

PUBLIC SAFETY COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE
VERBATIM TRANSCRIPT

A regular meeting of the Public Safety Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Thursday, March 22, 2012 at 10:00 a.m.

MEMBERS PRESENT:

Legislator Kate Browning, Chairperson
Legislator Robert Calarco, Vice-Chair
Legislator DuWayne Gregory
Legislator Kara Hahn
Legislator William Spencer
Legislator John Kennedy

MEMBERS NOT PRESENT:

Legislator Lou D'Amaro

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Sarah Simpson, Counsel's Office
Barbara LoMoriello, Deputy Clerk, Suffolk County Legislature
John Ortiz, Budget Review Office
Josh Slaughter, Aide to Legislator Browning
Bobby Knight, Aide to Presiding Officer Lindsay
Michael Pitcher, Aide to Presiding Officer Lindsay
Paul Perillie, Aide to Legislator Gregory
Lora Gellerstein, Aide to Legislator Spencer
Ben Zwirn, County Executive's Office
Tom Vaughn, County Executive's Office
Joseph Williams, Commissioner, Fire, Rescue and Emergency Services
Anthony LaFerrera, SC FRES Commission
Jay Egan, Suffolk County FRES Commission
Robert Donohue, Suffolk County Police Department
Joseph Rubacka, Deputy Warden, Suffolk County Sheriff's Department
Russ McCormick, Sergeant-at-Arms/Suffolk Detective's Association
Mike Sharkey, Chief of Staff, Suffolk County Sheriff's Office
Kerry Kneitel, Suffolk County Sheriff's Office
Anthony Papparatto, Suffolk County Sheriff's Office
Timothy Morris, Suffolk SOA
Richard Meyer, AME
Anthony Prudenti, DSPBA

TAKEN AND TRANSCRIBED BY:

Lucia Braaten, Court Stenographer

*(*THE MEETING WAS CALLED TO ORDER AT 10:20 A.M. *)*

CHAIRPERSON BROWNING:

Okay. So if everyone would please rise. Good morning. We will begin the Public Safety Committee. We'll have the Pledge of Allegiance, led by Legislator Calarco.

*(*Salutation*)*

And we'll stand for a moment of silence for those who have given their lives for our country.

*(*Moment of Silence*)*

Thank you. I think I just heard the bell for the next round.

*(*Laughter*)*

Okay. We have no presentations. However, I see our Commissioner from FRES is here. Do you have anything you'd like to report? Nothing? Okay. Good to see you. Sorry we missed you last month and -- two weeks ago, actually. And we have someone from the Sheriff's Department. Do you have anything you'd like to report?

MR. RUBACKA:

No.

CHAIRPERSON BROWNING:

No. I do know that -- I believe the Sheriff met with the Commissioner of Corrections yesterday. Do you guys have any information on the outcome of that meeting? We would have to have you come up to the --

MR. RUBACKA:

Joe Rubacka, Deputy Warden, Sheriff's Office. They met with the Commission yesterday and did a tour of both the existing Yaphank facility and the new facility. And they were impressed with the new facility and they were a little upset with the condition of the old facility. They understand the fiscal conditions right now with staffing. They're asking about the staffing and how it's progressing, and at this point the hiring is on hold; they understood that.

CHAIRPERSON BROWNING:

And as far as our variances are concerned, there was no discussion about losing variances or anything like that?

MR. RUBACKA:

No, but it's always been their intention that variances are a bridge loan, and then when permanent housing comes to be, a portion of the variances are expected to be lost, as to what degree, but that wasn't discussed yesterday.

CHAIRPERSON BROWNING:

Okay. Thank you. And I do believe the Sheriff will be here at the next committee meeting?

MR. RUBACKA:

I'm not sure. I think so.

CHAIRPERSON BROWNING:

Okay. I believe he is. And, you know, obviously, we'd like an update on the jail and what's going

on, and, you know, what his plans are for the upcoming year. And, obviously, we have some serious budget issues that, you know, we'd like to see how he's going to handle things within his department.

MR. RUBACKA:

Thank you.

CHAIRPERSON BROWNING:

Thank you. Okay. So we shall start with the agenda.

TABLED RESOLUTIONS

Okay. We have tabled ***Resolution 1065 - Adopting a Local Law, a Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues (Schneiderman)***. I'll make --

LEG. CALARCO:

Motion to table.

CHAIRPERSON BROWNING:

Motion to table, Legislator Calarco; I'll second that. All in favor? Opposed? Abstentions? It's tabled. **(Vote: Tabled 6-0-0-1 Not Present: Leg. D'Amaro)**

Introductory Resolution 1216 - Accepting and appropriating \$23,039 additional Federal pass-through grant funds from the New York State Department of Criminal Justice Services to the Suffolk County Department of Probation for the S.T.O.P. Violence Against Women Act (Program) with 100% support (Co. Exec.). I'll make a motion to approve, place on the Consent Calendar.

LEG. CALARCO:

Second.

CHAIRPERSON BROWNING:

Second, Legislator -- who was that, you? Calarco. All in favor? Opposed? Abstentions? **(Vote: Approved 6-0-0-1 Not Present: Leg. D'Amaro)**

And I am just -- I feel terrible because I'm just realizing we have some people from the Police Department, and I didn't give you an opportunity to speak. Mr. Donohue, do you have anything that you needed to report to us? Do you have any?

CHIEF DONOHUE:

No, ma'am.

CHAIRPERSON BROWNING:

You have nothing? Okay. I apologize. Okay. Sorry about that.

1225 - Accepting and appropriating a grant in the amount of \$11,870 from the New York State Governor's Traffic Safety Committee (GTSC FFY2012) Child Passenger Safety Program with 100% support for Sheriff's Traffic Safety Initiative (Co. Exec.). Motion to approve and place on the Consent Calendar.

LEG. CALARCO:

Second

CHAIRPERSON BROWNING:

Second, Legislator Calarco. All in favor? Approved -- opposed? Abstentions? It is approved. **(Vote: Approved 6-0-0-1 Not Present: Leg. D'Amato)**

1226 - Accepting and appropriating a grant in the amount of \$21,170 from the New York State Governor's Traffic Safety Committee Grant (GTSC FFY2012) Selective Traffic Enforcement Program, STEP, with 100% support for the Sheriff's Traffic Safety Initiative (Co. Exec.). I guess same motion, same second, same vote. **(Vote: Approved 6-0-0-1 Not Present: Leg. D'Amato)**

1227 - Accepting and appropriating a grant in the amount of \$17,202 from the United States Department of Justice, Federal Bureau of Investigation, for the Suffolk County Sheriff's Office participation in the Long Island Gang and Safe Street Task Force (Co. Exec.). Motion to approve. Okay. Same motion, same second, same vote. **(Vote: Approved 6-0-0-1 Not Present: Leg. D'Amato)**

1233 - Adopting a Local Law, Charter Law to clarify the process for distributing public safety sales tax revenues to municipalities outside the Police District (Schneiderman). That requires public hearing. Motion to table.

LEG. CALARCO:

Second.

CHAIRPERSON BROWNING:

Place on the calendar for public hearing. Second, Legislator Calarco. All in favor? Opposed? Abstentions? Tabled for public hearing. **(Vote: Tabled for Public Hearing 6-0-0-1 Not Present: Leg. D'Amato)**

1242 - Accepting and appropriating a grant in the amount of \$31,000, from the State of Connecticut, in Federal pass-through funding from the United States Department of Homeland Security for a Port Security Program with 100% support (Co. Exec.). Motion to approve, place on the Consent Calendar.

LEG. CALARCO:

Second.

CHAIRPERSON BROWNING:

Second, Legislator Calarco. All in favor? Opposed? Abstentions? It's approved. **(Vote 6-0-0-1 Not Present: Leg. D'Amato)**

1243 - Accepting and appropriating a grant in the amount of \$62,790 from the State of New York Governor's Traffic Safety Committee, to target speeding, aggressive, and distracted driving, with 81.53% support (Co. Exec.). Motion to approve, Legislator Calarco?

LEG. CALARCO:

Sure.

CHAIRPERSON BROWNING:

Can I get a second?

LEG. GREGORY:

Second.

CHAIRPERSON BROWNING:

Second, Legislator Gregory. All in favor? Opposed? Abstentions? It's approved. **(Vote 6-0-0-1 Not Present: Leg. D'Amaro)**

1244 - Accepting and appropriating Federal funding in the amount of \$51,606 from the United States Department of Justice, Federal Bureau of Investigation, for the Suffolk County Police Department's participation in the Safe Streets Task Force (FFY2012) with 81.53% support (Co. Exec.).

LEG. CALARCO:

Motion.

CHAIRPERSON BROWNING:

I guess same motion, same second, same vote. How's that? **(Vote 6-0-0-1 Not Present: Leg. D'Amaro)**

LEG. GREGORY:

Sure.

CHAIRPERSON BROWNING:

1245 - Accepting and appropriating Federal funding in the amount of \$30,000 from the Department of Homeland Security, United States Immigration and Customs Enforcement (ICE), for the Suffolk County Police Department's participation in the ICE El Dorado Task Force with 81.53% support (Co. Exec.).

LEG. SPENCER:

Motion.

CHAIRPERSON BROWNING:

Motion, Legislator Spencer; second, Legislator Gregory. All in favor? Opposed? Abstentions? It's approved. **(Vote 6-0-0-1 Not Present: Leg. D'Amaro)**

1246 - Accepting and appropriating a grant in the amount of \$46,501 from the State of New York Governor's Traffic Safety Committee, to enforce Motor Vehicle Passenger Restraint Regulations with 81.53% support (Co. Exec.).

LEG. CALARCO:

Motion.

CHAIRPERSON BROWNING:

Yes, motion, Legislator Calarco; second, Legislator Hahn. All in favor? Opposed? Abstentions? It's approved. **(Vote 6-0-0-1 Not Present: Leg. D'Amaro)**

1259 - To establish eligibility by the Village of Asharoken for Public Safety Revenue-Sharing Funds In Fiscal Year 2011 (Co. Exec.). Is that -- explain that.

LEG. SPENCER:

Motion.

MR. NOLAN:

The villages and the towns outside a police district have to file some paperwork with the County by a certain deadline in order to get the public safety sales tax revenue. Apparently, this village missed

the deadline, so it's allowing them to file the application late and receive the funding they're entitled to.

LEG. KENNEDY:

Madam Chair, can I just -- quick question actually through BRO.

CHAIRPERSON BROWNING:

Go ahead.

LEG. KENNEDY:

How much are we talking about, and is it still available to be apportioned?

MR. ORTIZ:

I believe the amount was 40,419, and the money is still in the adopted budget. Unfortunately, with their application, they're supposed to also give a list of what the public safety funds were used for and that was not included.

LEG. KENNEDY:

So they made the initial application, they just didn't furnish, I guess, whatever the actual application was. And the 40,000 from 2011 is still being held, in other words, escrowed upon their completion of the application, is that it?

MR. ORTIZ:

I'm not sure if it's escrowed or if it was paid already.

LEG. KENNEDY:

Oh, okay. So we're just perfecting the application.

MR. ORTIZ:

Correct.

LEG. KENNEDY:

Okay. All right. Thank you.

CHAIRPERSON BROWNING:

So I believe we had a motion by Legislator Spencer.

LEG. CALARCO:

Second.

CHAIRPERSON BROWNING:

Second, Legislator Calarco. All in favor? Opposed? Abstentions? It's approved. **(Vote 6-0-0-1 Not Present: Leg. D'Amaro)**

Accepting and appropriating -- **1270 - Accepting and appropriating 100% Federal funds awarded by the U.S. Marshals Service to the Suffolk County Department of Probation and authorizing the County Executive to execute related agreements (Co. Exec.)**. I'll make a motion to approve; second, Legislator Hahn. Oh, sorry, and place on the Consent Calendar. All in favor? Opposed? Abstentions? It's approved. **(Vote 6-0-0-1 Not Present: Leg. D'Amaro)**

1281 - Establishing a Narcan Pilot Program to the Suffolk County Police Department (Hahn). Kara?

LEG. HAHN:

I'd like to make a motion to table.

CHAIRPERSON BROWNING:

Okay.

LEG. KENNEDY:

Second.

CHAIRPERSON BROWNING:

Motion to table; second, Legislator Kennedy. All in favor? Opposed? Abstentions? It's tabled.
(Vote: Tabled 6-0-0-1 Not Present: Leg. D'Amaro)

1285 - Appropriating funds in connection with improvements to the County Correctional Facility (C - 141, Riverhead) (CP 3014). I'll make a motion to approve, and I'll have a second.

LEG. CALARCO:

Second.

CHAIRPERSON BROWNING:

Can somebody explain what this is and what -- does anybody have an answer? Sure. Now, this isn't for the new jail. Is this for Riverhead, Yaphank? I'm not sure.

MR. RUBACKA:

This is for the Riverhead Correctional Facility to -- it is actually 44 items on the list that need to be taken care of. It's an ongoing project. Each year we put a dollar amount that needs to be used for the renovations and improvements to the facility.

CHAIRPERSON BROWNING:

Okay. Do you have any specifics? I mean, I know Riverhead Jail is in a mess.

MR. RUBACKA:

It will be for the cell blocks, it will be for the control room. Like I said, there's 44 items that have to be addressed.

CHAIRPERSON BROWNING:

Okay. Thank you. So I think I made the motion to approve. Do we have a second?

LEG. CALARCO:

Yep.

CHAIRPERSON BROWNING:

Legislator Calarco. All in favor? Opposed? Abstentions? It's approved. **(Vote 6-0-0-1 Not Present: Leg. D'Amaro)**

1286 - Authorizing the Suffolk County Sheriff's Office to incorporate motor vehicles obtained at no cost to the County through Federal Asset Forfeiture Program into the existing fleet (Co. Exec.). I'd like to ask a question about -- I know we've got two of them, this one and another one. Can we get some explanation about what these vehicles are? And, you know, is this an expansion to the fleet, because that's a question I have, is it an expansion? Are these going to be replaced? Can you give me an answer on that from the Sheriff's Department?

CHIEF KNEITEL:

What was the question?

CHAIRPERSON BROWNING:

Good morning.

CHIEF KNEITEL:

Good morning.

CHAIRPERSON BROWNING:

And if you can state your name for the record.

CHIEF KNEITEL:

Chief Kneitel.

CHAIRPERSON BROWNING:

Okay. I know this is something that's been going back and forth, and the concern is, is that one of the bills is saying it's an expansion of the fleet. And so the concern is, if you're adding this vehicle to the fleet, now, when that one breaks down, are you going to be replacing that vehicle?

CHIEF KNEITEL:

It can't be replaced out of County assets. If they're forfeiture vehicles or either of the two places these vehicles came from, asset forfeiture or DWI, they can't be replaced as a County -- as it was a County vehicle. It's a one-shot deal.

CHAIRPERSON BROWNING:

Okay.

CHIEF KNEITEL:

When the vehicle's done, the vehicle's done.

CHAIRPERSON BROWNING:

Well, I did speak with Chief Sharkey and he did say it was a one-shot, but I think we'd like to see the language changed a little bit on the bill. So I'd like to table it for one cycle and bring it back next month and see if we can have the language changed to reflect that it's not going to -- we're not going to have to continually replace these vehicles.

CHIEF KNEITEL:

They legally can't be.

CHAIRPERSON BROWNING:

Right, but I just want to make sure the language is clear. Okay?

CHIEF KNEITEL:

Okay.

CHAIRPERSON BROWNING:

Thank you.

LEG. KENNEDY:

Madam Chair, if I can just ask a question with this as well. In the latter part of last year we talked about a couple of vehicles that were going to be added or provided to the fleet. They were coming through forfeiture, I think, asset forfeiture. Are these the same two vehicles that we're speaking

about now?

CHIEF KNEITEL:

These vehicles are carry-overs from at least the last three Public Safety meetings of last year that kept getting tabled.

LEG. KENNEDY:

Okay. I had a private conversation with the Sheriff about what the vehicles actually were, which I choose not to go ahead and do here. And so, since that time, when the Sheriff first brought these resolutions forward, has your existing undercover fleet been reduced by any vehicles, or are we doing one for one here, or what's the notion here?

CHIEF KNEITEL:

It hasn't been reduced, but the vehicles that are being used are many, many, many years old.

LEG. KENNEDY:

Yeah. No, I don't want to talk about the specifics at all. As a matter of fact, it's not a conversation that's appropriate here. I had a sense then about what the status of some of the fleet was.

CHAIRPERSON BROWNING:

John, I mean, the Sheriff is going to be here at the next meeting, the next committee meeting, and I think -- you know, I haven't actually spoken to him myself, but I think it would be a good --

LEG. KENNEDY:

Well, I --

CHAIRPERSON BROWNING:

I'm saying, if you would be okay with a tabling motion, maybe we can work something out for the next meeting.

LEG. KENNEDY:

Well, I know there's a tabling motion that's on the table. I'll have a follow-up conversation with the -- with the Sheriff, I guess, in private, because I don't want to speak about the specific condition of the fleet at this point. Thank you.

CHAIRPERSON BROWNING:

So there was a table. Do we have a second?

MS. LOMORIELLO:

You don't have a second yet.

CHAIRPERSON BROWNING:

Did we get a second on this?

MS. LOMORIELLO:

You don't have a second.

LEG. GREGORY:

Yes, yes.

CHAIRPERSON BROWNING:

Oh, okay. So we do have a second, Legislator Gregory. All in favor? Opposed? Abstentions? It is tabled. *(Vote: Tabled 6-0-0-1 Not Present: Leg. D'Amaro)*

1287 - Authorizing the Suffolk County Sheriff's Office to incorporate motor vehicles obtained at no cost to the County pursuant to DWI seizures into the existing fleet (Co. Exec.). I guess we'll make same motion, same second, same vote. So it is tabled. **(Vote: Tabled 6-0-0-1 Not Present: Leg. D'Amaro)**

1297 - Establishing a Six-Month Pilot Program to optimize the use of ShotSpotter Technology (Spencer). Legislator Spencer?

LEG. SPENCER:

I'd like to make the motion, but I do have a comment, if I could.

CHAIRPERSON BROWNING:

Say again?

LEG. SPENCER:

I'd like to make the motion, but I'd like to make a statement regarding that particular bill.

CHAIRPERSON BROWNING:

Okay.

LEG. SPENCER:

Motion to approve it. But I think -- I just wanted to kind of just relay the Legislative intent. And one of the most important things for me is to make sure that I support our officers with giving them every advantage possible. And so the Legislative intent of this bill is not to cause the police force to incur any more responsibility, or expense, or demands. So I wanted to make that very clear.

One of the things -- before I became a Legislator working out in the community, especially the Huntington Station community, it's been an issue where we have a school that's closed, there's been an increase in gang violence, as we've seen throughout the County. And one of the things that my predecessor was able to do was to get the ShotSpotter in place. Now, one of the issues, a lot of the blame to terms of the issue with crime, kept being said, "Well, we don't have enough police action." But I'm of the attitude that it's a community issue where you try to bring in all parties to the table to work. And one of the things that Huntington did do was to put cameras throughout Huntington Station. I think we have over 34 cameras that are there. And they put in cameras that have the capability to zoom, to move around. And one of the things that hasn't happened is that there's no formal arrangement that allows us to really join in to access these cameras. And with the ShotSpotter technology, what my concern is, is that with ShotSpotter, if there is a ShotSpotter alert, then officers are dispatched to that area. And so, once they get there, whether or not it's just a few minutes, that crime scene changes, the suspects have an opportunity to flee, and whereas the cameras will allow the ability to potentially have an immediate visualization of the scene.

The ShotSpotter technology always allows for connection to the cameras, the software is already there, but the question is the positioning of the cameras and the interface. And it's very rare that you would have this. Normally, we would have to bear the expense of putting in the cameras, the software and all the equipment that's involved. That's been given to us, that's a gift of literally hundreds of thousands of dollars in technology that I want to avail our officers of and close the loop.

So my six month pilot program is just designed that if there is a ShotSpotter alert -- and they've even gone as far as to provide two laptops that have access to the camera. The cameras are internet accessible. The officers would have complete access to this system, that the cameras don't have to be monitored at all times. But it just gives them the ability to -- whether or not it's mobile, whether or not it's at the precinct, whether or not it's in -- at the -- in Yaphank, to be able to look at

those cameras. And so there's no language in the resolution that says that the cameras have to be monitored, that there has to be someone that's dedicated there at all times, but at least gives us information over the pilot program to decide if it's worth investing our -- just promoting -- advancing that technology. So it's just optimizing the use of ShotSpotter.

I'm hoping it increases the collars that we have, because now we'll be able to look to see the race, the height, what the suspect is wearing, what cars are there, which direction they ran in -- which direction they ran, and that can happen within a few seconds. So that's my Legislative intent. It's not meant to cause the officers to incur any more resource burden. And so, for that reason, I would feel -- you know, I would like to approve it and we can adjust the resolution as needed to suit the needs of the officers.

CHAIRPERSON BROWNING:

Do we have -- okay. I was going to say somebody from the Police Department, but I -- you know, just curiosity, is this something the Police Department can implement? I mean, can they actually do this right now.

MR. ZWIRN:

I think that, having spoken with the Commissioner and Chief of Patrol, they have some questions, but I think Legislator Spencer's answered some of them today. One they were concerned about, as this equipment gets hooked up to ShotSpotter, some of the -- some of the hookups are fairly sophisticated where they can -- they can hear the -- they hear the shot and the cameras can go into that direction. And it could be helpful, but it's also expensive, and I don't think -- the Police Department said, "We don't have it in our budget this year to make those kinds of adjustments," and we may not be able to assign personnel, either civilian or, you know, police officer, uniformed personnel, to watch the cameras on a 24/7 basis. So they had some concerns about being asked for something that they might not be able to deliver.

I think that -- at this stage, I think if they have any questions, move it to the floor. The Police will have an opportunity to talk to Legislator Spencer before that. And then, if there's any -- if there's any further questions that have any legitimate concerns, we can -- it can be tabled on the floor at the Tuesday meeting. So I --

CHAIRPERSON BROWNING:

Okay.

LEG. CALARCO:

I second it.

CHAIRPERSON BROWNING:

Sounds good.

LEG. SPENCER:

Thank you.

CHAIRPERSON BROWNING:

So we had a motion by Legislator Spencer; second, Legislator Calarco. All in favor? Opposed? Abstentions? It is approved. *(Vote 6-0-0-1 Not Present: Leg. D'Amaro)*

And I think what I'll do, I know Monday I will be talking to the Chief of Police and I'll discuss it with him then.

We have a *Home Rule Message 4 - Requesting the State of New York to amend the Tax*

Law, in relation to (requiring a Revenue Distribution Agreement for Equitable Allocation) within the County of Suffolk for public safety purposes of sales and compensating use tax (Senate Bill S.2638 and Assembly Bill A.3735) (Schneiderman).

LEG. CALARCO:

Table, motion to table.

CHAIRPERSON BROWNING:

Motion to table, Legislator Calarco; second, Legislator Hahn. All in favor? Opposed? Abstentions?

LEG. GREGORY:

Abstain.

CHAIRPERSON BROWNING:

Oh, abstention, Legislator Gregory. So it is tabled. With that, there is no more business. Oh, two abstentions. Legislator Spencer abstained also on Home Rule 04. **(Vote: Tabled 4-0-2-1/Abstentions: Legs. Gregory and Spencer/Not Present: Leg. D'Amaro)**

Okay. Good to go? Okay. So -- Home Rule 04. I think John wants to --

LEG. KENNEDY:

Yeah, I'm going to extend an abstention. Actually, no, I'm a no vote. I'm a no vote on the Home Rule.

MS. LOMORIELLO:

Okay.

CHAIRPERSON BROWNING:

Okay.

LEG. KENNEDY:

I'm sorry?

CHAIRPERSON BROWNING:

You're a "no" vote. Okay.

LEG. KENNEDY:

I'm a "no" vote.

CHAIRPERSON BROWNING:

Okay. So, Barbara, you got that?

MS. LOMORIELLO:

Yeah.

CHAIRPERSON BROWNING:

Two abstentions, one no. Okay.

LEG. CALARCO:

It fails.

CHAIRPERSON BROWNING:

No, it doesn't. Oh, it fails? The tabling failed.

LEG. CALARCO:

The tabling fails.

CHAIRPERSON BROWNING:

The bill is dead?

LEG. CALARCO:

Well, I'm not making a motion for anything else.

CHAIRPERSON BROWNING:

Okay.

MR. NOLAN:

There's got to be another motion. There's no other motion.

LEG. KENNEDY:

Wait. I'm sorry. Wait a minute. It was a motion to table or motion to approve?

CHAIRPERSON BROWNING:

It was a motion to table.

LEG. KENNEDY:

Oh, okay. I withdraw the no vote. I'm fine with the table. I thought it was a motion to approve.

CHAIRPERSON BROWNING:

No. We don't have any money. Did you know that?

LEG. KENNEDY:

I figured that one out.

*(*Laughter*)*

CHAIRPERSON BROWNING:

Okay. So I believe now the tabling motion stands.

MS. LOMORIELLO:

Yes.

CHAIRPERSON BROWNING:

So -- okay. So, with that, we have no more business.

LEG. SPENCER:

Kate. Kate.

LEG. CALARCO:

You got a guy in the back.

CHAIRPERSON BROWNING:

Oh, someone in the back. I'm sorry. You want to come and speak?

MR. EGAN:

I had a card, but --

CHAIRPERSON BROWNING:

Get out of here. I didn't get a card.

MR. EGAN:

It's a conspiracy, huh? Good morning.

CHAIRPERSON BROWNING:

I have no card. Put your name on the record and --

MR. EGAN:

There it is.

CHAIRPERSON BROWNING:

Well, there's the card. Go ahead.

MR. EGAN:

My name is Jay Egan. I am currently now the Chairman of the Suffolk County FRES Commission, which is the organization of all the volunteer organizations throughout the County, to kind of look at some issues and try to address them, and try to, A, offer you people some assistance where we can and get some feedback from the Public Safety and the Legislature as well.

I just received a message last night that, with all cutbacks, that we possibly are going to be losing the one employee that does come to us on a monthly meeting to record all our minutes. That gets done, and I know those minutes go out throughout the -- throughout the County organizations. So people do read them, because I know I've gotten feedback from past -- County Executives in the past on some of the things that were in there.

We have -- we have not had a chance to meet as a group to discuss what we can do to assist. We know it's tough times, understand it's tough times. We're going to see what we can do to try to offer some assistance from our end as well. But just something I want to be left on the table, so we're not just taking you gotta, you gotta, you got to, you gotta, it's just that -- it looks like every place we go, we're starting to see more and more how the fire service and EMS service, which the majority of the time does not cost the taxpayers of this County a lot of money, because, through the fire districts, it's paid for, not through the County tax line. And it seems like every time we turn around, we're starting to get hit. We're getting hit through training, we're getting hit through the FRES Office. We're down the dispatchers, which is public safety dispatchers, which the way it's going, it seems like someone is going to start snapping in there real soon. I'm not saying they're going to go postal, but God only knows what could happen. You know, you could start seeing serious illnesses and things of that nature start to take place from the amount of time that those individuals are putting in with no relief, and no relief in sight.

Like I said, the majority of the committee is all volunteers, and we basically just ask for minimal support from divisional people to give us reports on what's happening on their side. P.D. comes, the Fire Academy comes. Legislator Browning has been coming to those meetings regularly now, which is great, because we do have that interaction. And we have been trying through this group, through the FRES Commission group, as well as all of the combined councils, meaning the districts, the vollies, the chiefs, the Ambulance Association and FRES, to get a meeting with Mr. Bellone to try to discuss that. Now this has kind of been protocol every time the administration changes, and usually every year, every other year. Not throwing stones, but when Mr. Levy was in, we met with him within the first three weeks of his administration to go see where it was done. We could lay out what we were looking for. We didn't get what we wanted, but at least we had the opportunity to lay out what we wanted, and we did have a conversation to have the discussion.

This -- and maybe I can look for some influence from your side. We've been trying with deaf ears since the transition team to meet with Mr. Bellone, and it seems like now it's starting to sound like a slap in the face to all the volunteers of the Fire and EMS side, because we're not getting any kind of answer. So, if we could get some assistance from Public Safety, we'd appreciate that.

CHAIRPERSON BROWNING:

Well, I will definitely reach out to the County Executive's Office. I don't know if Mr. Zwirn is still here. I think he left; did he? Well, there is a representative here from the County Executive's Office. We would certainly like that message to come over, that we accommodate the FRES Commission, and Joe Williams is here, but we definitely would like to have that conversation. I'm very aware of the person you're talking about. I haven't seen anybody as efficient as she is. She's amazing. Before that meeting's over, you can get the minutes of that meeting.

MR. EGAN:

Our minutes are out before the meeting's over, correct.

CHAIRPERSON BROWNING:

She is very good. But I will definitely work to make sure that you guys get that meeting. And, Commissioner, I guess we'll have to talk at -- a few days from now, I hope, to discuss what's going on in FRES.

MR. EGAN:

Okay. Now, the last piece of that I have is it becomes a public safety issue because there's been monies collected through the cell service sites for the PSAPs or the public service radios. Right? And that money has been collected in abundance and none -- so it's really -- it's not really County money that they have to lay out, it's money they collected that should go back to all the PSAPs, and nobody has seen a dime of that money I've got to say at least two years. There's people who are better versed on that, but that's something else that needs to be talked about at some point.

LEG. KENNEDY:

Madam Chair, can I --

CHAIRPERSON BROWNING:

I was going to ask if BRO could respond to that comment.

LEG. KENNEDY:

Is this radios, Mr. Egan, that are specific just to the PSAPs? Because I had a contact from Nesconset not too long ago, they were talking about a new frequency radio, an --

MR. EGAN:

No.

LEG. KENNEDY:

It's not that.

MR. EGAN:

Nothing to do with radios themselves, it's collections that come off -- there was a surcharges put on all of the cell phone service.

LEG. KENNEDY:

Yes, yes, yes, yes.

MR. EGAN:

Right. And that money is supposed to go to the PSAPs throughout the County.

LEG. KENNEDY:

Twenty percent, correct.

MR. EGAN:

Right.

LEG. KENNEDY:

Correct. As a matter of fact, I was the sponsor, along with Legislator Horsley, of that legislation.

MR. EGAN:

There you go. And that's supposed to assist them with some of their reductions and being able to provide their services.

LEG. KENNEDY:

So none of the ten non-County PSAPs saw any of that funding last Fall?

MR. EGAN:

From what I'm told, no, sir.

CHAIRPERSON BROWNING:

John, can we get a comment from you and maybe find out where the money is?

MR. ORTIZ:

Well, I know it's done by formula. And the ten non-County PSAPs, not counting the Sheriff and Police, split the money equally. It's not done by geography or number of phone calls. The funding is in the budget. I don't know if it's been expended yet or distributed yet, but the PSAP funding is in the budget. And a lot of in-kind services from the Police Department, when the PSAPs are having problems with their equipment, the Police Department will send out personnel to fix their equipment, maintain their equipment, and that's not even part of the charge of the PSAP. The PSAP funding is generally to replace older failing equipment. It can't be used for overtime, or vehicles, or anything like that. But it's my understanding that there's funding in the adopted 2011 budget for the ten PSAPs.

LEG. KENNEDY:

You know what, Madam Chair, let me go for a second, because I had a representation from the Budget Office last Fall about the way that the PSAPs would be able to actually access that additional funding. There was 286,000 that was shorted from what was supposed to be in the 2011 budget; and divided by ten, there was 28,600 available that they -- the former administration had indicated they would honor by a simple letter from the ten PSAPs referencing equipment upgrades that they had undertaken. Now, that was then, this is now. I don't know -- I believe in the Budget Working Group there was a similar allocation of PSAP funding identified, but the methodology for having it move, it actually -- I believe FRES is the agency contact. I know Commissioner Williams is here. I'm not certain if I recall that properly or not. Joe, is that the case?

MR. WILLIAMS:

The answer to your question is the money is moved and -- actually, allocated through what they call the 911 Commission, which is a commission that's not part of FRES, but we're a member of it. It incorporates the ten PSAPs together and they allocate that money. Now, I have not heard they didn't get the money. I'm not even sure if we got -- it was credited to our budget or not. I can't even answer that.

LEG. KENNEDY:

Is that is still Matt Jones? Is he the contact with the 911 Commission?

COMMISSIONER WILLIAMS:

That is correct. He's the Chairman of the 911 Commission over at the Police Department.

LEG. KENNEDY:

So they adopt the funding recommendation each year, and then the funding for the PSAPs is distributed by -- which department, or does it go directly out of the Exec's Budget Office?

COMMISSIONER WILLIAMS:

What's happening is that he's allocated "X" amount of money that is given to him from the surcharges on the phones, and then the committee itself, they allocate it, they divide it 10 ways, or 11 ways, and then that -- I believe they get their check through the normal County Treasurer.

LEG. KENNEDY:

Okay.

CHAIRPERSON BROWNING:

I guess --

LEG. KENNEDY:

Well, that's helping a little bit. What about -- so, John, do you know anything more? I mean, what is the Town of Smithtown -- that PSAP, who do they have to speak to about the 70 or \$80,000 that they should be entitled to to offset their equipment upgrade for 2012? Maybe I need to ask it like that.

MR. ORTIZ:

I would assume that if they're not getting their appropriate funding, that they should contact the Budget Office and follow that up with a call to the Treasurer's Office. One of the -- because it's based on formula, the PSAPs were shorted by twenty-eight thousand and change last year. But if you go back over time, because land line use has gone way down while cell phone use has gone up, and voice-over internet protocol has gone up, the funding for PSAPs is reducing. And it's just a strict formula divided by ten ways. So in one year, they may be underpaid, the next year they may be overpaid, and from year to year we may make adjustments on the payments.

LEG. KENNEDY:

We just authorized a voice-over and the cell phone surcharge within the last, I guess, what, 18 months, so those would be two brand new revenue streams, as opposed to the primary one, which was land line only, correct?

MR. ORTIZ:

That is correct.

LEG. KENNEDY:

Okay. So maybe what I need to do, through -- I'll do it through the Chair and/or I'll do it directly, I want to see a 36-month look-back as far as what the total aggregate of revenue was from land line only and any addition of the voice-over on the cell, so that we can kind of see, because I would imagine land line would have to have completely fall off. I pay for all three phones and I hate them all, but I think it's important that we see where it's going. And then, also, we need to know who the contact is. Thank you, Joe, I appreciate it. Thank you, Madam Chair.

MR. ORTIZ:

Legislator Kennedy, I have that -- those figures going back several years. The voice-over internet protocol are more or less estimates, because the companies aren't absolutely sure how many users they have, so some of those numbers are estimates.

LEG. KENNEDY:

Okay. Thanks, John. If you could share them with me, then I'd appreciate it. Thank you.

CHAIRPERSON BROWNING:

Okay. And I guess I'll get a hold of Matt Jones and see what he can give us, what answers he has for us. Any other questions? No? No?

MR. EGAN:

Kate, all I got to say is --

CHAIRPERSON BROWNING:

No more comments.

MR. EGAN:

No. Just thanks for listening. In the past, Tony LaFerrera has been the past Chair and I was the Vice Chair. We kind of flip-flopped this year, I'm the Chair, he went back to Vice Chair. So one of us will always be here at one of these meetings. So, if anybody has any questions, feel free to get in touch with us beforehand. If you need information, we'll be more than happy to assist.

CHAIRPERSON BROWNING:

Sure, we will. Thank you.

LEG. CALARCO:

Thank you.

CHAIRPERSON BROWNING:

Okay. And I guess with that, we have no more business, I think. So I'll make a motion to adjourn; second, Legislator Calarco. We're adjourned.

(*THE MEETING WAS ADJOURNED AT 11:01 A.M. *)