cable service. I have to admit there that most of those are rolled into these package plans, most people, myself included, don't look very closely at the charges that are associated with that because they make it part of an overall package. Are we collecting the same sort of revenues on those voice-over IP lines that we were on traditional land-lines?

**CHAIRMAN EDDINGTON:**

Oh, see, you've got attorneys involved now.

*(\*Dennis Brown approaches Ben Zwirn\*)*

**MR. JONES:**

I can say that at this point, I know Legislator -- I'm sorry, Senator Foley did submit a bill recently requesting that counties could also enact a surcharge on the voice-over IP telephone services, and I believe it's still -- you know, a fresh bill still in committee, but he did drop that on the table, I think in March.

**LEG. LOSQUADRO:**

So the short answer is no, we don't collect the same revenues on the voice-over IP systems that we once did on the traditional land-lines; correct?

**MR. JONES:**

Today there is no County Law or State law that allows us to do that.

**LEG. LOSQUADRO:**

So I can see that being a serious problem right there because, I mean, the traditional land-lines are basically going the way of the dinosaurs, and it happened relatively quickly with, you know, the new technology becoming available. So that's an area of great concern, that's something that I think needs to be addressed as well.

The cell phones are a part of the problem, but with the loss of the land-lines, I know that you look at Cablevision statistics with the number of people they have on Optimum Voice and Verizon's new voice-over IP system, there's a lot out there that were traditional land-line systems. Mr. Zwirn, do you want to comment on that?

**MR. ZWIRN:**

I would like to chat with you privately about this at some point, if we might, and explain what we're doing there. There is also State legislation pending that would require Cablevision to be part of this system.

**LEG. LOSQUADRO:**

Very good. Thank you.

**CHAIRMAN EDDINGTON:**

Anybody else? Legislator Barraga? I saw you pulled it close, I figured you might want to say something.

**LEG. BARRAGA:**

I think I do remember the original debate on this bill in the State Assembly, and those who opposed it were pretty much along the lines of the Chairman's comments; they regard it as a tax. And, you know, it's the old story, you know, people are against mandates, they're against surcharges, they're against taxes until they see one. And then the rationalization starts in terms of why this particular tax or this particular surcharge is really necessary, so we have to pass it.

It's like, you know, taking the situation with the MTA. You know, eventually they're going to come to some sort of conclusion, but it's going to hit. As we speak, people own businesses in the MTA area, it's going to hit the strap-hangers, but sooner or later it goes through and it's rationalized, all right?

Nassau and Suffolk County, and I remember the debate because a number of representatives from I believe Suffolk County got up and debated against the bill. You know, when you think of the people that we represent, all of this is always cumulative. I mean, Nassau and Suffolk County, we have 900 different quasi-levels of government, the rest of the counties in the State of New York do not. I mean, between the villages, towns, County, water districts, sewer districts, fire districts, library districts, school districts, and they're all doing the same thing. Whether you want to call it a mandate or a surcharge or a tax, they all sit down and they justify why this is absolutely necessary. And on a cumulative basis, it gets to a point where the person with a three-bedroom ranch that we represent gets an eleven or \$12,000 property tax bill, they can't afford to meet their expenses and they're out of here. They're out of here.

I mean, I fully understand we have, you know, a difficult economic challenge and it's going to continue to exist for quite some time.

But I have a problem with an additional tax. When you take look at everything else, it's hitting people. Some people have lost their jobs, some people, you know, can't pay their oil bill; it's a very, very tough situation and we see it in our offices. But, you know, my words will not be embraced, I'm sure, because in the end, people who make these decisions will always rationalize a way why this has to happen, why it's necessary in this particular instance. Then I'll wait for two weeks and we'll have another bill, why that is absolutely necessary in this particular instance. But the cumulative effect -- there's a reason why people work from January 1st to April 25th in the State of New York before they put a penny in our pocket, and it's worse in Nassau and Suffolk County. You work almost four and a half months, to the middle of May, before you can put a penny in your pocket, because all these quasi-levels of governments are rationalizing. No one wants to pull the plug on anything. If someone has a program and says, "You know, there's a shortfall here. We've got to make this up somehow." Well, there's no other option than a tax or a surcharge? That seems to be a road you always seem to go down.

And the other point I'll make, I have a filing we're going to make a motion, we have a motion to put this before the general body without recommendation; I've objected to this in the past. This should be up or down, up or down. What's the point of sitting here an hour and listening to this stuff if you're not going to cast a vote? And it all goes to -- because the general body, I would think, is looking to a standing committee for direction; 5-0 without recommendation, that's not direction. What was the point of all of this on this particular issue?

**CHAIRMAN EDDINGTON:**

Thank you, Legislator. Any other questions or comments? Okay.  
Thank you, gentlemen.

Okay, I have a motion and a second. All those in favor? Opposed?

**LEG. BARRAGA:**

Opposed.

**CHAIRMAN EDDINGTON:**

Abstentions? Okay, ***Discharged Without Recommendation***  
***(VOTE: 4/1/0/0 - Opposed: Legislator Barraga)***.

All right. Thank you very much for your attention today.  
We'll adjourn the committee.

***(\*The meeting was adjourned at 12:25 PM\*)***  
***{ } - Denotes Spelled Phonetically***