

**PUBLIC SAFETY COMMITTEE**  
**OF THE**  
**SUFFOLK COUNTY LEGISLATURE**

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 Friday, February 25, 2010, 9:30 a.m..

**Members Present:**

Legislator Jack Eddington - Chairperson  
Legislator DuWayne Gregory - Vice Chair  
Legislator Kate Browning  
Legislator John Kennedy

**Members Not Present:**

Legislator Tom Cilmi - Excused

**Also in Attendance:**

Legislator Wayne Horsley - District #14  
Legislator Ric Montano - District #9  
George Nolan - Counsel to the Legislature  
Sarah Simpson - Assistant to Counsel of the Legislature  
Barbara LoMoriello - Deputy Clerk/Suffolk County Legislature  
Kara Hahn - Director of Communications/PO Lindsay's Office  
Bobby Knight - Aide to Presiding Officer Lindsay  
Bryan Galgano - Aide to Legislator Horsley  
Bob Martinez - Aide to Legislator Montano  
Gail Vizzini - Director/Budget Review Office  
Robert Lipp - Deputy Director/Budget Review Office  
John Ortiz - Senior Budget Analyst/Budget Review Office  
Ben Zwirn - County Executive's Office  
Ed Hennessy - County Executive Assistant  
Dennis Brown - Bureau Chief/County Attorney's Office  
Robert Moore - Chief of Department/Suffolk County Police Department  
Ted Nieves - Deputy Inspector-Chief of Dept's Office/SCPD  
Chris Bergold - Deputy Inspector-Commissioner's Office/SCPD  
Tracy Pollak - Headquarters/Suffolk County Police Department  
Joseph Caracappa - Undersheriff/Suffolk County Sheriff's Office  
Michael Sharkey - Chief of Staff/Suffolk County Sheriff's Office  
Joe Williams - Commissioner/Fire, Rescue & Emergency Services  
John Searing - Deputy Commissioner/Fire, Rescue & Emergency Services  
Warren Horst - Suffolk County Fire Marshall  
Jeff Frayler - President/Suffolk County PBA  
Noel DiGerolamo - 2nd Vice-President/Suffolk County PBA  
Lou Molinari - Treasurer/Suffolk County PBA  
Fred Sales - Sergeant-at-Arms/Suffolk County PBA  
Jerry Gilmore - President/Suffolk County Detective's Association  
Russ McCormack - Legislative Chair/Suffolk County Detective's Assoc  
Robert Creighton - Former Suffolk County Police Commissioner  
Laura Ahearn - Executive Director/Parents for Megan's Law  
Hope Collazo - American Red Cross/Community Service Program  
Dot Kerrigan - Legislative Director/AME  
Richard F. Alexander - Lund Fire & New York Fire Equipment Distributors

Niel Crowley - President/New York Assoc of Fire Equipment Distributors  
Robert Gebhardt - Gebhardt Inc/NY Assoc of Fire Equipment Distributors  
Robert Schubert - Safety Consulting, Inc./NY Assoc of Fire Equipment Anthony Varajao - All Island  
Fire Protection/NY Association of Fire Equipment Distributors  
Salvatore DiBenedetto - A-1 Fire Protection/NY Assoc of Fire Equipment James Meyer -  
Firemaster/NY Assoc of Fire Equipment Distributors  
Roger Hausz - All-Out Fire/NY Assoc of Fier Equipment Distributors  
Don Hausz - All-Out Fire/NY Assoc of Fire Equipment Distributors  
Alex LaValle - BK Engineering Fire Protection/NY Fire Assoc of Fire Equipment Distributors  
All Other Interested Parties

**Verbatim Transcript Prepared By:**

Alison Mahoney - Court Reporter

***(\*The meeting was called to order at 10:02 A.M. \*)***

**CHAIRMAN EDDINGTON:**

If everyone would rise to start the Public Safety Committee meeting with Legislator Horsley leading us in the pledge.

***Salutation***

Please remain standing for a moment of silence for all those that protect the United States, overseas and at home.

***Moment of Silence Observed***

Thank you very much. I just want to mention that you're here to witness my first mistake. I put on the agenda IR 1172 about the wireless communication and that had already been tabled subject to call. So there may be a number of people that came for that and I apologize. And if you signed up to speak and you don't want to, just kind of let us know, or when you are not here I'll know that you're not speaking, obviously. Okay, thank you. And I'm sorry for that.

Okay, we'll go right to the **Public Portion**, and I have Robert Creighton.

**COUNCILMAN CREIGHTON:**

Good morning, Ladies and Gentlemen of the committee. My name is Robert Creighton, I am a Town Councilman in the Town of Smithtown. I'm a long-time resident of the County of Suffolk and a former Police Officer from Suffolk County, and I'm here to speak in support of the resolution to name the 4th Precinct the Cyril J. Donnelly Building. But I must state, in the interest of full disclosure, that the person who I'm speaking about, Cyril J. Donnelly, or Sy Donnelly as he was better known, was my father-in-law. So please accept my comments in that regard.

The reason that I think that my father-in-law should have the honor of having the building named after him, and he would be extremely pleased by such an honor, is because he was the Chief of Police in the Township of Smithtown from 1935 to 1960; that's 25 years of long-time, effective service in the Town of Smithtown. He was probably the most well-known person in the Town of Smithtown, the most community-oriented person. He was a member of almost every organization you can think of, the Hibernians, the Knights of Columbus, he was a graduate of the FBI National Academy and he was one of the major movers of the building of the Cerebral Palsy Center in Commack and of the large part of the construction of St. Anthony's High School in St. Remo, all of which was done on his off-duty time where he brought many, many volunteers in to do it.

In 1960, the Suffolk County Police Department became a reality. And what it engendered or what took place is that the people of the County of Suffolk voted either for or against a Police District and the five western towns voted to join the Police District formulating the Suffolk County Police

Department. My father-in-law, along with a number of other Chiefs from the other towns, were -- was amongst the people who put this whole organization together. It went from five disparate towns to one unified Suffolk County Police Department at the stroke of midnight on January 1st, 1960. And it went from being essentially a rural police network to a very sophisticated police organization, and the same procedures, for the most part, that they formulated are in place today.

Cyril J. Donnelly became the Chief Inspector of the Suffolk County Police Department in 1960. And what that means -- and I'm sure you know this, but I'll say it -- the Chief Inspector, or what is now the Chief of the Department such as Chief Moore, is the highest ranking Police Officer in the Police Department. So my father-in-law worked for Commissioner John L. Barry after Charles Tom left to become a Judge, and for the first 13 years of the Suffolk County Police Department he was the primary or the senior Police Officer in this brand new Suffolk County Police Department, and he guided it along the way, along with Commissioner Barry. He was one of the most respected people I have ever met in my life, and I have been around Police circles nationwide, and he was well respected, well-known and was an extremely effective Chief Inspector. He was very proud to -- living in the Town of Smithtown, proud to have served the Town of Smithtown, and would be absolutely honored by the selection of his name for the 4th Precinct. So I ask for your support in that matter and I thank you for your time.

**CHAIRMAN EDDINGTON:**

Thank you, sir. Richard Alexander.

**MR. ALEXANDER:**

Good morning. I'm here relative to article -- IR 1173 which is for the changing of the law repealing Article 3 of Chapter 294 of Suffolk County Code, and enacting, strengthening and improving the regulations of the installations and servicing of portable fire extinguishers and automatic fire extinguishing systems.

I am one of many businesses that have worked for the last 50 years in Nassau County. I myself have been in the industry for 43 years, working not only in portable fire extinguishers but fire suppression systems. The County has come a long way with the laws that they enacted approximately six or eight years ago. We -- excuse me for one second, I have to look at my notes. I want to thank them for their efforts and time that they spent, especially for a lot of the people who volunteered for their efforts. However, the law is about to be changed, and as one member of an organization called -- an organization we have in New York City Metropolitan area called the New York Fire Equipment Distributors Association, we would like to have a voice in changing those laws because we believe that some of them -- some of the issues have to be addressed prior to them being enacted into law.

We believe there are some omissions. We believe there are some over compensations. There are some conflicts within the law that site National Fire Protection Association requirements as -- but yet it's restated in the law and there's a conflict of two different statements. We'd like to be a part of correcting that.

One of -- I apologize. One of the major issues that I personally have is in the area of where there are penalties. The penalties are extremely severe, harsh. I believe they are placed on the wrong people. The owner of the property should first be responsible, then the people who are servicing the equipment should then be responsible. However, it first -- the end result goes directly to the servicing contractor who winds up with a \$5,000 fine per violation, which in many a case will put a lot of these businesses out of business.

We do have an organization that has approximately 40 people, everywhere from -- anywhere from a professional engineer to people with engineering degrees with probably about 400 years or plus of experience, just on our Board of Directors alone which consists of nine men. We would like to be a part of it.

**CHAIRMAN EDDINGTON:**

Yeah. And I will tell you that today we're going to be tabling that for a public hearing. But you might want to reach out to the County Executive's Office, because they're usually very accommodating. So if you reach out to them, I think you'll get some response.

**LEG. KENNEDY:**

Mr. Chair? Just for a moment, if you could, please?

**CHAIRMAN EDDINGTON:**

Legislator Kennedy.

**LEG. KENNEDY:**

Yes. As I know we have a number of speakers who traveled to go ahead and speak on this bill today, and obviously procedurally it is going to be tabled in our committee today, I'm not sure that everybody is aware of when the public hearing is and where it's going to be; that might be something that would be helpful and informative to the balance of the audience.

**CHAIRMAN EDDINGTON:**

By all means, let them know then. Go right ahead.

**LEG. KENNEDY:**

Okay. This bill, I believe is going to be before us on Tuesday afternoon at 2:30 in Riverhead, at the County Center there, specifically for taking testimony from any and all who have input to share with us.

I know there's a number of members from the industry here, some folks that traveled all the way from New York City, I had a chance to speak with some of them this morning. But obviously we're interested certainly in hearing any and all concerns and suggestions. Obviously, at the end of the day, all of us want to see a good piece of legislation, so your input is always valuable. That notwithstanding, understand that procedurally we can take no action today in this committee. So I turn it back to the Chair.

**CHAIRMAN EDDINGTON:**

Okay. You follow that?

**MR. ALEXANDER:**

Yes.

**CHAIRMAN EDDINGTON:**

Okay. Thank you very much.

**MR. ALEXANDER:**

Thank you for your time.

**CHAIRMAN EDDINGTON:**

Niel Crowley.

**MR. CROWLEY:**

My name is Niel Crowley, I'm the President of the New York Association of Fire Equipment Distributors. We started our organization in New York City, we have nine members on the Board of Directors and each one is assigned specific areas. Suffolk County has a Director that sits on our committees. Recently we did not pay as much attention to Suffolk County as we should have because most of our Board of Directors were involved with the New York City Fire Department and their passing of a new fire code.

It's come to our attention from a number of members in Suffolk County that there is a problem with the Suffolk County licensing law, which is not that odd in occurrence. Most licensing laws written as -- by AHJ's have particular enforcement problems because they don't understand the other side of the coin for people in the industry.

I'm also the State representative for the National Association of Fire Equipment Distributors, and they have a bit of a problem with this. The Executive Committee is going to meet on March 1st to discuss some of the things that have happened here in Suffolk County. This has become a bone of contention in our industry. As Richie mentioned, one reason is the size of the fines to small businesses. You, in effect, are putting small businesses out of business with fines that are totally unjustified. There have been fines levied in Suffolk County for items that were not the problem of the fire equipment distributor, they were the problem of the owner of the equipment.

One of the rules is you have to put -- if you take a piece of equipment apart, a portable fire extinguisher, you have to put a collar on it. Now, an owner cut all the collars off of his fire equipment because the collars are dated when you do it; they were from 2005. He decided that they were out of date; they were, in fact, for six year maintenance and they were good to 2011. There were a number of fines issued by Suffolk County for those collars not being there and they were issued against the gentleman who was the distributor who put them in in the first place. Basically, almost all of the charges that we've reviewed have been based on hearsay, not based on actual fact, not based on any visual representation of what they did. They bring in an extinguisher and say, "You're going to be fined \$1,000, \$5,000," and they have no idea if the person that they're fining was the one who caused the problem in the first place. Now, some of the fines they're asking people to go out of business for a year. They're a small business. You've got eight employees, ten employees, what exactly is going to happen in a year? That business is long gone, and there's no real reason for it.

This enforcement, or the way it's being enforced, has nothing to do with cleaning up the industry. I mean, we're all for doing that. We've had the same problems in other jurisdictions we work in and we provide the personnel, we'll let three, four, five people from the organization come who are technical experts in this area.

**CHAIRMAN EDDINGTON:**

Thank you.

**MR. CROWLY:**

If more is required -- NFPA-10 is the government document. We bring people off the 10 Committee.

**CHAIRMAN EDDINGTON:**

I'm going to have to ask you to wrap up, please?

**MR. CROWLY:**

Excuse me?

**CHAIRMAN EDDINGTON:**

Wrap up, your time is over.

**MR. CROWLY:**

What we'd like to do is have some involvement in this. Our understanding was that on the 1st, this is going to be presented to the Legislature and if it's approved -- if they agree to it, it becomes enacted; is that correct?

**CHAIRMAN EDDINGTON:**

No. It's going to be tabled for Public Hearing today, and on the 2nd it will become -- it will be at Public Hearing and you'll have an opportunity to speak for five minutes on that, in Riverhead at 2:30, like Legislator Kennedy said. And then it will be closed or recessed. If it's closed, then the

next time it will go before the committee and then a week later -- so it will take another month before it will ever be voted on.

So I would say that if you want to come back and talk on the bill at 2:30, Tuesday in Riverhead, that would be an appropriate time.

**MR. CROWLY:**

Okay. The reason so many of us showed up is because we've had a problem with communication about discovering where to go, what was going on when we got there.

**CHAIRMAN EDDINGTON:**

Well, I would say to you that there's six members or five members on this committee, you can call any one of us, we're on-line and we'll all give you the information, or you can call the County Executive, they do respond. It's his bill, so I would say that's the person your organization should be reaching out to because I think he's sensitive to information from community members. So maybe between now and Tuesday you can reach out to the County Executive's Office.

**MR. CROWLY:**

Okay. Thank you, sir.

**CHAIRMAN EDDINGTON:**

You're welcome. Robert Gebhardt? Do we have fire extinguishers in this place?

*(\*Laughter\*)*

Just checking.

**LEG. HORSLEY:**

We have sprinklers.

**MR. GEBHARDT**

Good morning. My name is Robert Gebhardt.

**MS. LOMORIELLO:**

Could you hold down the button?

**MR. GEBHARDT:**

Got it. Thank you for the opportunity to say hello to the committee. I can only mimmick the already statements that my colleagues have mentioned before me, Mr. Crowley and Mr. Anderson. We are a small company business, as many of the things are, and we would like to work with Suffolk on putting this together and getting all the vitals properly. We take our business as a very serious matter.

**CHAIRMAN EDDINGTON:**

You're going to have to exercise that finger a little bit. You've got to just push that thing down.

**MR. GEBHARDT:**

Okay. Are we better now?

**CHAIRMAN EDDINGTON:**

You got it.

**MR. GEBHARDT:**

Okay. Basically we're looking to work with the committee on the fire extinguishers and systems. Many of us have been in business many, many years, ourselves since 1945. We can bring a lot of expertise to the table and we would like to be able to work with the committee. I'm not going to

take up too much time, I can only mimmick what my colleagues have said. And for that, I thank you very much.

**CHAIRMAN EDDINGTON:**

Thank you, sir. Robert Schubert?

**MR. SCHUBERT:**

Ladies and gentlemen, I'm also here on 1173. I'm not going to take up much of your time, other than the fact that I am a Suffolk County resident. I am a small business in Suffolk County. And I hope that Suffolk County will turn around and look at the professionals that we -- that are available to them and develop something that will be beneficial and make Suffolk County one of the first to work with a strong, local organization. Thank you.

**CHAIRMAN EDDINGTON:**

Thank you very much. Noel DiGerolamo.

**MR. DIGEROLAMO:**

Thank you, Mr. Chairman. Noel DiGerolamo, 2nd Vice-President of the Suffolk County PBA, and I'm here to speak to you about a few issues that have come up since our last meeting that I think should be brought to everybody's attention.

At this point, the department is reviewing a very active civilianization policy in which they're looking at removing approximately 50 to 60 Police positions with civilians. My understanding is that part of this civilianization process is going to include the removal of six junior pilots from the Aviation Section and to replace them with civilians EMT's or some other civilian position other than that of a pilot.

Now, the removal of six junior pilots from the Aviation Section is basically the removal of the future of that section. The junior pilots spend years of training and experience in order to reach the level of a pilot-in-command, and if you remove them and those senior pilots retire, who's going to take their place? Who's going to be trained and capable to do that job?

How is this going to effect our insurance rates for the Aviation Section? Most people probably don't know in this County that that's one of the few areas that we actually pay a private insurance company to cover us; how is that going to be affected when we go from a dual operation to a single pilot operation? How is it going to affect our agreement with Stony Brook who provides a medic to us, that they know that that medic is on board a craft that has two pilots, two Police pilots who have extensive training? A lot of them even have the background in military training with helicopters. Are they going to start removing their medics? Have they been made aware of this? Has the insurance company been made aware of this? Has there been any dialogue? We wouldn't know because nobody communicates these ideas to us so that we can have some input and discuss it and see what's the best alternative to serve the department and the public, they just implement changes on the fly.

The NTSB, as recently as September of last year, made recommendations to the FAA that there should be dual-pilot operations on helicopters. And here we are in Suffolk County, one of the largest departments in the nation, running in the exact opposite direction of the recommendation of the National Transportation Safety Board. Maybe there's someone in this department that's more qualified than that board to make that decision.

You know, we constantly hear the lies about staffing, how there are more officers today than we've ever had before and that the department is just flushed with officers; they don't know what to do with them there are so many. Yet we're constantly dismantling each and every section systematically to fill the gaps and the vacancies in Patrol. And why are we doing that? Because Patrol is hemorrhaging overtime on a daily basis because of the vacancies because of the lack of staffing. You know, we create a Gang Unit that we call an enhancement and then we avoid going to

places that have gang activities like Wyandanch and Amityville, have shootings every day. You're reading in the paper who's been shot, what's happened. So, "All right, don't worry, we'll put your gang unit back there, we'll turn them out of the 1st Precinct and then we'll send them over to the 3rd Precinct to do some work"; that's what you get from this department.

**CHAIRMAN EDDINGTON:**

I'm going to have to ask you to wrap up, if you could.

**MR. DIGEROLAMO:**

I will. You know, you raised taxes this year to hire Police and provide services. You passed a budget, yet that budget is ignored by a dictator who just does whatever he wants and he has a Commissioner that does it for him. At what point are the policy makers of this County going to have a say in what the policy truly is? What does it take for this body, this Legislative body, to start exercising its right as the policy makers?

You know, this is nothing more than a political agenda for one individual trying to dismantle this department. And as recently as the end of the year, we were solicited by the administration to help gain funding from New York State to patrol the highways, and once we did that, this Executive sent a letter of opposition to accepting those funds.

**CHAIRMAN EDDINGTON:**

Excuse me, but I don't want to be unfair. You had your three minutes. It sounds like you have a whole list of issues that I will tell you that we are familiar with.

**LEG. BROWNING:**

I have question.

**CHAIRMAN EDDINGTON:**

You want a question? Yeah, let Legislator Browning ask you a question.

**LEG. BROWNING:**

Let's go back to the helicopters. It's not really something I know a lot about, but I do know, with my husband being a city officer and flying for the NYPD, I know that they do patrol. Who's going to do patrol if you, basically, it sounds like civilianize the Aviation Unit?

**MR. DIGEROLAMO:**

Well, like I stated, they haven't corresponded at all with us or had any dialogue with regard to what their intensions are. They are just intending to implement certain changes. The Aviation Section has a whole host of responsibilities, from medevac to medical transports to the law enforcement portion such as search and rescue, pursuits, etcetera. I don't know what their intention is. There would still be one Police pilot, but once you start having those individuals retire, I don't know what their plan is or even if they have one --

**LEG. BROWNING:**

So they're going to cut back from having two pilots in an aircraft to one.

**MR. DIGEROLAMO:**

That's our understanding. The Chief of the Department is here, I'm sure he'd be able to tell you what the true plan is.

**LEG. BROWNING:**

And that would be one per shift or one period?

**MR. DIGEROLAMO:**

Well, if it's anything like they did Marine Bureau last year, maybe we'll just call them out on an as-needed basis.

**LEG. BROWNING:**

Okay. I know that you still have some patrol work that needs to be done which cannot be done by civilians, they're not Police Officers.  
So I guess I'm curious to find out more about that.

**CHAIRMAN EDDINGTON:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. In a similar fashion, I have questions similar to Legislator Browning. The medevac pilots, as far as I know, as you mentioned, do a whole range of different activities. But everybody is very cognisant of the role that airborne plays, particularly in pursuit, I guess, of an active type of criminal situation.

As a matter of fact, I recall reading Newsday last week about the most recent shooting down in Brentwood and one of the citizens comments about helicopters and police cars in the street. Now, again, I am a civilian, I am a layman, I have no law enforcement background, so I just want to make sure. The individual that pilots that aircraft is a sworn Suffolk County Police Officer?

**MR. DIGEROLAMO:**

Yes, the pilot in charge and the junior pilot.

**LEG. KENNEDY:**

Okay. And I would imagine that they're in communication with whomever would have supervision of a particular crime scene, be that a Lieutenant, a Captain or whomever the controlling individual is on-site directing how it is that a criminal be apprehended; is that correct?

**MR. DIGEROLAMO:**

Yes, that's correct. And actually, I believe they listen to three separate radios at the same time while they're doing that operation.

**LEG. KENNEDY:**

Okay. And so the initiative that you're describing to us is that there would be a civilian, a non-peace officer that would become engaged in that process?

**MR. DIGEROLAMO:**

Again, that's what's been expressed to us, however, the department has not had any communication with us regarding it. May be this is all for naught if the Chief is going to tell us that that's not happening.

**LEG. KENNEDY:**

Okay. Well, that's fine, and I'm always interested and eager to hear from Chief Moore. But let me just go to one other side of the equation that I know somewhat about in my work with the fire rescue community. There is a very precise degree of patrol that has to occur when a helicopter is called in for emergency evacuation, a car wreck, a crash a vehicular type of an accident, particularly on the Expressway, on Sunrise highway, and that's something that our sworn Police pilots do on a regular basis?

**MR. DIGEROLAMO:**

Yes. And being officers who worked in specific precincts, they're very familiar with the geographical area and what's out there. Even such advanced technologies on the craft, such as auto pilot and so forth, do not negate the issues of, you know, the wires, since most of our electrical systems are above ground, towers for the airports, communication cell phone towers, etcetera. There's a lot of structures and issues that you have to be aware of.

**LEG. KENNEDY:**

Okay. So it's a safe assumption to say that there's quite a bit of training and expertise that goes into piloting these multi-million dollar aircrafts. My last recollection about helicopters was I think we talkd about, what, five, six, seven, \$8 million per bird.

Okay, well, thank you. Thank you for bringing that to our attention. Thank you.

**CHAIRMAN EDDINGTON:**

Legislator Gregory has a question.

**LEG. GREGORY:**

Thank you, Mr. Chair. I first got wind of this yesterday. Two people contacted my office and told me that they were looking to do some changes with the Aviation Unit. I didn't know the details, he didn't give any details, but apparently I guess you have more information than I do.

You know, I think you addressed it appropriately where, you know, we hear the civilianization claims and we had more officers back -- more than 2003 and all this other stuff, but we're doing policy initiatives like this to make up for the loss in personnel and the sector patrol. I'm really at a loss, I don't understand. It's really contradictory why the County Executive is not really addressing that, it really confuses me. But is this a practice that is happening in other municipalities throughout the country? I'm not that familiar with it so I wouldn't know. Are you aware of that, other Police Departments using civilians for aviation units?

**MR. DIGEROLAMO:**

I'm not aware of any other law enforcement agency that's going to -- from a dual-pilot operation to a single-pilot operation, I'm not aware of any. And as you mentioned about the civilianization and the number games that we consistently hear, simple facts cannot be disputed. Since the County Executive came into office we've had over 500 retirements and we have hired less than 300, which would be a loss of over 200. Now, even with the claims that they've put a hundred officers on the street, which in the last six years they have failed to provide any of those names to any of you that have asked for them several times, it would still be a net loss of over a hundred officers.

**LEG. GREGORY:**

And as you appropriately mentioned, you know, shootings in my -- I've had at least six shootings in my district since the beginning of the year, in Wyandanch and Amityville. I'm actually in the process of putting a request together for the Commissioner because I want to look at these numbers more deeply. You know, they talk about how crime is down 8%, but I want to see in those high crime areas, you know, like Wyandanch and North Amityville and Gordon Heights and Huntington Station, there's crime in Northport or wherever else throughout the County, are those numbers down, are they up, are they the same since 2003? So I'd be interested to see that, to give them a head's up on that.

But furthermore, on this point, this move that we're hearing about, because it's not confirmed; you're pretty much stating what you've heard?

**MR. DIGEROLAMO:**

Yes. We've received several phone calls over the last three days or so from officers who are involved in this and may or may not be transferred out, and were telling us basically what, you know, has been relayed to them from their supervisors.

**LEG. GREGORY:**

Now, if this goes into effect, does this in any way impact the agreement that you guys made with the County Executive last year?

**MR. DIGEROLAMO:**

If it truly is civilianization or just an elimination of a service, it would not.

**LEG. GREGORY:**

Okay. All right, thank you.

**CHAIRMAN EDDINGTON:**

All right, thank you very much.

**MR. DIGEROLAMO:**

Thank you.

**CHAIRMAN EDDINGTON:**

Anthony Varajoa? I may have killed that.

**LEG. HORSLEY:**

Is that LaFerrera?

**CHAIRMAN EDDINGTON:**

No, V-A-R-A-J-O-A.

**LEG. GREGORY:**

He might have left.

**CHAIRMAN EDDINGTON:**

He might have left. Oh, good, then he didn't hear me butcher his name. Thanks.

**LEG. HORSLEY:**

It sounds wrong.

**CHAIRMAN EDDINGTON:**

Fred sales. Fred sales, please.

**MR. SALES:**

Fred Sales, Suffolk PBA. If I could just add to what Noel DiGerolamo was speaking on. This is a very important fact. During 9/11 when the air space was restricted in this country, the only personnel that were permitted to fly were Police and military pilots and that lasted for days. If civilian pilots were in place, our helicopters would not have been off the ground. You could verify this by contacting former Deputy Inspector Thomas Brandon, he was Commanding Officer at the time and he's spoken on that particular matter I believe to this body. So that's a very important fact. I represented Aviation for eleven years, so I'm well versed with what goes on there.

To move on, I came before this body in December on IR 1140, the Sheriff's developing a bomb dog program and getting a grant. I just again spoke to Jimmy Carver, the President of the Nassau County PBA, about a half hour ago, and Nassau County has withdrawn out of that MOA, it violates what's called their Bayville Agreement which gives the Suffolk -- pardon me, the Nassau PBA exclusivity on the work, so they are no longer participating in this grant with Suffolk County. And he told me that he could get a letter from the County Executive or Rob Walker, the Chief of staff, so this body would be apprised of what exactly what's going on there.

The other thing is last week, myself and Noel DiGerolamo had a call,, conference call with Albany over this application as a result of a document that I FOILED from the Sheriff that answered specific questions on the application. Our opinion is that they were less than truthful in some of the facts that were put on that application and Homeland Security is currently looking into that matter. I just want that body to be aware of this.

**CHAIRMAN EDDINGTON:**

Thank you very much for that information. Oh, we have a question from Legislator Gregory.

**LEG. GREGORY:**

Hi, Fred. You said -- we have two resolutions pertaining to that grant, we have IR 1140 and we have IR 1133; were you aware of that?

**MR. SALES:**

No, what does 1133 do?

**LEG. GREGORY:**

It applies -- it's for the same grant, but I think there's an agreement that the dog will solely be used at the jail facility, but not for patrol or anything like that.

**MR. SALES:**

I just drove down from Albany, so I didn't have time to review any of this. Well --

**LEG. GREGORY:**

Right. It does have -- it's still --

**MR. SALES:**

They may not get the grant, that's the point. I mean, like I said, we're still -- we still have calls into them and we will be speaking to them again on whether or not this application was truthfully filled out, I don't want to get into the details in a public forum on what, we've uncovered. Okay?

**LEG. GREGORY:**

All right, thank you.

**MR. SALES:**

Thank you very much.

**CHAIRMAN EDDINGTON:**

Thank you for that information. Salvatore DiBenedetto

**LEG. BROWNING:**

Not here.

**CHAIRMAN EDDINGTON:**

Okay. James Meyer. No. Don Hausz?

**MR. HAUSZ:**

Hi. Good morning. I'm also here on issue IR 1173. I've been a member of the National Association of Fire Equipment Distributors for about 25 years. I've been a member of the local association, the New York association, from its inception. And I did reach out to the Fire Marshal's Office, FRES, as early as the year 2000 and offered our assistance at that time to enact and help on the legislation.

We gave -- we handed out three editions of the legislation that was enacted in other states -- Florida, New Jersey and Michigan -- that were deemed excellent legislation by the national association, and unfortunately I don't know where they went. But as Neil had -- our President stated earlier, there's a wealth of knowledge in the industry, in our association, local knowledge that is being offered up, you know, for our expertise. Okay?

Statistically our industry is doing very well. Again, I'm not sure if everyone is aware, but 99% of incipient fires in industry are put out with portable extinguishers and never reported. So you're only seeing a small portion of the statistics. And again, our national association does keep this data. So as an industry we do pretty well, okay. And you know, as was stated earlier, we're a little alarmed at some of the financial obligations for something that may occur that may not be our issue. Okay?

And unfortunately, I did reach out to Legislator Lindsay's office as early as the beginning of December to -- because there was rumor that there was an IR or a change coming to the legislation, and unfortunately I only found out about this IR, 1173, early last week. So. And again, you know, not being familiar with the procedures, we were under the impression it was being discussed by committee today but, you know, now we're aware of the public service -- the public comment at the full legislative meeting which is the 2nd?

**CHAIRMAN EDDINGTON:**

That's correct, yeah. Sorry for the lack of communication from the Legislature.

**MR. HAUSZ:**

Okay. No problem. His Assistant Jimmy was very excellent in helping. Okay, thank you.

**CHAIRMAN EDDINGTON:**

Thank you very much. Alex LaValle.

**MR. LAVALLE:**

How you doing?

**CHAIRMAN EDDINGTON:**

Good morning.

**MR. LAVALLE:**

Alex LaValle, BK Engineering Fire Protection, here to support New York Association of Fire Equipment Distributors. And Neil pretty much summed everything up in a barrel. I would like to see, you know, some type of a warning, you know, rather than going right to the violation for issues that are out of our control. It is a very popular issue of using portable fire extinguishers for door stops. And if the fire extinguisher is mounted and inspected and perfectly usable at the time of the inspection, we can't be held responsible for what they do while we walk out of the door such as ripping a tag or a verification color off due to cosmetic issues on the owner's part. Thank you for your time and have a good day.

**CHAIRMAN EDDINGTON:**

Thank you. Is there anybody else that wanted to address the committee? Seeing none, I would like Mr. Zwirn to come forward. Good morning.

**MR. ZWIRN:**

Good morning, Mr. Chairman, Members of the committee.

**CHAIRMAN EDDINGTON:**

I was wondering if you would want to respond to Mr. DiGerolamo.

**MR. ZWIRN:**

With respect to which issue?

**CHAIRMAN EDDINGTON:**

I guess we could start with the aviation, the changes that we're all now hearing. Are you aware of --

**MR. ZWIRN:**

No, this is the first I've heard of any changes in the Aviation Unit.

**CHAIRMAN EDDINGTON:**

Well, good. All right, I like when you're equally in the dark as I am. Okay.

**MR. ZWIRN:**

Well, they don't usually consult me with respect to changes in law enforcement in the County.

**CHAIRMAN EDDINGTON:**

Well, I don't necessarily agree, but I respect what you're saying.

Let me ask you what I've read in the paper, that Suffolk County is going to hire maybe 70 Police Officers and the second class is in doubt. Now, you probably have read that also.

**MR. ZWIRN:**

Yeah, I think the academy is already moving forward with the first class of 70.

**CHAIRMAN EDDINGTON:**

Well, that's what I -- this is what I wanted to ask you. First of all, that's my first question. I know I haven't been here forever, but in four, four and a half years, we wanted more Police Officers, the Public Safety Committee, and we persuaded the Legislature very easily to agree, and we wanted two classes of a hundred. And we couldn't get it in the budget. So we decided to actually raise the Police District tax, and we did take some heat from the County Executive's Office publicly, but we did it because we felt it was the right thing.

The County Executive vetoed it. We overrode the veto, and now I hear the number 70. Now, I don't -- I didn't know there was another process after overriding the veto where you can say, "Well, you got -- you represent the people and this is what the people said, but I'm not going to give it to you anyway." So I just -- I want to know, what did I miss?

**MR. ZWIRN:**

The only thing that comes into play is the operating budget and the question of revenues coming into the County. It's not just taxes, it's sales tax revenue and --

**CHAIRMAN EDDINGTON:**

Well, let me stop you for a minute, because I think that's true. When the County Executive gave us his budget originally, it was with a perspective of having 5% revenues in taxes, and our Budget Review Office say that's way out of line, it should be 2.75. And of course then we kind of tried to make some kind of a compromise and agreed on four, even though our Budget Review is telling us it's still too high. That's why we raised the taxes in the Police District, so we could compensate. So I don't see why we're not getting a hundred Police Officers since it's in the budget and it was supposed to be in April so we have the money, right now we do.

**MR. ZWIRN:**

What the County Executive has, and Budget Review Office and the Budget Office have to examine, is despite what you budget -- when you do a budget, it's your best guesstimate as to what the revenues are going to come in and what your expenses are going to be. We have been on target and we have miscalculated on occasion because nobody could surmise that the deficit and the recession would be as deep and as long as it has been. There were certain signs that said there was an uptick in the economy, but I know that Budget Review office yesterday met with the County Executive's Budget Office to review projections that there could be a major deficit looming if the economy does not come back. I think the County Executive is waiting to see how things are working toward the end of the year. If the economy does come back and the projections are good, there's always a possibility that you can hire more Police, but they're waiting toward the end because the Police District is not just funded with tax dollars alone. There's a large portion of the Police District tax, I don't know if it's 55, \$60 million in that range of sales tax that flows in to the Police District taxes. And if that money is not there, if that money is not there, we have to have money to run the general operating budget besides the Police Department --

**CHAIRMAN EDDINGTON:**

Right.

**MR. ZWIRN:**

-- plus the Police Department. And if that sales tax revenue is going to be short --

**CHAIRMAN EDDINGTON:**

Okay. So what you said is, though, what I'm hearing, and that's why I'm asking, is that because of that recalculation recently, we're holding the second half, the second-class of a hundred, we have to look at that because we may not have that money. And now I'm hearing that we may not have the money for that second-class of Correction Officers, which brings another whole play, you know, that we can't open a jail if we don't have Correction Officers; we've got to send them Upstate, that the Sheriff has been very clear that that's very expensive. So I understand that could all come into play, but I guess what I'm saying is when you read the resolution, it doesn't say, "A hundred for the first class if you can do it." We made it clear, at least the first class we wanted a hundred; we didn't say 70 or 40, we said a hundred. So that it seemed like right out of the box there's almost a lack of respect for the Legislative branch because it's like, "Well, you wanted a hundred, I said no. Everybody agreed we're going to get a hundred, but I'm going to give you 70." And we have -- we're down 230, we've been talking about that, and now we've had 122 retirements and we're not even going to do what we've agreed on, a hundred, we're going to get 70. I just -- I don't -- I can't rationalize that. We're going further. So it seems like the budget cuts are all at the expense of public safety and this committee, I think, is not going to allow it.

**MR. ZWIRN:**

I appreciate your comments, Mr. Chairman. And I don't believe it's a lack of respect. I think what it is, the County Executive is charged with representing everybody in Suffolk County, people in the Police District, outside the Police District. It is a tough balancing act. Public safety does not get compromised, in the opinion of the County Executive and the Police Commissioner. And as the Commissioner has stated over and over again, he will make due with the resources that he has. They have been able to get Police Offices out into the communities where they belong. I know there was a great deal of controversy over the Sheriffs taking over the duties on the Highway Patrol and Sunrise Highway and the Long Island Expressway, but that freed up an additional 55 Police Officers that otherwise would be on those roads to go into the communities. It added 55 which is almost an entire class of Police Officers, back that were experienced and trained and veterans that went back into the communities to work right away.

**CHAIRMAN EDDINGTON:**

It doesn't keep up with the -- it doesn't even keep up with the retirements. All the things we've done, and some of them I think were fantastic. I supported civilianization, but it hasn't even kept up with the retirements of the year. I mean, you put 55 there, we have 78 retirements. I mean, if you just do the simple math, not statistics that we get but simple math, we keep going further and further down. To me, that relates to less public safety.

What I try to think of in my past experience, if you don't hire teachers you have to increase class size, but we have a law that you can't go over like 35. We're way past the limit for Police Officers, as far as I can see, trying to move them around. So that I'm very, very concerned. I think I've been projecting that for the last two years, that I'm concerned with the number. You can -- you can't put a quart and a half in a quart container, and I think that's what we're trying to do.

**MR. ZWIRN:**

I know that when we look at -- except for certain spikes, and we've had some, I think, in Legislator Gregory's district which are being addressed. But by and large, if you look at statistics, not the County Executive's statistics, but you

**CHAIRMAN EDDINGTON:**

God, please.

**MR. ZWIRN:**

-- but you look at statistics from the Department of Criminal Justice, those statistics show Suffolk County crime not spiraling but going down.

**CHAIRMAN EDDINGTON:**

Let me just say this, Mr. Zwirn.

**MR. ZWIRN:**

But I'm just saying, but that's --

**CHAIRMAN EDDINGTON:**

I don't want to hear statistics. Here's what I'll say to you.

**MR. ZWIRN:**

But that's the benchmark.

**CHAIRMAN EDDINGTON:**

When I get people asking me, I say this; I'm not getting into a battle of statistics. Here's what I'm saying, and the committee can correct me if I'm not speaking for all of us. There's crime in Suffolk County, there's too much crime in Suffolk County. I don't care if it's down from last year or five years, when there's a drive-by shooting at seven people in North Bellport, when there's six kids, six people being killed in Wyandanch, when a boy loses his eye in Brentwood, there's too -- when a girl that I had in school is killed and burned in Medford, there's too much crime. I don't want to talk about statistics because maybe it isn't in certain areas, but it is out there.

And I want to make sure that we can become more proactive with patrols, not reactive. I know -- the initiatives that I hear are great -- Gang Unit, heroin suppression -- but we're moving them from somewhere else. I mean, that's the bottom line. We don't have enough people. Wherever we're moving we're losing. It's called opportunity cost in economics. That's why I'm trying to fight for more bodies. That's what -- and I get upset when we've kind of said two classes of a hundred, and with what I'm hearing, we may have to rethink the second-class. But if you come right out and say, "Well, I'm not going to give you even the first hundred," that just -- it bothers me. And I don't know about the rest of the committee, but what I hear is it just is offensive.

**MR. ZWIRN:**

I think what the County Executive is trying to do, with all due respect, sir, and I don't think there's any disrespect intended, the County Executive is also the Chief Budget Officer of this County and he can't spend money that they can't raise. And we've had increases in fees this year that otherwise we would not have considered. You guys increased taxes with respect to the Police District, but it's not the only revenue -- we have to rely on sales tax for a great deal of the revenue that generates this County, otherwise we have to raise property tax. There are bills before the Legislature to eliminate the fuel tax, you know, the energy tax, which would mean another \$50 million hole. If that passes, if that goes through, we have a bigger hole than what we started with. I mean, nobody wants to put a tax on anything. We wish we could run this with revenues coming in from --

**CHAIRMAN EDDINGTON:**

Yeah, but we already took the heat for raising -- we did what we thought was right regardless of whether we're going to take heat, and we took it from the Executive's Office and some constituents, but we thought we were doing the right thing. Just like when a parent says no to their child and they say, "Look, I'm sorry. Sometimes you've got to hear no." We took the heat, we did what we thought was right. But then I say to my constituents, "Well, Daddy said you can't have a hundred, you can only have 70." I mean, you've got to meet us halfway. If you're going to ask you because of the budget to look again at the second-class, at least give us the first class; I don't think that's unreasonable.

**MR. ZWIRN:**

I think there will be meetings between the Legislature and the County Executive in the next week or two to talk about some of the revenues that are coming in and the projections so that we can address this as an entire County, and I think at that time, I think those concerns will be put on the table. But I think this is a big picture thing. The County Executive is prepared to take the heat on

this. He has big shoulders and he's taken the heat on the Police Department, the PBA especially over the last seven years.

**CHAIRMAN EDDINGTON:**

Really?

**MR. ZWIRN:**

Well, we did it with the Sheriff's Office, we took -- so did the Sheriff's Office take a terrible beating with respect to this, but it worked and it saved the taxpayers money and got more Police Officers on the streets. Civilianization; it is tough to do civilianization in an organization that is almost a military organization, there's a great deal of resentment.

**CHAIRMAN EDDINGTON:**

And we have less civilians in the department now after civilianization than before civilianization.

**MR. ZWIRN:**

Well, there may be less positions then, but I don't know if it's that --

**CHAIRMAN EDDINGTON:**

Yeah.

**MR. ZWIRN:**

Well, the idea is to try to not --

**CHAIRMAN EDDINGTON:**

I mean, everything you say sounds great --

**MR. ZWIRN:**

But the thing is this.

**CHAIRMAN EDDINGTON:**

-- but the implementation is not so great.

**MR. ZWIRN:**

The goal is not to have as many Police Officers that you can possibly have. You could have a Police Officer on every corner and nobody would be able to live in Suffolk County --

**CHAIRMAN EDDINGTON:**

And who's advocating for that?

**MR. ZWIRN:**

No, I'm just saying, but there has to be --

**CHAIRMAN EDDINGTON:**

Why say it?

**MR. ZWIRN:**

There has to be a balance, I'm just saying.

**CHAIRMAN EDDINGTON:**

And who gets to decide the balance?

**MR. ZWIRN:**

Well, it's done jointly.

**CHAIRMAN EDDINGTON:**

You got back to my point. I'm saying --

**MR. ZWIRN:**

But the bottom line is you have to have the revenue to be able to do it, so they don't tax people out of their homes.

**CHAIRMAN EDDINGTON:**

You know what? What I would like is discussion before. After I read it in the papers, "This is what I'm going to do," and then you say, "Well, we're going to have meetings"; all that is is a justification and a rationalization of, "This is why I'm doing what I'm doing." I don't want to hear that. I want to be part of the discussion, and I thought that's what the whole process was. That's why you have a veto, you can say formally, "I don't agree." You made it clear, but we overrode it. But then to say that we're going to renegotiate because of the lack of taxes later on in the year, but not even give us what we want now, I just -- I just can't abide by that.

**MR. ZWIRN:**

Well, I think the County Executive is waiting to see how revenue projections go forward this year, in 2010, before he makes those final judgments. But the first class is going through, there's 70 Police Officers being trained, they will be out on the streets.

**CHAIRMAN EDDINGTON:**

How did we get 70?

**MR. ZWIRN:**

That I'm not sure what the number -- why they picked the number 70.

**CHAIRMAN EDDINGTON:**

And not 69 or 38 or a hundred?

**MR. ZWIRN:**

I don't have the answer as to why they picked 70.

**CHAIRMAN EDDINGTON:**

Okay. When is the projection for this class to start, of 70 or hopefully a hundred?

**MR. ZWIRN:**

I'll let Chief Moore answer that one.

**CHAIRMAN EDDINGTON:**

Yeah.

**CHIEF MOORE:**

Good morning. Robert Anthony Moore, Chief of the Department, Suffolk County Police Department. We anticipate the class beginning end of May.

**CHAIRMAN EDDINGTON:**

Okay. Now, we had put in for the class in April; do you know why it's now a month off?

**CHIEF MOORE:**

Well, initially the Police Department was given the authority to prepare for a class of 70. And what generally happens is there's a relationship between the amount of time the Police Department has to put the class in and the amount of overtime it's going to cost to put that class in.

**CHAIRMAN EDDINGTON:**

Correct.

**CHIEF MOORE:**

And the Police Commissioner, after discussing it with his command staff, realized that if he were to allow the screening process to go on an additional month, we could save as much as \$30,000 in overtime, because the background investigations are labor intensive.

**CHAIRMAN EDDINGTON:**

So -- all right. So basically, nothing happened until we overrode the veto. Because, I mean, I don't think it was a surprise that we were going to ask for more Police Officers, so that the investigations could have started earlier. It sounds to me that since it wasn't stopped, that's when it started, it started once it was like, "Well, you better do it because the Legislators are insisting." Even though it was known we were going to hire more Police Officers. I mean, I don't think anybody in the Legislature was not clear on we need more Police; how many was out there, but the investigations could have started.

**MR. ZWIRN:**

Let me just speak to one of the things that we started before. We budgeted -- even when we talk about sales tax, talk about revenues not coming in as projected, we're not getting property taxes as projected. Just because you raised property taxes doesn't mean people are paying them. And I think in the General Fund, the last numbers I have, out of the \$51 million that we -- was the tax levy, about \$25 million has come in. And that's your rock solid, I mean, that's probably your most conservative revenue that you get. People can't afford to pay their taxes and they're not. So that's the balance that the County Executive has to deal with on a daily basis. He's trying to balance the needs of everybody in this County, and as the Budget Officer he ultimately has responsibility not to drive this County, you know, into bankruptcy. And we've taken a number of measures together, the Legislature and the County Executive over the last couple of years, to deal with the economy and the shortfall of revenues, and that's part of the problem. It's not one-upsmanship, it's not a game. I think it's a true balance of trying to find what the Legislature would want and what we actually can fund, and I think we have to arrive at that. And we do it as an organization, the Legislature has a roll and the County Executive has a roll. And that's why I think there are going to be meetings going on, as they look at numbers going forward, what can we afford; what can we afford to do this year. Some other information --

**CHAIRMAN EDDINGTON:**

Yeah, I guess I want -- as the Chair of Public Safety, I also want the office to also say what can we afford not to do. I want that question, too.

And again, after, you know, with Maslow's hierarchy of needs, after food, clothing and shelter, those issues are dealt with, and I think we've been doing a pretty good job trying to help with that issue. Safety and security is the next most important human need, and I'm going to continue to advocate as will my committee, and be the squeaky wheel. I know the County Executive has to make tough decisions, but I'm going to continue to let him know what we think is important, is public safety; more Correction Officers so we can open the jail, more Sheriffs if they win the highway so they can do it and have a rotation, and more Police Officers so that they can maintain patrols in our villages and towns and whatever.

**MR. ZWIRN:**

And I think that the dialogue will continue. Look, this is the process, it is not -- because we disagree and we argue about these things, we do it in public, we do it civilly, everybody has the best interest of the taxpayers and the residents of this County at stake.

**CHAIRMAN EDDINGTON:**

Yes, you do.

**MR. ZWIRN:**

And we will debate these issues and we may disagree, but we will all advocate for the positions that, you know, that we think are just.

The County Executive believes public safety is the most important thing that we deal with as government officials, no question, that is the number one issue. We've got to make sure that people feel safe in their homes.

**CHAIRMAN EDDINGTON:**

Could I have that in writing?

**MR. ZWIRN:**

Well, it's a fact. I mean, we want to make sure people --

**CHAIRMAN EDDINGTON:**

I think it's a fact, but --

**MR. ZWIRN:**

If people don't feel safe in their homes, they don't feel safe when they go out shopping or taking their kids to the park, then what -- if the quality of life has gone down, then there's no point for us -- we've not done our jobs. And I think what the County Executive is trying to do, and it is a difficult balance, is to take the revenues that we have and trying to respond to the public and to make sure that people also feel safe.

And I know that there are spikes and there are anecdotal incidents that are horrible. Sometimes extra Police Officers wouldn't have stopped the incident in the first place. But there's no question if we had the ability, I think, to hire a lot more Police Officers -- the key is to get the right amount, to get the right balance; not to get too many, not to have too few, but to make sure the Police Department can perform their functions as the public expects and that we can also balance that against the tax levy as well. And I think that the next couple of weeks, I know that they started the process with the first class, it may not have been as many as you like, but there's a class going through and there will be opportunities to debate this further and we'll also see where the taxes and revenue are going to see what we can afford, and I think that's a healthy process.

**CHAIRMAN EDDINGTON:**

You know, and I agree. It's just that I feel like you can't win the debate because ultimately the County Executive does what he wants. I mean, that's how I feel, that's how I'm feeling. Because we debated t, we agreed on a hundred and we were told, "Then you're going to have to raise taxes," and we did and now we're getting 70. So that I don't mind the debate, but if you can't ever win, what's the point of debating?

**MR. ZWIRN:**

Well, again, I just say, I point to the fact that when you raise taxes, and the General Fund tax levy is \$51 million and the public is paying \$25 million of that, that the houses are going into arrears, they can't pay their mortgages, they can't pay the taxes, that's a red flag that is frightening when you think -- because that is your most conservative revenue and that is the personal belonging that people most cherish and want to protect is their home, that's their biggest investment outside their family members. So when that money is not coming in and running so far behind, we have to give pause to think about how we spend the dollars that we have. And again, it's all part of the system, it's all part of the debate that we have and we'll go forward.

And again, the County Executive is going to be reaching out to the Legislature. The Budget Office reached out to the Budget Review Office, they met yesterday. There's going to be a lot going on. We're making a presentation, I think on March 16th there will be a joint presentation between the County Budget Office and Budget Review Office, it will give us a better handle on where the finances are and we will have this debate again before the month is up.

**CHAIRMAN EDDINGTON:**

Okay. Thank you very much. Anybody else? Legislator Kennedy.

**LEG. KENNEDY:**

Good morning. There are a couple of things that I want to talk about just in the County Executive's (hule), and I thank you for that lesson in economics.

But let's talk a little bit about the shortfall on the property tax revenue, and let's talk about the Suffolk County Tax Act. Let's talk about the fact that for our delinquencies we do issue DTANs, and we do issue DTANs at, I think, an historic low interest rate at this point, probably somewhere in the neighborhood of one to 2% that we pay on that money. And as I have been told over and over and over again, what I put forward in an effort to go ahead and factor delinquencies, we make bundles of money on that; "Oh, no, we have 5% interest, we've 5% penalty, that's a revenue boondoggle, that's a revenue extreme."

So I'm not so sure that this conservative notion about a shortfall in property tax in the first instance resonates anywhere, because ultimately 97, 98, 99% of those taxes plus are collected by this County over anywhere in a 36 to 48 month time period. So that first supposition there I think is illusion, I don't agree. I don't agree with it at all. Now, what I want to do is I want to go to the numbers.

**MR. ZWIRN:**

It doesn't identify the fact that people are struggling and having a problem with taxes?

**LEG. KENNEDY:**

No doubt. As a matter of fact, everybody is struggling and having a problem with taxes. But this body, like the Chairman just said, went ahead in good faith because our constituents, the ones in the Town of Smithtown and every other great town in this County, said, "We want to be safe in our neighborhoods." Forty-five million dollars in Police District levy in the Township of Smithtown and the residents are willing to pay in order to be safe, but they're not willing to pay to be subject to an illusion, and that's what we have constantly here. It's like the Three Card Monty, "Oh, we've got to be concerned about the money", "Oh, we've got to be concerned about what's coming in." But guess what? We don't want to factor because we make a bundle of money off of that delinquency. I don't agree. I don't at all. I think it was clear what the Chairman talked about, we had an expectation that there were going to be a hundred officers seated, we don't have a hundred officers. Chief, when did the lottery process start?

**CHIEF MOORE:**

I'm sorry, I really don't know the exact date when it started.

**LEG. KENNEDY:**

I think when I spoke to Mr. Schneider, it was probably some time in early December. That's when we had I think about 450 that were polled on this existing list.

**CHIEF MOORE:**

Yes.

**LEG. KENNEDY:**

And we're going through the vetting process now and we're being told that there are going to be 70 SCINS signed and there will be cadets that will be started in the last week in May or the first week in June. Now, they'll be in class for about, what, six months? They'll be out and into a precinct maybe the last week in December, maybe the first week in January. So 2011, a whole year will have gone before we see new cadets in precincts as trainees.

**CHIEF MOORE:**

Yes.

**LEG. KENNEDY:**

Is that pretty close?

**CHIEF MOORE:**

Yes.

**LEG. KENNEDY:**

Okay. So we're fast approaching a point where it's a physical impossibility to get a second-class in this year, aren't we? Because unless we go through a whole new lottery process and a whole new screening, we can't see them, can we? Is that pretty close?

**CHIEF MOORE:**

I think those are questions that you would have to put to Civil Service. I really don't have an answer.

**LEG. KENNEDY:**

Well, I think, Chief, that what happens is once that screening is done and once that lottery is done, we don't have the ability to go back. Well, maybe we do, and I hope we do. Because I hope, as Mr. Zwirn said, we're looking closely at those numbers and we are going to see another class. But you know what? I don't believe we are. I believe that what we did is all 18 of us went out there and we raised property taxes in a Police District 3%, after listening to our constituents over and over and over again complain about crime, complain about drugs, and guess what? We're not being able to deliver. So if we can't go ahead and expend that, then we as a body are going to have to go ahead and relook at that increase. Maybe we need to shift it to pay down debt, maybe we need to be more frugal because the County Executive decided we don't know how to add and we don't know how to calculate. We know very well, Mr. Zwirn. That's the message I want you to bring back to the County Executive.

Now, I'm going to go one back one more time on the numbers, Chief.  
How many on-board Police Officers do we have right now?

**CHIEF MOORE:**

I --

**LEG. KENNEDY:**

How about 2,597, does that sound close?

**CHIEF MOORE:**

I don't --

**LEG. KENNEDY:**

That's what we reported to Albany for the month of January, with a \$26 million monthly payroll. Is that about it?

**CHIEF MOORE:**

I could get those numbers for you fairly quickly.

**LEG. KENNEDY:**

Well, the numbers really do matter, Chief, because we're talking about all of these very urgent financial matters. And if I look at a monthly payroll of about 26 million, I think that puts me in at about 300 million. I think our Police District budget is somewhere around 450 million; about that?

**MR. LIPP:**

Property tax version.

**LEG. KENNEDY:**

Property tax version, okay. Where are we at on the sales tax collection at this point, BRO?

**MR. LIPP:**

We just ended the previous year in February and we're down in the General Fund 27 million from the estimated numbers, so we're -- that's a shortfall. However, overall with the General Fund, there are other things that we think are positive, so it's yet to be seen whether or not the fund balance overall in the General Fund will be significantly negative. We think that it will be a little bit short but not as bad as the sales tax portion, we'll make it up in some other areas.

**LEG. KENNEDY:**

Okay, good. So that's good to hear. So all in all, we're fairly confident we're probably going to be able to hold pretty close to what those projections were that you and the County Executive's Office worked with last year.

**MR. LIPP:**

Well, no, that was just for '09 I'm talking about. That it gives us for 2010 a lower sales tax base, we put 4% in the budget growth rate off of the higher base. We projected back in October not 4% but 2.75%, so therefore we're probably talking about another \$40 million hole in the General Fund in 2010 just from the sales tax.

**LEG. KENNEDY:**

Look the numbers are important, we're going to continue to talk about the numbers, we're going to continue to debate the numbers. I think the message here is even if we were off by 50%, we're not even getting 50% of what we budgeted for as far as new Police Officers. The message is we asked for 200, we're seating 70. If that's all that we're going to get out of this year, then obviously we're going to have to go out and take a hard look at what happened with what we represented to our constituents. I'll yield.

**CHAIRMAN EDDINGTON:**

Legislator Horsley.

**LEG. HORSLEY:**

Thank you very much, Mr. Chairman. I'm going to move to a different direction here, if I may. I'm sure Ben won't mind that. I've been watching --

**MR. ZWIRN:**

I can give another economics lesson, I suppose. I'll dispense.

**LEG. HORSLEY:**

Let's be good, Ben. We -- I'd like to bring up a bill that I put into written past several years ago, 1080-2008 which established the Text-a-Tip text messaging and e-mail messaging system to Suffolk County Crime Stoppers. And I've have been watching the Chief as we've been chatting texting --

*(\*Laughter\*)*

-- throughout this dialogue, so I know that you recognize how important texting has now come to our society. I am putting in an enhancement Text-a-Tip bill because I think I have to. And the reason -- what I'm looking to do is direct the Suffolk County Police Department to include the Text-a-Tip number in all future Crime Stoppers communications of any kind, including but not only limited to all printed materials and advisories. And we've discussed the Text-a-Tip program, knowing that I don't agree with the bounty system because we're dealing with youth, because they are the people who will be primarily using the Text-a-Tip program. But that being the case, I think that we have to utilize the possibility that young people will be using this program, many citizens are unaware now that this option exists when deciding whether or not to report a crime in Suffolk County.

Again, individuals with information about crimes are encouraged to call 1-800-220-TIPS or send a message to crimes274637 with Suffolk County Police Department in the body of the text along with their message.

So we went out, we asked a couple of Police Departments, "Well, how did you go about letting the public know that this is a viable option?" And we talked to the {Arandola County} Maryland Police, they said that they -- "We sent out press releases to raise our awareness of the Text-a-Tip Program. Also, we decided to add information regarding the Text-a-Tip Program, all media releases issued to the {Arandola} Police Department as well as unwanted posters. They blanketed the fact that they are now involved in a Text-a-Tip Program.

"Text-a-Tip has proven effective", this is what Napa California Police Commander says, "in obtaining information on gang activities and assaults in Napa." Across the nation, Text-a-Tip programs resulted inasmuch as 212% increase in successful crime prevention tips and led to hit and run arrests, legal gun confiscations and even solved homicide investigations, and yet we seem to have dropped the ball on this very important policing method. In 2009, the Department of Justice in Washington issued a report stating the stop-snitching mentality now is a nationwide problem. An increase in witness intimidated perpetrated by the stop-snitching mentality has made many citizens fearful of providing information directly to the Police.

So we have a program that could be so useful to us and we have agreed on it, both yourself as well as the Legislature. But yet I see the advertisements on the billboards, I see the advertisements on the TV and talking about crime stoppers and the like and never, never have I seen the Text-a-Tip Program utilized, and I just think that we've got to -- we've got to get this on the ball. And particularly with our young people who have witnessed a crime, they see that a drug deal is going down, they see that somebody is being hurt in our parks, we see -- they see, they're the eyes and ears. And if they can do it anonymously and text-a-tip to our Police Department, that is such a useful tool. And I don't think they need that bounty to do that, I think that they want to be good citizens but they are afraid and caught up in the snitch mentality, the anti-snitch mentality and are just afraid for their lives. So I think that we could get them on board with this program.

So each and every time the Suffolk County Crime Stoppers telephone number is broadcast on television, heard on the radio, printed in newspapers, transmitted in press releases, posted on County websites or even written on fliers, it is imperative that text-a-tip number also be included in the public in these communications. And I'm here to sell that to you, sell that to the Police Department because I think that we are in this together and it's a good program and we can stop this anti snitch mentality that has proved so purveyance -- purveyant across this County. Thank you. Thank you, Mr. Chairman, for allowing me to make my point.

**CHAIRMAN EDDINGTON:**

Yes. Okay, thank you. Legislator Gregory.

**LEG. GREGORY:**

Thank you, Mr. Chair. And thank you, Mr. Zwirn and Chief Moore. You know, I read the article in Newsday, I don't know, two weeks ago about the \$1 billion figure for Police Officers over a 20-year period and we don't have the money and we're going to go with a class of 70. You know, terrible Police Officers, they make too much money and they're taking every penny from the taxpayers, etcetera, etcetera. You know, obviously you understand that we don't buy that argument, you know, we think that it's a necessary expense. And a former military officer, I think as a nation, we spend hundreds of billions of dollars, at least tens of billions of dollars every year for our military and we never blink an eye, and that's to prepare our shoulders to fight in a fight in a war that we hope they will never be in. So to spend money for Police Officers who are on the front lines every day, you know, a car stop, their life is in jeopardy. As a military officer, as a soldier, you know, up until 9/11, you know, it was a generation before we would ever see combat or see war, life would be in jeopardy. So I think it's a necessary expense.

But nevertheless, you know, today I get this document, a directive from the Commissioner that states that there's some survey program, a mail and telephone survey to residents of Suffolk County, and I have to think how much does this program cost? And we're talking about we're pinching dollars and pinching pennies and we don't have money, but we have money to pay for programs like this but we don't have money to put in a class to get more Police Officers on the streets so that our communities can be safe, communities like my district and Kate's district and Wayne's and everyone's district. I don't understand that, it's contradictory. And I know that's not your fault but, you know, what's the rationale that you're being told behind this directive?

**MR. ZWIRN:**

With respect to the survey that's going out?

**LEG. GREGORY:**

Yes.

**MR. ZWIRN:**

Oh, okay.

**LEG. GREGORY:**

Yeah, I would like to know how much did we pay for this? I know in the past for promotional things we paid a couple of hundred thousand dollars, I mean, depending on the programs.

**CHIEF MOORE:**

The cost of the survey is negligible. We haven't hired an outside vendor to prepare the forms, so that was done by our Research and Development Section in cooperation with officers within the Police Department.

The survey is not something new. We have done surveys periodically, I think we did one in 2006; we did do one, I don't know if it was 2005 or 2006, but it was fairly recent. This is just a survey that is going to be distributed through just about any means, through the Internet, fliers are being prepared and distributed to the precincts. So we're using a number of channels to distribute the surveys and they're being reviewed by the Police Department.

**LEG. GREGORY:**

So this is not a scientific survey.

**CHIEF MOORE:**

Well, it probably wouldn't rise to that level because, as you know, a scientific survey comes with a great deal of scrutiny. We've started putting the survey out. I think right now we've had fewer than a hundred, fewer than a hundred responses. We're very pleased with the results, although a hundred is such a small sample size. We -- if we were to ask anyone, an impartial organization, it would probably be one of those organizations with which we already have a relationship, for example, Stony Brook University which has been helping us with the Bias Police Stop Program, or the T-Stop Program as we call it.

So as it stands right now, sir, there has been virtually no cost associated with it and we don't anticipate there being a cost associated with it.

**LEG. GREGORY:**

Now, what type of questions are in the survey? How long is the survey, what's the -- what type of feedback are you looking for?

**CHIEF MOORE:**

Well, why don't we do this? Why don't I get copies of the survey and --

**LEG. GREGORY:**

That was my next question.

**CHIEF MOORE:**

Sure, absolutely. We can do that.

**LEG. GREGORY:**

Okay.

**CHIEF MOORE:**

We can discuss it with a little better knowledge, okay? Would that be appropriate?

**LEG. GREGORY:**

Yep. Thank you.

**CHAIRMAN EDDINGTON:**

What a unique idea.

**LEG. HORSLEY:**

Mr. Chair, could we have the Chief comment on the Text-a-Tip as well? Because he didn't have an opportunity.

**CHAIRMAN EDDINGTON:**

Yeah, I wanted to have Legislator Browning ask her question, though; I didn't want to leave her out.

**LEG. BROWNING:**

My question is more BRO. I'm curious, the increase on the Police District tax this year generates, is it about \$12 million?

**MS. VIZZINI:**

It was a 3% increase generating \$13.3 million in property taxes. Of that, we used four to reduce the sales tax that was recommended to the Police District, was recommended at 58 million, we reduced it to 54 million.

**LEG. BROWNING:**

Okay. And a class of 100 Police Officers, what does that cost us?

**MS. VIZZINI:**

We provided \$9 million for the two classes and it varied based on when we started those classes. We're getting that number for you. One hundred in April would have been about six million and the remainder three plus would have been for the latter class in October.

**LEG. BROWNING:**

Okay. You know, my question is maybe the County Executive would like to look at this because, you know, if I gave you \$20 to go to the store and I asked you to buy me something and it cost 15, I want my change. If I gave you \$20 to go buy something and you say they didn't have it, I want my \$20 back. So what I'm trying to say is that, you know, we have asked the taxpayers to pay for Police classes. If we're not going to use the money for the Police class, then we need to give them that money back, it's theirs, and we're not giving them what they paid for.

**MR. ZWIRN:**

If I can just respond. With all due respect, Legislator Browning, as Gail mentioned with BRO, \$54 million, you raised taxes \$13 million, four of it went back from the Police District to sales tax. There's still over \$54 million of sales tax revenue flowing from the General Fund into the Police District to offset Police District taxes. Which means people like me who live on the east end who don't live in the Police District, some of our town taxes -- well, sales tax that would go into the General Fund is now going in. So if we don't have that \$54 million in sales tax flowing from the General Fund into the Police District, you know, what do you do? I mean, you raised taxes \$12 million, but if you're \$54 million going to be shy or some portion of that going in from sales tax

revenue because of the economy, you have to take that into account when you're funding anything. So it's not -- my only point is it's just not as simple as just -- the Police District is not just done with taxes, property taxes. There is a sales tax component that goes into it and that --

**LEG. BROWNING:**

But we dedicate that money for Police service.

**MR. ZWIRN:**

If the money is there. Our sales tax revenue last year in '09 closed \$27 million under budget. Just because we budget a number, you know, unfortunately it doesn't mean that's the number that's going to come in. And we were short on our expectations last year because the economy was just so sour. We don't know exactly what's going to happen in 2010, I think that's why the County Executive has moved very conservatively this year to see where the sales tax numbers are going to come in. He was optimistic at the end of '09 going into '10, we're going to have to review those numbers very carefully on a monthly basis to see where we are. It's always generally -- I think in County hiring, you always see, if there's going to be hiring, it's usually done toward the second half of the year because we have a better idea of what our revenues are going to be coming in. We have actual numbers that we can actually look at. That's my only point.

**LEG. BROWNING:**

I can tell you I was at a civic meeting some time ago, the Inspector from the precinct was there, there was discussion about Police presence. I can tell you right now, there are certain community members in my district that are saying, "We want double cars now. We want two officers in the car now. We don't want just one officer in a car, we want more Police." I told them, "We increased your Police District Tax to hire those classes." And I've told them, "If you think this is what we need to do and you support this increase, you need to call. Call every Legislator and call the County Executive and tell them you need those Police Officers." So they're all -- all of us hear it every day on the street.

And, you know, to say there are spikes, I mean, I have the statistics in front of me. There's an overall 5.6% increase and this is -- this is the New York State Division of Criminal Justice Services, it says, 5.6 increase. Certain types of crime are down, burglaries, larceny, properties, those are the crimes that are up. So crime is up in certain areas, yes it's down in other areas, but I am hearing about more bank robberies; the Radio Shack right across William Floyd Parkway from where I live has been robbed I think three times within the year. So there is certainly a need for more Police Officers in the street. And Mastic Beach is trying to create a village because they're tired of the nonsense that's gone on and they feel that they can get control. So we need the Police Officers so we can do what we need to do for them.

*(\*Legislator Montano entered the meeting at 11:32 A.M. \*)*

**CHAIRMAN EDDINGTON:**

Legislator Horsley.

**LEG. HORSLEY:**

Yes, I just wanted the Chief to comment on the Text-a-Tip and see where we're going and see if we're moving in the same direction.

**CHIEF MOORE:**

Well, first of all, sir, I would like to thank you for your support for the Text-a-Tip Program. Technology is moving so rapidly and communications technology over and above the hardware technology.

**LEG. HORSLEY:**

Everything.

**CHIEF MOORE:**

The Suffolk County Police Department, of course as you know, has an interactive website. We have a Facebook, and though I shutter at the thought, it won't be very long before the Police Commissioner is inviting people to Twitter him.

But having said that, the Text-a-Tip, we have every intention of putting that information on all of the paperwork. The only delay has been that we wanted to exhaust existing stocks in inventory, but new printings will have the Text-a-Tip information on it. And because they have --

**LEG. HORSLEY:**

This would include also signs and --

**CHIEF MOORE:**

Yes.

**LEG. HORSLEY:**

You're running those television commercials and they're not on the television commercials either, so that you could have slipped that one in, that's just a little digital line in there.

**CHIEF MOORE:**

Sure, we can do that. Also, the Text-a-Tip information was added to the website within the past few weeks, in English and Spanish, so we are working towards doing as you suggest. But again, thank you.

**LEG. HORSLEY:**

You're welcome.

**CHAIRMAN EDDINGTON:**

Okay. I think we've exhausted the questions and probably ourselves. So thank you very much for responding.

I had a question from Legislator Browning, that if the Sheriff's Department would want to come up and comment on the hiring of the second-class or not hiring, we would invite you up.

**UNDERSHERIFF CARACAPPA:**

Good morning, Mr. Chairman, members of the committee. Joe Caracappa, Sheriff's Office, Chief Mike Sharkey, Sheriff's Office.

**CHAIRMAN EDDINGTON:**

So what's happening?

**UNDERSHERIFF CARACAPPA:**

Well, right now we have a class in the academy of 30, and originally it was supposed to be 40 and 40, as budgeted by this Legislature. We haven't heard about a second-class or delaying or getting rid of a second-class as of yet.

I think you are aware, Mr. Chairman, that the State COC is very concerned about our staffing plan as we move forward to 2011 and the opening of the new facility. We have a hiring plan; and just as you do a hiring plan in the budget, we know what we need and we know what we want. But just as this Police Department is going through the same issues, so are we. But we're grateful for the 30 we have in there now and we're looking forward to their arrival, I can tell you that much. Chief, you want to expand on that?

**CHAIRMAN EDDINGTON:**

Talk a little -- if, God forbid, you know, like I'm always talking about proactive policing. God forbid we don't get the second-class of 40 or 30 or whatever, give me the scenario? I mean, can we open the jail without that adequate -- with that staffing?

**CHIEF SHARKEY:**

The short answer would be no. Our hiring plan was for two classes of 40 this year and three classes of 50 next year. I don't know if you've seen the letter from the commission, they've already raised an eyebrow over the fact that we haven't hired the 40 that we said we would, thereby we're not making our minimum staffing now and thereby they've threatened to stop some of our variances, which are going to run millions of dollars if they pull those variances.

**CHAIRMAN EDDINGTON:**

Yeah, that would be my next question, if you could give us probably the worst case scenario. But if you could come up with something, I think it would help us to deal with the County Executive if we could be supporting what I'm hoping you're already saying, that you'll cost us this much to transport, we won't be able to do that. So if you could give us some of that possible scenario stuff that you don't want to have happen, let us know. We certainly could support you on that, because we really want to make sure that you have adequate staffing to do your job.

**CHIEF SHARKEY:**

The bottom line is if we don't have the staffing, the commission will, A, not allow us to open the new facility and, B, will begin to pull variances because they won't be comfortable that we have the coverage to watch the prisoners we have.

**CHAIRMAN EDDINGTON:**

And nobody wants that to happen.

**CHIEF SHARKEY:**

No, it would be a large financial burden on the County.

**CHAIRMAN EDDINGTON:**

Okay. Legislator Kennedy, go ahead.

**LEG. KENNEDY:**

Yeah, through the Chair. If we could just get a copy of the letter from the Commission of Corrections for our office?

**CHIEF SHARKEY:**

No problem.

**LEG. KENNEDY:**

Thank you very much.

**CHAIRMAN EDDINGTON:**

Good?

**LEG. BROWNING:**

Well, I just feel --

**CHAIRMAN EDDINGTON:**

Legislator Browning.

**LEG. BROWNING:**

You know, we spent money on this very expensive jail and to sit there empty, it's just amazing to me. How much does it cost to house a prisoner?

**CHIEF SHARKEY:**

It varies based on facility. We try to look for the less expensive facilities which entails longer transportation distances, but in the \$130 a day range per prisoner.

**LEG. BROWNING:**

Minimum. And how much if you keep them at home?

**CHIEF SHARKEY:**

The 130 is above our operating cost, we're housing them in the facility, there's no cost above our operating cost. We have done a look when we did that last set of variances, I think it was like 154 variances. We did have to increase in-house posts which required Correction Officer overtime and staffing, which we figured cost somewhere in the million dollar range. However, we were saving three to \$4 million in outside -- net three to \$4 million in outside housing costs by doing that.

**LEG. BROWNING:**

I thought the class that you actually hired, was it 37, 38 Corrections Officers that initially were hired for the class; am I incorrect?

**CHIEF SHARKEY:**

The class was planned to be 40 and we were authorized to hire 30.

**LEG. BROWNING:**

Oh, okay. I thought it was more and I thought some dropped out. Do you have any officers, any candidates that dropped out over the past -- over the first few weeks?

**CHIEF SHARKEY:**

We had one that left but left early enough for us to replace him.

**UNDERSHERIFF CARACAPPA:**

Very early on.

**LEG. BROWNING:**

Okay, thank you.

**CHAIRMAN EDDINGTON:**

It's not going to be as expensive because we're not getting any furniture for them, so we'll save money that way, you know?

**UNDERSHERIFF CARACAPPA:**

Well, that's another issue. You want to talk about that now?

**CHAIRMAN EDDINGTON:**

Yeah, you can mention it, though. I mean, we have I think something that was going to be tabled, but what's the deal?

**UNDERSHERIFF CARACAPPA:**

Well, last year the Legislature approved transferring -- it was \$5 million, correct?

**CHIEF SHARKEY:**

Four point two.

**UNDERSHERIFF CARACAPPA:**

Four point two million dollars to fund another project, it was a 911 project, and it was put on the record by the County Executive that that money would be put back in the budget and appropriated this year.

As was mentioned, the facility is moving forward. Anyone that's come out to tour it recognizes the fact that as much as you talk about it and you do budget appropriations and we discuss it here in committee, it is happening, and people don't recognize that until they actually get out there and see it. And the progress is tremendous and we are on time. We've got a time line and we're on time

and we're on budget and without the hiring and without the equipment for the facility, it's shaping up to be a very bad scenario for everybody. And the fall of 2011 is right around the corner.

**CHAIRMAN EDDINGTON:**

Maybe what we could do, because it's scheduled I think to be tabled at this session. Maybe what we could do is put a meeting together where we tour it. I'll get the committee, if you could communicate to me a couple of dates and we'll look at a when there are no committee meetings or anything and we could tour it. It might be easier for us to advocate for the furniture if we could see what you're saying. Is that good?

**UNDERSHERIFF CARACAPPA:**

Absolutely. You just let us know when it's good for you and the committee and we'll be happy to have you out for a full tour. We've had certain Legislators and the Presiding Officer came out with his staff, so we're happy to do it.

**CHAIRMAN EDDINGTON:**

All right. Any other questions? Okay. Thanks, guys, very much.

**UNDERSHERIFF CARACAPPA:**

Thank you.

**CHAIRMAN EDDINGTON:**

Okay. How about the agenda?

**Tabled Resolutions**

***IR 1002-10 - Naming the new 4th Precinct Building after Cyril J. Donnelly (Kennedy).***

**LEG. KENNEDY:**

Mr. Chair, I'm going to make a motion to move this resolution. I think we heard compelling testimony this morning from our former Police Commissioner. And as a matter of fact, I'm going to ask that the committee hear what our Legislative Counsel will say about what, in fact, has occurred with the Naming Committee process. I believe it's live and it's legitimate before us.

**LEG. BROWNING:**

I'll second that.

**CHAIRMAN EDDINGTON:**

Okay. Could you comment on it? Because I thought that they had not agreed.

**MR. NOLAN:**

Well, apparently the Naming Committee has had this before them since I believe November, the beginning of November. At their last meeting they -- I think the action they took was tabling, so they haven't made a recommendation one way or another to the Legislature. However, they were supposed to make a recommendation within 90 days of having received the request. I believe we're passed the 90 days, and that being the case, if the committee and the entire Legislature wants to, it can act on this resolution.

**CHAIRMAN EDDINGTON:**

Okay. Then we have a motion and a second. All those -- any discussion? All those in favor? Opposed? Abstentions?

**LEG. KENNEDY:**

Thank you.

**CHAIRMAN EDDINGTON:**

Okay. He sounds like an honest and honorable man.

***IR 1029-10 - Adopting Local Law No. -2010, A Charter Law to provide a fixed five year term for the Police Commissioner (Cooper).***

I'll make a motion to table for a Public Hearing.

**LEG. GREGORY:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Gregory. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 4-0-0-1 Not Present: Legislator Cilmi).***

***Introductory Resolutions***

***1078-10 - Adopting Local Law No. -2010, A Charter Law amending the membership of the County Fire, Rescue and Emergency Services Commission (Losquadro).*** I'll make a motion to table for a Public Hearing.

**LEG. GREGORY:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Gregory. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 4-0-0-1 Not Present: Legislator Cilmi).***

***1117-10 - Accepting and appropriating 100% grant funds received from the New York State Senate, Office of Funding and Program Development, DWI Prosecutors Assistance Program (County Executive).*** I'll make a motion to approve and put on the Consent Calendar.

**LEG. BROWNING:**

Second.

**LEG. GREGORY:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Browning. All those in favor? Opposed? Abstentions? ***Approved and placed on the Consent Calendar (VOTE: 4-0-0-1 Not Present: Legislator Cilmi).***

***IR 1118-10 - Accepting and appropriating 100% grant funds received from the United States Department of Justice, Bureau of Justice Assistance (County Executive).*** I make a motion to approve and put on the Consent Calendar.

**LEG. KENNEDY:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Kennedy. All those in favor? Opposed? Abstentions? ***Approved and placed on the Consent Calendar (VOTE: 4-0-0-1 Not Present: Legislator Cilmi).***

***IR 1120-10 - Approving an increase in fleet for the Suffolk County Police Department (County Executive).*** I'll make a motion to approve.

**LEG. GREGORY:**

Second.

**LEG. KENNEDY:**

On the motion, Mr. Chair?

**CHAIRMAN EDDINGTON:**

You beat me. Go ahead, yes.

**LEG. KENNEDY:**

Obviously I believe that it's very important that we make vehicles available. However, I had an opportunity to review the resolution and I've got a question about the actual expenditure that we're making for the leased vehicles. In some of the backup, if you look at it, I believe that the monthly charge is going in excess of four to \$500 a month. Now, the vehicles referenced are from sub-compacts up to SUV's. You know, the last time I got a look at Newsday, there's {Hundai's} going for \$89 a month. I'm just hoping that somebody can explain why we have a \$500 a month charge for the vehicles. If there's anybody from the department or anybody who can speak to it?

**CHIEF MOORE:**

We can get back to you.

**MR. ZWIRN:**

Legislator Kennedy, these are special circumstances. These are undercover vehicles that will be used by the --

**CHIEF MOORE:**

Police.

**MR. ZWIRN:**

Okay, I'll let Chief Moore talk about it. But the reason that this is more expensive than it might be is because these vehicles are turned over very quickly because they get burned quickly, I mean identified and then they turn these vehicles over. So in order for them to keep moving vehicles, they have to -- they pay a premium to the leasing companies for them; that's the explanation.

**LEG. KENNEDY:**

Chief, tell me something else that's going to convince me this is a good thing to do.

**CHIEF MOORE:**

Well, this has been a long-standing practice within the Suffolk County Police Department. You and I could discuss it at greater length outside of the public hearing.

**LEG. KENNEDY:**

Okay. And again, I realize that there are certain aspects of this that we don't necessarily want to do in a public fashion. Okay, then let me ask you this, Chief. For me personally it's important to have that conversation.

**CHIEF MOORE:**

Okay.

**LEG. KENNEDY:**

Are there vehicles available? If I offer a motion to table and we go one cycle on this, is this going to compromise any ongoing effort with the department to access equipment that's needed for the various undercover operations?

**CHIEF MOORE:**

This particular vehicle will be going to the PSAT team which, as you know, is the gang and gun team. Currently they have a number of marked cars but an inadequate number of unmarked cars.

**LEG. KENNEDY:**

All right. Then let me see if I can do this one more way. Okay, you know what? Then here's what I'm going to do, Mr. Chair. Because I personally do need to just have this conversation, especially based on what we've just talked about for the last 90 minutes with the free-fall in sales tax and some of our other larger financial issues.

I don't want to compromise public safety. I'm somewhat loathed to do a discharge without recommendation. But in good conscience, absent the level of understanding I need to have, I can't vote for this to go out. I mean, I'll offer a discharge without recommendation because I also don't want to compromise something that's an ongoing operation, but I just need to have that conversation.

**CHIEF MOORE:**

I'm not that familiar with the Legislative process, but I could give you two minutes and if that's not satisfactory, on the outside of the public hearing portion.

**CHAIRMAN EDDINGTON:**

Legislator Browning.

**LEG. BROWNING:**

Yeah, I'm reading the resolution and it does say that it uses asset forfeiture funds to do this.

**CHIEF MOORE:**

Yeah.

**LEG. BROWNING:**

And I know that there are times when you have seized vehicles that you use those also, correct?

**CHIEF MOORE:**

(Shook head no).

**LEG. BROWNING:**

No? You don't. Okay, but it says asset forfeiture money that's being used to do this, so I don't see why it should be an issue.

**LEG. KENNEDY:**

And that portends a whole nother conversation that we may or may not get to. Either, I guess, we pass over it and I step out, but I don't want to absent myself from the rest of the committee. There's a motion to approve. I'll offer a motion to discharge without recommendation, it gets it out of the committee anyhow. But I don't want to influence my colleague Legislators, so.

**CHAIRMAN EDDINGTON:**

I'm thinking that even if we approve it it gets out of committee. And if the conversation doesn't take place, when it goes before the full Legislature I think then we could --

**LEG. KENNEDY:**

Okay.

**CHAIRMAN EDDINGTON:**

I want to give them the benefit of the doubt.

**LEG. KENNEDY:**

Okay.

**CHAIRMAN EDDINGTON:**

All right. So we have a motion to discharge without recommendation.

**LEG. GREGORY:**

No.

**CHAIRMAN EDDINGTON:**

No, but no second. Okay, so we're going to go with the discharge -- the approval. I have a motion and a second. All those in favor? Opposed?

**LEG. KENNEDY:**

I'm opposed.

**CHAIRMAN EDDINGTON:**

One opposed. Abstentions? Okay. ***Approved (VOTE: 3-1-0-1 Opposed Legislator Kennedy - Not Present: Legislator Cilmi).***

***1121-10 - Accepting and appropriating a grant in the amount of \$30,000 from the State of New York Governor's Traffic Safety Committee, for the Suffolk County Police Department to fund a Motorcycle Safety Enforcement and Education Program with 86.78% support (County Executive).*** I'll make a motion to approve.

**LEG. BROWNING:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Browning. All those in favor? Opposed? Abstentions? Okay, ***approved (VOTE: 4-0-0-1 Not Present: Legislator Cilmi).***

***1122-10 - Accepting and appropriating a grant in the amount of \$111,195 from the State of New York Governor's Traffic Safety Committee, to target speeding, aggressive and distracted driving, and commercial vehicle safety with 85.81% support.*** I'll make a motion to approve.

**LEG. GREGORY:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Gregory. All those in favor? Opposed? Abstentions? ***Approved (VOTE: 4-0-0-1 Not Present: Legislator Cilmi).***

***IR 1123-10 - Accepting and appropriating \$10,000 additional federal pass-through grant funds from the NYS Division of Criminal Justice Services to the Suffolk County Police Department for the S.T.O.P. Violence Against Women Program with 100% support (County Executive)***

I'll make a motion to approve and put on the Consent Calendar.

**LEG. BROWNING:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Browning. All those in favor? Opposed? Abstentions? ***Approved and placed on the Consent Calendar (VOTE: 4-0-0-1 Not Present: Legislator Cilmi).***

**1124-10 - Accepting and appropriating a grant in the amount of \$127,400 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department's Operation Hot Wheels VI Program with 85.87% support (County Executive).** I'll make a motion to approve.

**LEG. BROWNING:**

Second.

**LEG. GREGORY:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Browning. All those in favor? Opposed? Abstentions? **Approved (VOTE: 4-0-0-1 Not Present: Legislator Cilmi).**

**1133-10 - Accepting and appropriating 100% Federal pass-through grant funds from the NYS Office of Homeland Security (OHS) in the amount of \$50,000 for "Creation of Explosive Detection Canine Team" under Homeland Security Explosive Detection Canine Team Grant Program to be administered by the Suffolk County Sheriff's Office in partnership with the Nassau County Sheriff's Office (Presiding Officer Lindsay).** I based on the testimony I heard today, I'm going to make a motion to table.

**LEG. KENNEDY:**

I'll second that.

**CHAIRMAN EDDINGTON:**

Second by Legislator Kennedy. Any discussion?

**LEG. BROWNING:**

Does the Sheriff want to respond to it?

**CHAIRMAN EDDINGTON:**

Just for the Legislator's thing, based on what I'm hearing is that the Nassau County Sheriff's Department has backed out of this, so I would just like to find out more about it before we approve something --

**LEG. BROWNING:**

No, he's saying no.

**CHAIRMAN EDDINGTON:**

Well, now that's why we have to check it out, I think. I hear no, I hear yes.

**MR. ZWIRN:**

But why don't we discharge it to the floor, then, and at that you can find out if the grant has to be rewritten.

**LEG. BROWNING:**

Why don't we do that, discharge?

**CHAIRMAN EDDINGTON:**

Discharge without recommendation?

**LEG. BROWNING:**

Yeah.

**MR. ZWIRN:**

I mean, this is a grant of \$50,000 for a K-9 unit. This particular piece of legislation limits it to the jail in Yaphank and to the Sheriff's facilities. I mean, it's a little troubling that, you know, another -- not the Police Department but a union group has gone out of its way to try to blow up a grant that would help law enforcement for another law enforcement agency in the County and the protection of the people who work in that department. So I think we owe it to the Sheriff's Department at least to -- and to the taxpayers to at least get this to the floor before the full Leg, if it pleases the committee.

**LEG. KENNEDY:**

Mr. Chair?

**CHAIRMAN EDDINGTON:**

Legislator Kennedy.

**LEG. KENNEDY:**

We talked at length about this resolution, or a very similar form of it I believe, last month. And my recollection is that there was a significant amount of discussion about the PBA voluntary whatever you want to call that writing, give back; I guess the \$12 million agreement to assist with the County's economic strife, struggles and hardship.

There was also, I guess, some question as to whether or not this resolution might bump up against some of the representations that were in there on the part of the administration as well as the PBA. Who can tell us? I mean, Chief, have you had any conversation? Are you cognisant of whether or not this grant, in this fashion and in this form, would or wouldn't violate what the terms and conditions of that writing are?

**CHIEF MOORE:**

I -- the bomb dog grant for the Sheriffs? I have no idea, but I believe the 2nd Vice-President of the PBA said that it was not a violation of their agreement. But you would have to ask them.

**LEG. KENNEDY:**

Mr. Chair?

**CHAIRMAN EDDINGTON:**

Yes.

**LEG. KENNEDY:**

Mr. Chair, with your indulgence, perhaps there was testimony to that earlier. And I apologize, I was attempting to go ahead and gather some information for the furniture resolution that I want to speak on. So if, in fact, there was testimony from the PBA that we don't have any kind of compromise certainly, that would help me for my purposes of, you know, voting.

**CHAIRMAN EDDINGTON:**

Okay. Well, then you know what I'll do? I will ask the gentleman to come back and reiterate what he said.

**LEG. KENNEDY:**

Okay.

**CHAIRMAN EDDINGTON:**

Mr. Sales, could you reiterate what you had said earlier so that Legislator Kennedy could hear.

**MR. SALES:**

On the matter of the bomb dog?

**CHAIRMAN EDDINGTON:**

Yes, please.

**MR. SALES:**

With respect to Nassau County. Nassau County, I spoke to President Carver this morning and he told me that Nassau County had withdrawn.

In addition to that, we, my organization, has been in contact with Homeland Security, we had a conference call this last week, and as a result of my request for a FOIL, a FOIL request on the application, part of the application, some of the questions may have been answered less truthfully than they should have been.

**LEG. KENNEDY:**

Well, let's go to the first part of what you spoke about. Veracity obviously is important as well and that's certainly something that I would want to know about because, again, I'd be very concerned as to whether or not we had a misrepresentation on a grant application at any level of government. But if this is being portrayed to -- who was the funding entity; is it the State or the Federal government?

**MR. SALES:**

The State, the State Office of Homeland Security. And this again, this is a \$50,000 grant. Any sustaining funds to maintain such a unit would have to be factored into the Sheriff's budget. I represented the K-9 Unit for eleven years, it's an expensive unit to run. And they're going to have one Deputy Sheriff assigned to do this? There's 365 days in a year and 24-hours in a day. You know, you could throw band-aids around. And I worked in a correctional facility for six years, I worked in a maximum security facility Upstate and I also worked on Riker's Island, we didn't have bomb dogs.

**LEG. KENNEDY:**

Okay. So let's go back-- and I appreciate that, and thank you. So you step to the podium with direct, firsthand experience, I guess, in a variety of different law enforcement venues. But would you consider that to be an essential term of a grant application if there's a representation -- representation, I'm sorry, to the State that we're going to have a collaborative or bi-County effort?

**MR. SALES:**

That's actually in the application. It has signatures from the Nassau County Sheriff, and now that portion of the application is not valid based on what I was told this morning.

**LEG. KENNEDY:**

So to me it sounds like it's almost a moot or a void writing.

**MR. ZWIRN:**

It's hearsay. You don't know what the answer is. That's what he heard.

**LEG. KENNEDY:**

No, no, no, hold on. Wait a minute. Anybody who steps to that podium, there is the assumption that they're speaking truthfully, so I have no reason to disbelieve or dispute what's being said.

**MR. ZWIRN:**

He said he heard.

**MR. NOLAN:**

You've got to speak on the record.

**MR. ZWIRN:**

The issue was that the representative from the PBA said he had heard from somebody. I suggested that we get this to the floor and then you can bring in the written documents or whatever you have to have to see if the application has to be amended or passed over at the General Meeting. But I don't think you're going to get an answer today. You have a representative from the PBA who does not want to see this happen, another resident of Suffolk County who wants to prevent a grant going forward for another law enforcement agency, which I think is a little troubling. It's not the Police Department, it's a representative of the union.

**LEG. KENNEDY:**

Mr. Chair?

**MR. ZWIRN:**

But I'm just saying, get this to the floor.

**LEG. KENNEDY:**

Hold on. I didn't relinquish the floor. Thank you, as always, for your input, but basically I asked for some elucidation from what was some testimony before. Now what we didn't get is I still haven't had anybody from the PBA speak to whether or not this resolution violates the \$12 million voluntary writing, and I don't know if there's somebody here who can speak to that or not.

**MR. SALES:**

What Noel was speaking about earlier, I just -- what Lou just mentioned to me was he was speaking on the aviation issue as far as violating the \$12 million agreement.

**LEG. KENNEDY:**

That's what I thought.

**MR. SALES:**

Back in December, at another meeting of this body, it was stated at the time that there is the possibility that if they get this dog it may, in fact, violate that \$12 million agreement. That's what was said, you know, at another time.

**LEG. KENNEDY:**

(Inaudible).

**MR. SALES:**

If nothing else, at this point in time, at this point in time, because of the fact that part of that application, the part that has to do with the MOA between Nassau and Suffolk, is not in place. And I can -- I will make it my business to get a copy from the County Executive's Office and have it forwarded to this Counsel of this body. I'll speak to Rob Walker directly, the Chief of Staff of County Executive Mangano when I leave this meeting and I will make sure that this body receives something in writing to that effect. I spoke to the PBA President, James Carver, this morning, he has no reason to tell me anything other than the truth.

**LEG. KENNEDY:**

Thank you, Mr. Sales. I appreciate you indulging me on that follow-up.

Mr. Chair, I don't have a sufficient degree of confidence that what we have moving forward is, A, an accurate representation, because we're being told that a sister County has withdrawn from moving forward; and B, I've heard no unequivocal testimony that we don't have a violation on a \$12 million writing.

I -- again, I want the correctional facility to be safe, I want them to have the tools they need, but I think we'd all agree, we're making decisions here in a very complex environment and I don't know that there's any need to move forward on this, unless somebody can tell me that the offer is going

to be withdrawn. Does anybody know that; if we go one cycle that this offer or the grant eligibility expires?

**MR. ZWIRN:**

I can't say, Mr. Chairman. But Dennis Brown is here from the Law Department and he can speak to Legislator Kennedy's concerns about whether this violates an agreement between the County.

**CHAIRMAN EDDINGTON:**

Well, he certainly can give us one perspective.

**MR. ZWIRN:**

Well, as opposed to the -- I mean, he can give you a legal perspective which I think is what you're looking for.

**CHAIRMAN EDDINGTON:**

Before we do that, Legislator Browning had a question.

**LEG. BROWNING:**

I'm not sure if you're looking. There's two resolutions, 1133 and 1140. 1140 is the one with the County Executive, 1133 is Presiding Officer Lindsay.

**LEG. KENNEDY:**

Uh-huh.

**LEG. BROWNING:**

The 1133 was basically what I would consider a compromise, where it limits the use of the bomb dog to the correctional facilities. And I know that there's some question as far as the Nassau Sheriff's Department and, you know, who's telling the truth and whether the paperwork was filled out. I think we should discharge without recommendation, let it go to the floor next week. We are going to -- you know, obviously we have to request that information. Is there still an agreement with the Nassau Sheriff's Department? And if you could provide us with all the necessary paperwork for next Tuesday. And again, the issue with the PBA was this was -- 1140, the County Executive's bill, would have compromised that \$12 million agreement. 1133 will not, from what I understand, because it is limiting the use of the dog to the correctional facilities.

**CHIEF SHARKEY:**

Just --

**CHAIRMAN EDDINGTON:**

Is that your understanding, Sheriff?

**CHIEF SHARKEY:**

Go ahead.

**UNDERSHERIFF CARACAPPA:**

Yes, based on the language of Presiding Officer's Lindsay new bill, we understand that's the fact. But I don't know what -- with all due respect to Suffolk PBA and Nassau PBA, what the Nassau County PBA has to do with this resolution. It's an agreement with the Nassau County Sheriff, and we just spoke to Sheriff Sposato and he has not withdrawn in any way, shape or form. I don't know where this information is coming from or what makes the Nassau PBA representative even relevant in this conversation or this bill; it has nothing to do with it and it's misinformation.

Now, also the grant application nonsense, I don't know what that's about either. I wish it would just be put on the record instead of this cloak and dagger so that we know what we're talking about. We would be happy to provide you whatever you need, but I think this is just -- this hearsay from other agencies without anything to do with this bill, it's getting out of control here. Chief?

**CHAIRMAN EDDINGTON:**

With that, I'm going to withdraw my tabling motion.

**LEG. BROWNING:**

I make a motion to discharge without recommendation.

**CHAIRMAN EDDINGTON:**

Okay. We've got a motion to discharge without recommendation; I'll second that.

**UNDERSHERIFF CARACAPPA:**

This is the Presiding Officer's bill?

**LEG. BROWNING:**

Yes.

**CHAIRMAN EDDINGTON:**

Yes, yes. Did you want to speak on it? Legislator Gregory, on the motion.

**LEG. GREGORY:**

Okay, thank you. Now, this bill, did you work with the Presiding Officer? So but you're familiar with it, the new restrictions?

**CHIEF SHARKEY:**

We've read the resolution, we were not contacted by the Presiding Officer's Office.

**LEG. GREGORY:**

Okay. The concern that I have is once you have -- I don't want to get in the middle between the PBA and the Sheriff, whatever is going on between you guys. But just from an outsider's point of view, if I can say that, is that once you have a K-9 -- I could see from the PBA's perspective, that once you have a K-9 dog, yes, this resolution restricts the use of it, but who's really going to enforce that you're complying with the restriction of this use and that you're actually not using it for other purposes outside this grant? Because once you have it you have it, you know, we're not going to take it away from you.

**UNDERSHERIFF CARACAPPA:**

We have made -- back in December we made many overtures to this Legislature and to the PBA that we would not violate the agreement as it relates to the lag payroll with the County Executive and we maintain that vigorously and we stand by those exact statements that were made during the original debate.

**LEG. GREGORY:**

Okay. That's it.

**CHAIRMAN EDDINGTON:**

And of course, now it's Legislated, so it makes it even easier. Yeah, I appreciate that.

**UNDERSHERIFF CARACAPPA:**

You know, the Sheriff's Office appreciates where the PBA is coming from, that's their job and they're doing their job well, they're representing their members. But in the process, I think this resolution is just getting so convoluted in the attempt to block it. So I would ask you that you just take it on the merits, even Presiding Officer Lindsay's merit -- resolution, that's all we can ask at this point.

**CHAIRMAN EDDINGTON:**

Okay. Well, I see that -- you know, what I've tried to do over the last couple of years is make sure that both sides get represented at the same meeting and to discuss it rather than you talk one

meeting, the other group comes in the next. And the next step may be to find out if we can swear people in so they are accountable for their words when they do say it. Because otherwise I could see where Legislator Kennedy, you know, you're not sure if we're getting the whole information, is it misinformation? And so that might be the next step when we have something like this where we have to find out the facts; swear people in and hold them accountable for what they say. Then maybe what we'll hear is, "Well, somebody told me," rather than, "I heard myself." So I'm hoping. What we really want is the truth so we can move forward on this.

So I have a discharge without recommendation motion, I second it.

All those in favor? Opposed? Abstentions? Okay, ***discharged without recommendation (VOTE: 4-0-0-1 Not Present: Legislator Cilmi).***

**UNDERSHERIFF CARACAPPA:**

Thank you.

**CHAIRMAN EDDINGTON:**

Okay, let's go back to an old friend here, ***IR 1140-10 - Accepting and appropriating 100% Federal pass-through grant funds from the NYS Office of Homeland Security (OHS) in the amount of \$50,000 for "Creation of Explosive Detection Canine Team" under Homeland Security 2009 Explosive Detection Canine Team Grant Program to be administered by the Suffolk County Sheriff's Office in partnership with the Nassau County Sheriff's Office.***

**LEG. GREGORY:**

Mr. Chair, I make a motion to table subject to call.

**LEG. KENNEDY:**

Second.

**CHAIRMAN EDDINGTON:**

Motion made to table subject to call and second by Legislator Kennedy.

Tabled subject to call, right, okay. All those in favor? Opposed? Abstentions? ***Tabled subject to call (VOTE: 4-0-0-1 Not Present: Legislator Cilmi).***

***IR 1145-10 - Requiring homeless sex offenders to wear GPS tracking devices (Eddington).***

I'm going to ask to table this for one cycle.

**LEG. BROWNING:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Browning. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 4-0-0-1 Not Present: Legislator Cilmi).***

***1151-10 - Directing the Suffolk County Police Department to enhance the "Text-A-Tip" Program.*** I'll make a motion to approve.

**LEG. GREGORY:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Gregory. All those in favor? Opposed? Abstentions? ***Approved (VOTE: 4-0-0-1 Not Present: Legislator Cilmi).***

***IR 1164-10 - Adopting Local Law No. -2010, A Charter Law to guarantee continuity and stability in County Law Enforcement and ensure adequate resources for public safety (Eddington).*** I'll make a motion to table for public hearing.

**LEG. KENNEDY:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Kennedy. All those in favor? Opposed? Abstentions? *Tabled (VOTE: 4-0-0-1 Not Present: Legislator Cilmi).*

*IR 1173-10 - Adopting Local Law No. -2010, A Charter Law repealing Article III of Chapter 294 of the Suffolk County Code and enacting strengthened and improved regulation of the installation and servicing of portable fire extinguishers and automatic fire extinguishing systems (County Executive).* I'll make a motion to table for Public Hearing.

**LEG. BROWNING:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Browning. All those in favor? Opposed? Abstentions? *Tabled (VOTE: 4-0-0-1 Not Present: Legislator Cilmi).*

*1194-10 - Accepting and appropriating a grant in the amount of \$764,909 from the New York State Department of Transportation for the Long Island Expressway High Occupancy Vehicle Lane Enforcement Program in Suffolk County with 100% support (County Executive).* I'll make a motion to approve and put on the Consent Calendar.

**LEG. BROWNING:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Browning.

**LEG. GREGORY:**

I have question.

**CHAIRMAN EDDINGTON:**

And on the motion, Legislator Gregory.

**LEG. GREGORY:**

I guess this question is more for Counsel. This is a yearly grant that the PD used to get, now that the Sheriff is patrolling they get it. But given the situation with the PERB being in limbo, does this jeopardize the wording of it, does this the -- if the PERB agreement or ruling would be not in favor of the Sheriffs, would we be in jeopardy of losing this funding if the PD were to be mandated to start patrolling again?

**MR. NOLAN:**

I can just go by the wording of resolution, and I guess the Sheriff's Office could speak to it. But it says, "The Department of Transportation has made the money available to the Suffolk County Sheriff's Office." So we're just accepting that grant to the Sheriff's Office. If there is a change in the status of who's patrolling that road, I guess we'll have to revisit this later, but maybe the Sheriff's Office can answer.

**CHAIRMAN EDDINGTON:**

Yes, Mike?

**CHIEF SHARKEY:**

Legislator Gregory, this is a two-year grant, it's not a one-year grant. This resolution appropriates the second half of the monies that were appropriated last year under the same contract with the

DOT. The underlying contract does specifically say either agency, the Suffolk County Sheriff's Office or the Suffolk County PD, and names the underlying title, job titles in both departments should there be a change based on the PERB decisions.

**LEG. GREGORY:**

Okay. Yeah, I was just curious because I know originally when there was the switch, there was problems with the paperwork and they had to change over to your department.

**CHIEF SHARKEY:**

Yeah, the grant period that ended in '08 was finished out by Suffolk County PD because there was no dual agency language in that contract for that year.

**LEG. GREGORY:**

Okay, that's what I thought. That's what my recollection was. Okay, thank you.

**CHAIRMAN EDDINGTON:**

All right, we have a motion and -- thank you. We have a motion and a second. All those in favor? Opposed? Abstentions? ***Approved (VOTE: 4-0-0-1 Not Present: Legislator Cilmi).***

1196-10 - Amending the 2010 Capital Budget & Program and appropriating funds for the purchase of furniture and equipment for the new 4th --

**MR. NOLAN:**

You skipped 1195.

**CHAIRMAN EDDINGTON:**

Okay, let's go to ***1195-10 - Amending the 2010 Operating Budget by transferring funds within the Probation Department in enter into Contractual Agreements with the Long Island Advocacy Center, Inc. To provide educational advocacy, assessment and resource services for the Alternatives For Youth, PINS Diversion and JD Educational Advocacy Programs (County Executive).*** I'll make a motion to approve.

**LEG. KENNEDY:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Kennedy. All those in favor? Opposed? Abstentions? ***Approved (VOTE: 4-0-0-1 Not Present: Legislator Cilmi).***

***IR 1196 1196-10 - Amending the 2010 Capital Program and Budget and appropriating funds for the purchase of furniture and equipment for the new Fourth Precinct (CP 3184) (Kennedy).***

**LEG. KENNEDY:**

I'm going to make a motion to approve, Mr. Chair. And if we can get a second, or if you'd like I can speak probably for about the next 45 minutes on this one.

**LEG. GREGORY:**

That's what we're afraid of.

**MR. ZWIRN:**

Mr. Chairman, if I might?

**CHAIRMAN EDDINGTON:**

You know what? I'm going to make a motion to table. We'll see if we can get a second and then we can discuss it.

**LEG. GREGORY:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Gregory. Okay, on that motion, Mr. Zwirn.

**MR. ZWIRN:**

The issue here, one is the offset with respect to this one and I think it's an Emergency Service vehicle offset, heavy equipment for the Police Department, and that's a line that they do use. I think we're trying to ask DPW to give us an amount of what they're going to need for furniture, working with the Police Department, we don't know the exact number. The County Executive said, "Look, I've got very old furniture in my office, it's falling apart," he said, "We can move the furniture from the 4th Precinct." The question is how much additional furniture will there be necessary because the building is larger. The building is not opening up in the next couple of weeks, I don't believe, so there is no immediate rush on this. So if we could table this and try to either find an offset or to see if there -- what furniture is actually going to be necessary to put in the building, how many people are going to be in it. And I don't know if we have that -- we don't have that number yet.

**CHAIRMAN EDDINGTON:**

Okay, just a couple of comments first off. I've toured the 4th Precinct, and maybe the County Executive would be willing to use that furniture, but I wouldn't want any other staff to be using the furniture.

**MR. ZWIRN:**

He probably would.

**CHAIRMAN EDDINGTON:**

Yeah. No, I agree, and I think that's wonderful. But just because somebody is willing to do something, I don't think we should mandate it for everybody else.

The other part is that this seems to be dragging along. I mean, the building is up. I haven't been inside yet, but it looks like it's very ready to go; I think Legislator Kennedy can probably talk to us about that. But we're not getting, like by April 1st we are going to be purchasing furniture, it just keeps to be open-ended. And I'm trying to nail it down; when will we find an offset, or next month will we be here saying, "Well, you know, the offset that you have now is not good." Okay, what -- come up with something else then. We need the furniture, the building is -- when is the building going to be opened?

**CHIEF MOORE:**

(Inaudible).

**MR. ZWIRN:**

I believe in April at some point.

**CHAIRMAN EDDINGTON:**

This April? I mean, like --

**MR. ZWIRN:**

I don't know.

**CHAIRMAN EDDINGTON:**

It's March, right? So like a month from now and there's no furniture in the building.

**MR. ZWIRN:**

Well, there's no furniture in the building now because there's nobody in the building now, so there's no reason. They're still probably doing work inside.

**CHAIRMAN EDDINGTON:**

Well, you're not going to move the furniture after the people are in there, right?

**MR. ZWIRN:**

They'll probably move it just before they come in.

**CHAIRMAN EDDINGTON:**

We're talking a month. I don't know, why does this sound so strange to me and you look at me like, "There's no problem".

**MR. ZWIRN:**

I don't think there would be a problem getting furniture.

**CHAIRMAN EDDINGTON:**

We don't have a funding source yet. So what we could do is have -- I guess we'll get all the Police Officers to make a work detail and they'll pass it from one precinct to the other and fill it in in the next month. I mean, what -- give me what's going to happen, because I'm not hearing it. That's what I think Legislator Kennedy said, we're not moving forward on it. What's happening?

**MR. ZWIRN:**

I think the County Executive believes that the furniture that's in the 4th Precinct now will be the furniture that is moved into the new 4th Precinct and they will determine what additional furniture they will need and they will gather that furniture, either it will be from other County facilities or they'll purchase new furniture. But the County work staff is there, there may be other furniture that is available in different buildings that could be moved there without any additional expense to the taxpayers. I think we'll look at that first and see if that's possible.

**LEG. BROWNING:**

Jack?

**CHAIRMAN EDDINGTON:**

Well, let's hear from Legislator Kennedy and then I would like to ask what the Police Department --

**LEG. BROWNING:**

Can I make a comment? I'm looking at some of these pictures. I see instead of filing cabinets they have cardboard boxes; I see a chair tied together with a piece of string so it doesn't fall apart; there's chairs here where the covers are ripped off completely, they're down to the sponge. I mean, some of the office furniture looks somewhat like some of mine, but some of this furniture is just -- it's done. I mean, you can't move this into that new precinct, it's rusted. It's going to destroy the place.

**CHAIRMAN EDDINGTON:**

Legislator Kennedy.

**LEG. KENNEDY:**

All right, Mr. Chair. I will --

**CHAIRMAN EDDINGTON:**

And you don't have 45 minutes.

**LEG. KENNEDY:**

Of course I don't. But you know what? The first thing I'm going to do, Mr. Chair, is I'm going to ask

to refresh the committee's recollection for Thursday, May 7th of 2009. And as a matter of fact, at that committee meeting when we had this resolution, three cycles ago, at that point it was 1312 and there was an exchange between Legislator Barraga and Chief Moore. Chief Moore, as a matter of fact, at that point stated specifically -- so Legislator Barraga said;

*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: Yes, I don't have a problem with it."*

Chief, that was almost ten months ago, you represented to this committee and to this body that you did not oppose the spending of \$180,000 for one of the most basic elements that any employee, I don't care if they wear a uniform or not, has in order to perform a work function.

Now, you know, the County Executive believes in a lot of things, I guess. I used to believe in the tooth fairy when I was a kid, but I don't anymore. And I know that to get furniture, to go ahead and to have employees sit and function and do a reasonable job in this environment, in this municipality, takes anywhere from a minimum of 45 to 60 days. We've got the list that was prepared by the Police Department, standard issue chairs, desks, file cabinets, all the things that would go into a \$22 million LEAD Certified building, the only LEAD Certified Building in the County of Suffolk. To sit here and to continue to say that the County Executive believes that this furniture is going to populate that building in less than 30 days is incredulous. What do you propose to do?

**MR. ZWIRN:**

We would ask that the bill be tabled. But I have to tell you, the County Executive has -- with all due respect, Legislator Kennedy, in his incredulity, the County Executive is more involved with other items than \$180,000 of furniture for the 4th Precinct. And he's going to make sure that we're not going to spend one dime more of the taxpayer's money than we have to furnish this building and it's going to be furnished at -- if you're going to go out and furnish it, it will be from Ikea and not from any fancy place, it's going to be done with the taxpayers in mind. And he always has -- he's been that way, his office is that way. If you go up to his office you'll see that the furniture there is from the beginning of the Gaffney Administration and nothing has changed. He just doesn't believe that you're going to spend this kind of money on furniture, whether it's for the Police Department or anything else, and that's his promise to the taxpayers.

**LEG. KENNEDY:**

You know what? And I appreciate that and I'll get my harmonica out and start playing it soon. Because I'm in a County building, too.

**MR. ZWIRN:**

That's unfair. I mean, that's really uncalled for and it's for. I mean, you're talking about a County Executive who's been consistent on these issues and he's consistent in his own life-style with respect to the taxpayers and his furniture in his own office, and he's not going to be drawn into -- you know, just going to say this is going to spend more taxpayer money than is necessary. You're willing to take money out of an equipment line that the Police Department uses for public safety to provide furniture and he disagrees with that.

**CHAIRMAN EDDINGTON:**

Okay, and I hear that, and I don't think anybody is saying to spend more money than is necessary. But when you cut corners, sometimes you lose. I just want it to be adequately and appropriately furnished. And maybe there's this decision on what's acceptable and not acceptable, and I'd be willing to have another -- a third party decide what's acceptable, it doesn't have to be the Executive

or the Legislature, I'm willing to find an alternative. But to just say we're going to move all the furniture from one building to the next when I've seen it, we've got pictures, obviously Legislator Kennedy has seen it; it's not acceptable. All of the -- some maybe. I'm not saying replace everything, but if you say you're not going to replace anything, everything is going, I have a little bit of a problem with that, that's kind of close-minded. I think we have to be more open to possibilities. If there's no cabinets, you know, I mean file cabinets, you can't keep using boxes, it's a hazard.

**LEG. KENNEDY:**

Mr. Chair, what I would ask you to go ahead and consider, too, and I would ask this committee to consider is we have made a good faith effort to go ahead and resolve this issue. And I'm not going to bore the committee and read into the record eight different committee meetings, because all of you have sat here and heard the representations from all aspects of the department. But I will also say to you that for us, as a policy making body, to advocate on our responsibility to furnish the most fundamental things -- as a matter of fact, Mr. Chair, you spoke about it before from your career as a teacher, that there are requirements associated with class size and what's in place. In that same fashion, we as a municipal employer have a requirement, a responsibility and an obligation to go ahead and provide the bear requisites and elements for our employees to go out there, whether it's in a Police precinct or it's in Social Services or it's out there in Consumer Affairs or any place else; that's an obligation and a responsibility we have. Yes, we need to do it frugally, but we have to do it, we can't stick our head in the sand and avoid it and say that it's not something that we have to do. That's the irresponsible act, that's not the responsible act. I think we need to move the bill, Mr. Chair.

**CHAIRMAN EDDINGTON:**

Let me ask Counsel a question then. If we agree to allocate this \$180,000, does the County Executive have to spend \$180,000 on furniture?

**MR. NOLAN:**

No, there's no obligation. That's the outside number of 180,000.

**CHAIRMAN EDDINGTON:**

Okay. So then I guess it's the same thing as like with the Police class. So that it sounds like if we do approve it, he still has the choice whether to furnish it or not, but at least we've met our responsibility and it can't be pointed at us to say we never funded it. Because you know what? I could see a press release coming out saying, when the people go crazy, that the Legislature failed to fund the --

**LEG. KENNEDY:**

Because you've got an empty building that's full of juice, heat and everything else and nothing to sit on.

**CHAIRMAN EDDINGTON:**

Right. Then I'm going to withdraw my motion to table.

**LEG. GREGORY:**

Mr. Chair, if I may?

**CHAIRMAN EDDINGTON:**

Legislator Gregory.

**LEG. GREGORY:**

I'm in the unenviable position of agreeing with the administration on this one.

**MR. ZWIRN:**

Thank you.

**LEG. GREGORY:**

That's a joke.

**MR. ZWIRN:**

You might want to rethink it then.

**LEG. GREGORY:**

Yeah, I will, seriously. I saw the pictures yesterday, they're horrible. I went through my precinct, very similar. I think this would set a precedence that every precinct will want -- you know, whether there's a new precinct being constructed or not, that, you know, we set a standard of office furniture. And I think with the budget, you know, I'd rather much more spend money on vehicles. I've seen some of the vehicles that my guys are using in the 1st Precinct and it's horrible.

**LEG. KENNEDY:**

It is, I agree with you that we are discussing matters of want and matters of need, and we need to have our personnel safe. Just like we need to have them safe in an undercover vehicle where we're willing to go ahead and pay \$500 a month for a lease vehicle, regardless of whether it's a subcompact or an Escalade, in the same fashion we have to be responsible to pay for a \$100 desk or a \$50 chair so our personnel don't fall out the back of it with a bungy cord and wreck their back, because it will cost us a hell of a lot more to have to pay for the liability and compensation when we've not met our basic responsibility as an employer to furnish the bare requisites.

So I agree, I don't want to disagree or nitpick on the tools that law enforcement needs. Jesus, we're trying to get them in there so they're able to do the job. But at the same token, it's been nine months, it's like Nero fiddling while Rome burns and we kept hearing, "We're going to deal with it, we'll get around to it, we're looking at the progress, we may have this, we may have that," and it's less than 30 days and we have a big fat nothing.

**LEG. GREGORY:**

But also, we shouldn't be in the -- take the position that because we have a new building we need new furniture. Granted, I think -- I mean, it's obvious that the new building is much larger than the old building, so I think there's going to be some need for new furniture or furniture from somewhere else, not all the furniture from the precinct now is going to fit in there, but whether we outfit the new building with totally new furniture or not I think is probably the wrong perspective to go for.

**LEG. KENNEDY:**

But again, what I'll offer back to you, Legislator Gregory, is we have tried. I have tried and Legislator Nowick has tried to do the reasonable and responsible thing that a Legislator and that the policy making body of this government does, to offer a method to meet a need. All we have gotten from the administration is, "We don't like that," but there's been no alternative forthcoming. If there's inventories of existing furniture out there, why don't we have a list in front of us? I've got the list that the PD put together, that they worked with their procuring officers and Public Works; why don't I have an alternative? Why can't I look at something that says there's a desk out in Westhampton or there's a chair in Riverhead or something anyplace else? I have nothing.

**LEG. GREGORY:**

But I would rather see the administration work with the precinct to say, okay -- some of those chairs, you know, with the easy straps, you know, those are potentially, you know, harmful situations. You know, get a list of people who are -- who absolutely need chairs because, you know, it's going to, you know, potentially physically hurt themselves, which I don't imagine that being a big number, and just find a way to find them a new chair, as opposed to buying new chairs, file cabinets, desks, the whole gamut, \$180,000 worth of equipment, because there are a few chairs that we need to replace.

**LEG. KENNEDY:**

Thursday, June 4th, 2009, that's when we first brought this up. I would welcome something as an

alternative; nothing.

**LEG. GREGORY:**

Thank you, Mr. Chair.

**CHAIRMAN EDDINGTON:**

Why do I have a picture in my mind that I go to my office tomorrow and there's no furniture in it and it's in the 4th Precinct?

*(\*Laughter\*)*

Okay. I don't know if we have a motion now, because I withdrew my tabling motion.

**LEG. BROWNING:**

Can I make a motion to discharge without recommendation? And then maybe DPW can come up with an alternative to the resolution by Tuesday.

**CHAIRMAN EDDINGTON:**

I'll second that.

**LEG. KENNEDY:**

Okay.

**CHIEF MOORE:**

Mr. Chair?

**CHAIRMAN EDDINGTON:**

Yes.

**CHIEF MOORE:**

Forgive me. The Police Department is not willing to sacrifice an Emergency Services truck for furniture.

**CHAIRMAN EDDINGTON:**

Well, I guess maybe -- what I'm hearing is Legislator Kennedy hasn't been given any other alternatives. I'm willing to bet that maybe before the sun sets today he'll be hearing from somebody saying, "If you would change the offset we could deal with that."

**CHIEF MOORE:**

Okay.

**MR. ZWIRN:**

No. I don't think that's a good presumption. Because if this passes, you're going to sacrifice an Emergency Service vehicle on public safety for furniture, I can assure you --

**CHIEF MOORE:**

No.

**MR. ZWIRN:**

There are very few things I can assure you of, that there will be a veto forthcoming, and then you'll have to explain why you wanted to take an Emergency Service vehicle.

**LEG. KENNEDY:**

Mr. Chair, I assure you I already have to have a conversation with the Chief after this meeting on another matter. And I also assure you in no way, shape or form is it my desire to compromise the function of Emergency Services. And that has been something that's been rumbled, it's been

hearsay, and that is not my intention at all. As a matter of fact, Emergency Services I'm directly familiar with and I know the important work that they do and they need a vehicle out there. But in the same fashion, our personnel that are in the precinct also need safe, basic, clean operational equipment with which to do their job.

So if we do the discharge without recommendation, I give you my word, Mr. Chair, I will speak with the Chief as soon as we go ahead and break from this meeting.

**CHAIRMAN EDDINGTON:**

I just can't believe there can't be a solution. You're shaking your head no and I'm saying there's got to be a solution.

**MR. ZWIRN:**

Well, you can't amend the bill, you can't amend the bill before the next General Meeting on March 2nd.

**CHAIRMAN EDDINGTON:**

Couldn't a CN come in? I've seen them before.

**MR. ZWIRN:**

For furniture in, a building that's not -- furniture in a building that's not ready to be operated? I don't -- I just --

**CHAIRMAN EDDINGTON:**

You know what. There's always --

**MR. ZWIRN:**

I don't think so.

**CHAIRMAN EDDINGTON:**

You've got to be positive. The glass is half-full.

**LEG. KENNEDY:**

The communications lines are in, the boiler shake outs have already been done. I've been told by Public Works that it is moving, and this is to the administration's credit. This project has gone outstandingly, and it's a new contractor to the County, too, and a complex project. So that's kudos to the department, kudos to Public Works and kudos to the administration for negotiating and agreeing to go forward with a brand new, environmentally friendly building. But so the expectation that we're going to have a building that's ready to be occupied and but for waiting 60 to 90 days to hustle where this stuff is going to come from, that's not acceptable for me, nor for the residents in the 12th Legislative District.

**CHAIRMAN EDDINGTON:**

The last thing is that because we pass it out of committee doesn't mean it's going to be approved. So there's still another chance to have a discussion about this on Tuesday, and who knows, there probably will be lots of phone calls around talking about this. So hopefully it will be resolved by Tuesday. I'm just going to believe that it will come to some compromise somewhere, that's all. You good?

**MR. ZWIRN:**

I'm thinking about that tooth fairy that Legislator Kennedy was talking about before.

*(\*Laughter\*)*

**CHAIRMAN EDDINGTON:**

Hey, I believe in the Easter bunny, so let's go for that. Okay.

**LEG. BROWNING:**

We -- this is something that's been going on for a long time. And I certainly don't want to see that offset. I mean, I was going to support the tabling motion for that offset. However, it seems if we table it, it's just going to get put on a back burner again, so I think with discharging it's going to force somebody's hand to come up with an alternative, another offset and get it done. Because it's not going to be too much longer before they move in and they're all going to be sitting on the floor, from what I can see.

**CHAIRMAN EDDINGTON:**

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

**LEG. GREGORY:**

Opposed.

**CHAIRMAN EDDINGTON:**

One opposed. Abstentions? Okay, *discharged without recommendation (VOTE: 3-1-0-1 Opposed: Legislator Gregory - Not Present: Legislator Cilmi).*

That's it. Okay. Then if there's nothing else, we're adjourned.

Oh, by the way, I want to mention that -- just so we can put on the record for me that Legislator Cilmi had an excused absence, and that Legislator Montano is having a public meeting on violence in his district on next Wednesday, March 3rd at 5:30. Thank you very much.

*(\*The meeting was adjourned at 12:36 P.M. \*)*

*{ } - Denotes Spelled Phonetically*