PUBLIC SAFETY COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

A special 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 Tuesday, November 20, 2014.

Members Present:
Legislator Kate Browning - Chairperson
Legislator Robert Calarco - Vice-Chair
Legislator Kara Hahn
Legislator William Spencer
Legislator Monica Martinez
Legislator John Kennedy

Also in Attendance:
Presiding Officer DuWayne Gregory - District No. 15
Legislator Tom Muratore - District No. 4
George Nolan - Counsel to the Legislature
Sarah Simpson - Assistant Counsel to the Legislature
Jason Richberg - Chief Deputy Clerk of the Legislature
John Ortiz - Budget Review Office
Michael Pitcher - Aide to Presiding Officer Gregory
Josh Slaughter - Aide to Legislator Browning
Bill Shilling - Aide to Legislator Calarco
Lisa Pinkard - Aide to Legislator Martinez
Alyssa Turano - Aide to Legislator Hahn
Bob Martinez - Aide to Legislator Muratore
Brendan Chamberlain - Aide to Legislator Muratore
Robert Braun - County Attorney's Office
Tom Vaughn - County Executive's Office
Amy Keyes - County Executive's Office
Kerri Souto - County Executive's Office
Pete Guaraldi - County Executive's Office
Bill Doherty - Suffolk County Police Department
Mike Sharkey - Suffolk County Sheriff's Office
Lou Tuttone - Second VP/Police Benevolent Association
Jim Roddin - Superior Officers Association - Trustee
John Cowie - Superior Officers Association - First VP
Christine Larkin - Probation Officers Association
Zack Viola - AME - Legislative Liaison
Tom Golder - Motorola
All Other Interested Parties

Minutes Taken By:
Lucia Braaten - Court Stenographer

(*The meeting was called to order at 10:09 a.m.*)

CHAIRPERSON BROWNING:
Okay. Good morning. If everyone could please rise for the Pledge of Allegiance, led by Legislator Calarco.

(*Salutation*)

And, as always, a moment of silence for those who serve our country at home and abroad.

(*Moment of Silence*)

Thank you. Okay. We have no cards. Is there anyone in the room who would like to speak? No one in the room, okay. So we will move on with the agenda. There are no presentations. I know, Tom, I know I asked you the other day. Anything new on the communications RF -- well, bid, not RFP; anything new?

MR. VAUGHN:
I did send an email to Mr. Postel yesterday afternoon. I have not heard back. However, I did want to address what I believe was kind of a more serious matter that was brought up at the last Public Safety Committee, and that was what was described as a communications failure at the last Public Safety Committee. Both Mr. Postel and Commissioner Williams looked into the, quote-unquote, communications failure. According to them, the issue was a problem with some Verizon lines, and it was making it difficult to simply transfer calls that were coming in from P.D. to FRES. The result of what they were able to look into was that the issue was actually worked out relatively quickly within minutes. It was a problem on Verizon's end, not on ours, and that there were no calls that were lost in the process. So we were very relieved to hear that there was not a communications failure, that there was just a little bit of difficulty getting the calls transferred over.

CHAIRPERSON BROWNING:
Okay. Thank you for that, because I know I've hardly been in the office this week, so I haven't even had a chance to even talk to Josh about it, trying to get the information, but I appreciate it.

MR. VAUGHN:
And, as always, if there is additional information or something that -- something like that of that nature comes into us, please feel free to let us know as soon as possible, because we would like to make sure that that gets addressed.

CHAIRPERSON BROWNING:
Absolutely. Thank you. I know our Director of Probation, she had another meeting that she had to attend today, so she's not here. I guess Commissioner Williams is not here today. And I don't know if there's anyone else. Mike, do you have anything? Nothing?

CHIEF SHARKEY:
(Shook head no).

CHAIRPERSON BROWNING:
Okay. So then we'll move with the agenda. This will be probably one of the quickest meetings, guys.

<u>TABLED RESOLUTIONS</u>

Okay. Tabled Resolutions: ***1759 - Adopting Local Law No. -2014, A Charter Law to provide***

for fair and equitable distribution --

LEG. CALARCO:
Motion to table.

CHAIRPERSON BROWNING:
-- of public safety sales and compensating use tax revenues (Sponsor: Jay Schneiderman).
Who said that, you?

LEG. CALARCO:
Yeah.

CHAIRPERSON BROWNING:
Okay. It was a motion to table by Legislator Calarco, I'll second. All in favor? Opposed? Doc Spencer opposes.

LEG. CALARCO:
Got one opposed.

LEG. SPENCER:
Yes.

CHAIRPERSON BROWNING:
How did I know? Motion was tabled. ***(Vote: Tabled 5-1-0-0/Opposed: Legislator Spencer)***

(1854)Adopting a Local Law to amend Resolution No. 683-2014, a Local Law to amend, and update, and reorganize Chapter 528 of the Suffolk County Code to incorporate changes adopted by the State, and to facilitate continuing advancements and modifications of the law in the future (Sponsor: Steven Stern). Do we --

MR. NOLAN:
It's closed.

CHAIRPERSON BROWNING:
Is that closed?

MR. NOLAN:
Yes.

CHAIRPERSON BROWNING:
Can you give us an FYI, because I'm trying to remember about this.

MR. NOLAN:
Correct, this has do with Veterans, and gives Veterans protection under the Human Rights Law in terms of housing discrimination; makes it unlawful to discriminate against somebody based on their status as a Veteran.

LEG. KENNEDY:
Whoa, whoa, whoa, whoa, wait a minute. Wait a minute. Wait a minute.

CHAIRPERSON BROWNING:
Okay. Go ahead John.

LEG. KENNEDY:
George, you mean that there is nothing in Federal Law right now that gives any kind of protection or -- there's got to be some broad language that's in there. Man, what the hell is it? It's the Fair Housing Act? Isn't it the Fair Housing Act that's basically the platform for a lot of these protections, as far as the prohibition against discriminating regarding class, or orientation, age, ethnicity? It's very comprehensive.

MR. NOLAN:
Right, but this -- and our Local Law has a lot of those same protections, but it gives our Human Rights Commission, you know, expressly the jurisdiction to deal with complaints of discrimination based on this. Just like the law talks about all types of groups that have protective status under our Local Law, this would add Veterans.

LEG. KENNEDY:
Okay.

CHAIRPERSON BROWNING:
Good? Okay. So did we have a motion? I guess I'll make a motion to approve.

LEG. CALARCO:
Second.

CHAIRPERSON BROWNING:
Second, Legislator Calarco. All in favor? Opposed? Abstentions?
And I'll cosponsor that. ***(Vote: Approved 6-0-0-0)***

And ***1859 - Adopting a Local Law to prohibit the use of unauthorized tracking devices (Sponsor: Kate Browning).*** It's still in public hearing. I'll make a motion to table for Public Hearing; second, Legislator Calarco. All in favor? Opposed? Abstentions? It's tabled. ***(Vote: Tabled for Public Hearing 6-0-0-0)***

1949 - To enforce domestic violence orders of protection using GPS monitoring (Sponsor: Kara Hahn).

LEG. HAHN:
Motion to table.

LEG. CALARCO:
Second.

CHAIRPERSON BROWNING:
Motion to table, Legislator Hahn; second Legislator, Calarco. All in favor? Opposed? Abstentions? It's tabled. ***(Vote: Tabled 6-0-0-0).***

1996 - A Local Law to amend the County's Human Rights Laws to further protect victims of domestic violence (Sponsor: Legislator Spencer).

LEG. SPENCER:
Motion to approve.

CHAIRPERSON BROWNING:
Okay. Motion to approve, Legislator Spencer.

LEG. MARTINEZ:
Second.

CHAIRPERSON BROWNING:
Second -- Legislator Martinez, was that?

LEG. MARTINEZ:
Uh-huh.

CHAIRPERSON BROWNING:
Okay.

LEG. KENNEDY:
On the motion. Can -- what's this one about?

LEG. SPENCER:
We recently modified our Human Rights Law in Suffolk County, and when I went back and went through it with George, you know, one of the concerns that they were having across the State was looking at just protecting people from domestic violence, the women's equality platform. And we actually have some of the most stringent protections in the State, and one of the areas we saw that there was a little loophole there, is that we protect women or victims of domestic violence from employment discrimination, but not from housing discrimination, and this just closes that loophole.

LEG. KENNEDY:
And we should always be able to go ahead and act where we encounter any types of housing discrimination, but -- so here's my question. Have we had any incidents of this where individuals have come forward? And, Doc, you know this better than anybody. Yes, unfortunately, a majority of victims of domestic violence are women, but it spans the board. Senior citizens are abused by adult children who live with them, you have same sex couples where you have incidents. Have we had any -- has anybody brought forward complaints saying that they're being turned away from the ability to go ahead, you know, and rent an apartment, or something like that, based on the fact that they've been a victim of abuse?

LEG. SPENCER:
Absolutely. What happens a lot of times when they're trying to escape from their abuser, and try to find other accommodations, sometimes a landlord could look at that situation as well, "I don't want to get involved if there's a particular chance that this person may come. I don't want any trouble and I'm not going to rent to you." It has happened.

LEG. KENNEDY:
Okay. All right. So if there's that element under there, then we ought to have another hook to hang a ration on. Okay.

LEG. SPENCER:
George, is there anything else with -- on that, that was an explanation with regards to the changes there?

MR. NOLAN:
No, that completely covers what the changes are.

LEG. SPENCER:
All right. Thank you.

CHAIRPERSON BROWNING:
Okay. So we had a motion and a second. All in favor? Opposed? Abstentions? Okay. It's approved, 1996 is approved.

2023 - Approving a temporary increase to the fleet for the Suffolk County Police Department's Narcotics Section's participation in the New York State Department of Taxation and Finance's Cigarette Strike Force at no cost to the County through the use of Asset Forfeiture funds (Sponsor: County Executive). I'll make a motion to approve. Second?

LEG. CALARCO:
Second.

CHAIRPERSON BROWNING:
Legislator Calarco. All in favor? Opposed? Abstentions? It's approved. ***(Vote: Approved 6-0-0-0)***

2024 - Approving a temporary increase to the fleet for the Suffolk County Police Department's Criminal Intelligence Bureau at no cost to the County through the use of Asset Forfeiture funds (Sponsor: County Executive).

LEG. SPENCER:
Motion.

CHAIRPERSON BROWNING:
Motion to approve, Legislator Spencer, I'll second. All in favor? Opposed? Abstentions? It's approved. ***(Vote: Approved 6-0-0-0)***

2025 - Approving a temporary increase to the fleet for the Suffolk County Police Department's Criminal Intelligence Bureau's Field Intelligence Officer Program at no cost to the County through the use of Asset Forfeiture funds (Sponsor: County Executive). I'll make a motion to approve.

LEG. CALARCO:
Second.

LEG. KENNEDY:
On the motion.

CHAIRPERSON BROWNING:
Second, Legislator Calarco. And on the motion.

LEG. KENNEDY:
This is a question, Madam Chair, actually, for BRO. So asset forfeiture funds, this is whose asset forfeiture funds, and what do we have sitting in that fund at this point?

MR. LIPP:
The Asset Forfeiture Funds are off-budget funds, so we don't see them in the budget. Audit and Control does keep track of the funds in terms of their expenditures, but we get very little information on that. If you'd like, we could research further, but it's since an off-budget item we don't normally have that information available. But -- yes, these Police forfeiture funds, though, of course.

LEG. KENNEDY:
John, you kind of answered the first thing, because there's multiple funds, asset forfeiture funds --

MR. LIPP:
Correct.

LEG. KENNEDY:
-- here between the Sheriff, the D.A., and the Police Commissioner maintains his own asset forfeiture fund?

MR. LIPP:
Yeah. So there are several separate asset forfeiture funds that Audit and Control keeps track of, and whoever the Comptroller may be and --

LEG. KENNEDY:
Yeah, I'm going to talk to him this afternoon.

(*Laughter*)

MR. LIPP:
And so that they're not commingled or anything like that, they're all separate.

LEG. KENNEDY:
Is that a fact? Okay. Thank you.

CHAIRPERSON BROWNING:
The Lieutenant's here. I don't know if you have -- can respond to any of this?

LEG. KENNEDY:
Sure. Good morning. How are you today?

LIEUTENANT DOHERTY:
Good.

LEG. KENNEDY:
Good.

LIEUTENANT DOHERTY:
For those of you who don't know me, my name is Lieutenant Bill Dougherty and I work with the Chief of Department's Office.

As far as the asset forfeiture funds go --

LEG. KENNEDY:
Yes.

LIEUTENANT DOHERTY:
-- I don't have any numbers for you right now, but we can certainly -- we certainly keep an accounting. We have certain people that work only on asset forfeiture funds. So if that's information you need, we could --

LEG. KENNEDY:
Yeah, I would welcome that. Please, if somebody could go ahead and summarize and push that over to my office. Also, the genesis, or how the fund is populated. Again, you know, multiple branches in law enforcement are, I guess, realizing funds associated with seizure of whatever the property is, you know, in the conduct of criminal activity. So how funds come to the Police

Commissioner, obviously, it's going to be important to differentiate between the Sheriff and the District Attorney. So the origin and the current amount and how the accounting is done would be quite helpful. Thank you.

LIEUTENANT DOHERTY:
Anyone else?

CHAIRPERSON BROWNING:
Not right now. Okay. But there are restrictions, correct, I'm sorry, on how you can spend the money and what you can spend it on, I believe.

LIEUTENANT DOHERTY:
That would probably be better answered by someone in Budget Review Office, but there are certainly laws and rules that do apply to it.

CHAIRPERSON BROWNING:
Right. Okay. I guess we can follow up. And I guess John says you're going to see them. Thank you, Lieutenant.

So that's it, no more questions. We had a motion and a second, right?

MR. RICHBERG:
Yes, we do.

CHAIRPERSON BROWNING:
Okay. All in favor? Opposed? Abstentions? It is approved. ***(Vote: Approved 6-0-0-0).***

2055 - Establishing requirements for a school speed zone camera program (Schneiderman).

LEG. CALARCO:
Motion.

CHAIRPERSON BROWNING:
Who said that?

LEG. CALARCO:
I did.

CHAIRPERSON BROWNING:
Oh. Legislator Calarco made a motion to table. Do we have a second?

LEG. KENNEDY:
Hold on a second. This is on 2055-14?

CHAIRPERSON BROWNING:
This is 2055.

LEG. KENNEDY:
I'll offer a motion to table subject to call.

LEG. CALARCO:
I'll withdraw my motion.

CHAIRPERSON BROWNING:
Okay. Well, do we have a second on that subject to call?

LEG. SPENCER:
What?

LEG. KENNEDY:
On the motion to --

MR. NOLAN:
Second?

CHAIRPERSON BROWNING:
Well do we have a second on that subject to call?

LEG. KENNEDY:
On the motion to --

CHAIRPERSON BROWNING:
We have no second on -- can we get a second on one of them, table or table subject to call.

LEG. KENNEDY:
If he wants to second for discussion purposes, or how about -- well, no, Tommy can't second, that's right, he's not the committee.

LEG. SPENCER:
I'll second for discussion purposes.

LEG. KENNEDY:
Okay.

CHAIRPERSON BROWNING:
So we have a second from Legislator Spencer, table subject to call or table?

LEG. SPENCER:
I want to hear why he wants to table.

CHAIRPERSON BROWNING:
Okay. So there's a second on the table, and we'll open it up for discussion. Maybe George could start and give us a definition of what the bill is actually saying.

LEG. KENNEDY:
That would help.

MR. NOLAN:
The resolution basically talks about the school speed zone camera program that the State has authorized, and basically establishes three or four elements that have to be within the program, the County's program, and one is that the installation of clearly visible signage at each camera location warning drivers that the speed limit in the school zone will be photo enforced.

The second element that Legislator Schneiderman wants in the program is that no notice of liability will issue for violations occurring during a period of student activities, because the State Law talks about during a school day and during periods of student activities where the law can be enforced,

but that we're not going to issue violations for that period of student activities, unless the speed limit sign is in a school speed zone or equipped with alternating flashing lights that are activated at the time of issuance.

Thirdly, that there will be a two-week grace period following the installation of each camera where drivers are notified when they exceed the posted speed limit, but no penalty will be imposed. And finally states that there has to be a public awareness campaign initiated by the County, which uses social media and public service announcements to notify the public about the program and the start date of the program. So if this resolution is adopted, those four elements would have to be within our program.

LEG. KENNEDY:
Okay. So thank you for the summary on that. But let me, if I can, Madam Chair, just ask Counsel a couple of quick questions, because maybe my memory is failing me here.

The Home Rule Message was done on this bill, I don't know, maybe March or so, somewhere around there, about that, George?

MR. NOLAN:
Last spring.

LEG. KENNEDY:
Okay. And a number of us did oppose it, but to the best of my recollection, there's been no piece of legislation put before us that actually adopts this program or implements it here in Suffolk County.

CHAIRPERSON BROWNING:
Well, there's no RFP, so --

MR. NOLAN:
In answer to your question, there's been no -- no resolution or Local Law adopted yet which actually puts the program in place.

LEG. KENNEDY:
And one of the key elements that a number of us objected to, I objected to, was the fact that the student activity language in the State Law was never specifically defined. So that while citizens -- most everybody understands what the concept of school day is. Student activity, quite frankly, you know, are 76 school districts with literally hundreds of school buildings, and PTAs, and other types of organizations that operate youth activity leagues. The element of randomness or uncertainty is kind of rife under that State language.

So I just -- I don't know what was in the mind of the sponsor that it would bring these elements to define something that, you know, lacks any kind of even, you know, basic definition in the first instance. It seems odd to me.

Who would operate the blinking lights? Who would enable them, who would put them into effect, and who would be responsible for maintaining them?

MR. NOLAN:
Are you talking about under this resolution?

LEG. KENNEDY:
Under Legislator Schneiderman, under 2055.

MR. NOLAN:
It doesn't identify who would do that.

LEG. KENNEDY:
Really?

MR. NOLAN:
Well, there's no program in place yet.

CHAIRPERSON BROWNING:
So, John, let me --

LEG. KENNEDY:
Is there a Fiscal Impact Statement on this thing?

MR. LIPP:
Yes. So our fiscal impact -- you know, this is -- was a new resolution, so we just got to finish it, actually, this morning. We didn't put a specific dollar number to it yet, but we did say that we believe the resolution needs to be amended, because we believe that it's amending the 2015 Operating Budget, which you can't, A, amend until next year. The County Executive, for instance, could amend the budget any time he wants, but not the 2015 budget until 2015 starts. The Legislature can't amend the budget, only other than four times a year, so it would have to be laid on the table for February and it would have to have an offset, in our opinion.

LEG. KENNEDY:
Well, so then procedurally, even if there was a mind in the committee to act on this, we couldn't act on it, because, in fact, we don't even have a Fiscal Impact Statement that meets our own requirements as far as a cost. So I would offer, not table subject to call, table to, you know, stab it in the heart or something.

(*Laughter*)

It doesn't even rise to the level of a perfected resolution.

CHAIRPERSON BROWNING:
Is that going to be a new procedure?

MR. NOLAN:
Just so it's --

CHAIRPERSON BROWNING:
Okay.

MR. NOLAN:
Legislator Kennedy, I don't necessarily agree that this represents a budget amendment. You know, Budget Review has an opinion, which I learned about last night, but I don't think this really is a budget amendment.

LEG. KENNEDY:
Who's going to put up the lights, George?

CHAIRPERSON BROWNING:
Okay. Well --

LEG. KENNEDY:
I'll let it go, whatever.

CHAIRPERSON BROWNING:
Tom is here, and, obviously, there's no RFP has gone out. Is there an RFP? Has one been sent out?

MR. VAUGHN:
Okay.

CHAIRPERSON BROWNING:
And when do you plan to do that?

MR. VAUGHN:
I promise you, I'll answer that question, but I have something I'd like to say first.

CHAIRPERSON BROWNING:
Okay.

MR. VAUGHN:
First of all, Legislator Kennedy, do you remember April 24th of this year? We had a Public Safety meeting. It was a really great Public Safety meeting, and I bring it up because at that Public Safety meeting you and I agreed on some things, and I think we both termed it a red letter day. And I would say that today's a red letter day because we agree with your motion to table subject to call.

LEG. KENNEDY:
Okay, there you go.

MR. VAUGHN:
I bring another -- I would bring another walk down memory lane. When I was a child about 28 years ago, for Christmas I got some Transformers, and you could put these Transformers together and they made a bigger robot. To the best of my knowledge, we -- this is not the way that we do local laws in the County. We think that this is a very important topic that needs to be debated, that needs to be thought about and contemplated. And we would -- we agree, that we don't think that this is the right way to go about this at this point in time. This is not the way that we craft Local Laws here in Suffolk County. We put together a law, we debate the law, we work -- the sponsors of the law work with people who have concerns with the law to get a product that we can all, hopefully, ultimately agree on.

And I think that some of the conditions that are in this bill are very good and well intentioned, but I think that we need -- I think that the questions that the -- that Legislator Kennedy is asking about the hows, and the whys and the implementation of this are things that are not worked out.

Legislator Browning, you asked me about an RFP before. An RFP has not yet gone out. There has been and RFEI. We are evaluating the responses that came from the RFEI, but an RFP has not been done yet. And we do think that, at this point in time, this is premature, and we would support -- even though I couldn't second it, we would certainly support the tabling subject to call at this point in time.

CHAIRPERSON BROWNING:
Okay. So we're having a kumbaya day.

(*Laughter*)

LEG. KENNEDY:
Let the record reflect that we concur. Yeah, I'll just restate my motion to table subject to call.

CHAIRPERSON BROWNING:
Okay. Go ahead, Rob.

LEG. CALARCO:
While I agree with everyone that I don't think this is necessarily ripe right now for us to act on, because there are probably -- first and foremost, we got this on Tuesday and today is Thursday, and, quite honestly, we really haven't had enough time to look it over and make sure it's doing everything we need it to do, so we avoid the pitfalls that were certainly obviously raised in Nassau County over the last few months. But, at the same time, I don't see a need to table this subject to call and put this, you know, to bed and not give the sponsor the ability to come and make his case and discuss this, the merits of what he's looking to do, or make amendments to the resolution. You know, I think we should, you know, have that conversation with the sponsor and the appropriate time over the next couple of weeks until we're able to get this to where it needs to be, or maybe he'll voluntarily withdraw the bill and move forward with a different version. But I think his goals are laudable. He wants to make sure that we have some real clear standards and guidelines with the way we implement this program, so that we are doing it in the fairest possible manner to the public out there, so that they understand what the rules are and they know where these cameras are, and we give them every opportunity to abide by the law. That's why I made the motion to table, and I don't think it's fair to the sponsor at this time to do a tabling subject to call and put this away, unless you, you know, either don't think we need to set standards, or you don't want to have the program.

LEG. KENNEDY:
Well, I -- A, okay, so let's go in reverse order. No, I don't want to have the program, and, as a matter of fact, that's why I voted against the Home Rule Message. I do very much think we need to have standards. For a variety of reasons, I won't be part of that. But I do also think that every one of us has a responsibility to make our way here to go ahead and support the resolutions that we introduce, and Legislator Schneiderman elected not to attend today.

LEG. CALARCO:
Yes. And I actually spoke with Legislator Schneiderman yesterday and he was also comfortable with the idea of tabling this resolution at this time. And this is not the first time we've tabled the resolution so we could work on it and make sure we get it right. So to try to just put the motion to bed and put a knife in its heart is not necessarily --

LEG. KENNEDY:
Did you like that one?

(*Laughter*)

LEG. CALARCO:
Not necessarily being fair to the sponsor when he said, "Yes, I'm willing to work with all my colleagues to make sure we get this right," and then, you know --

LEG. KENNEDY:
Look, if it's the will of the majority of the committee, I mean, if there's no second on the motion to table subject to call, I can understand that. I made the motion because for the whole variety of reasons that I just laid out. I don't think in my opinion it even rises to a resolution that's properly supported with an adequately defined Fiscal Impact Statement. A Fiscal Impact Statement that says, "Cost to be determined" is not a Fiscal Impact Statement.

LEG. CALARCO:
I guess we're all saying the same thing. We're not ready to move on this yet, so why don't we just, you know, table it.

LEG. KENNEDY:
Call the vote. Call the vote.

LEG. CALARCO:
In a couple of weeks, we can move forward.

CHAIRPERSON BROWNING:
Kara, do you still want to say something?

LEG. HAHN:
Are we ready to call the vote?

CHAIRPERSON BROWNING:
I mean, if you want to say something, you're more than welcome to.

LEG. HAHN:
I think we need -- I do think this is premature. I think we need to approach this, how we are going to roll this out in a much, much more comprehensive manner with really in-depth analysis of what went wrong in our neighboring county and -- you know, and what we can do to not have those kind of mistakes made here. And so we need to work with the County Executive, no question about it, we need to work with P.D., we need to work with Public Works and traffic safety professionals. We might need some public outreach, school groups, safety advocates, drivers, you know, find a way to roll this out in a way that reduces speeding around schools.

MR. VAUGHN:
Precisely.

LEG. HAHN:
And that's our goal, and I think that this is premature. But I do agree with Legislator Calarco, that, you know, I believe the sponsor's goal was laudable, and that we are committed to doing this differently, and doing this in a manner that in the -- the end result is reducing speeding around schools and providing safety for children.

MR. VAUGHN:
Legislator Hahn, we completely agree with your statements, and we mostly agree with Legislator Kennedy's statement, with the difference of, you know, it would be hypocritical of me to say at this moment in time that the Administration does not support speed cameras, seeing as how we brought the Home Rule Message to you and asked for your support in them. But that being said, the other statements of making sure about how we progress this and making sure that we do this right and having these conversations are all conversations that we are committed to.

We are -- we would love to work with the sponsor on the concerns that he has. We would love to work with this Legislature, as we have done so often on a whole variety of topics, to reach a consensus as to how to best operate this type of program.

The other concern that I have, when we have this legislation here, is I know that we had -- we had one district office call us to ask if there were cameras in place right now. I think that this gives the wrong impression as to where we are at in this process. There are no current -- there are currently no school zone speed cameras in Suffolk County. We are not currently operating a program. And

it is very difficult, I would say, to start to figure out how to put a program together if we continue to get -- if this is just a first of what could perhaps be many resolutions on how to craft this thing, I don't think that that's the way that you could craft a comprehensive piece of legislation, and I think that it actually may be a recipe that actually invites -- it's a recipe that could lead to less than desirable results, despite the fact that it is certainly coming from a fantastic place.

LEG. SPENCER:
I --

CHAIRPERSON BROWNING:
Okay. Doc Spencer, and then DuWayne.

LEG. SPENCER:
I feel that what the sponsor was trying to do, at least from what I was able to speak with him aside, was he wanted to get out ahead of this issue. And we saw the impact that it had. And I don't think the bill is so bad from the standpoint of giving us parameters ahead of us putting the actual policy in effect. But I think that the State authorization doesn't necessarily require us to have a Local Law; is that true, George, as far as your understanding of it?

MR. NOLAN:
Right. It doesn't state explicitly that when we adopt the program, it has to be by a Local Law, even though I think, you know, if we're going to post penalties, eventually that would have to be done through a Local Law.

LEG. SPENCER:
And when you look at the bill, it states policies. I think the only thing that could potentially be a cost would be the ad -- the public service announcement, but that, in effect, could be done, and I do it all the time for free, depending on what that entails. But there doesn't necessarily have to be an economic impact of this bill. That would be the only area where there could potentially be an economic impact. Is that what you, you know --

MR. NOLAN:
Yeah.

LEG. SPENCER:
Why do you disagree with the -- that this is not an incomplete bill?

MR. NOLAN:
Because we haven't implemented a program yet. So to say that, you know, laying out some guidelines in advance to the program we want is going to have an X-factor or decrease revenue from the program, I think that's too speculative, and I just don't think -- to me, it doesn't constitute a budget amendment. It's a policy. It more speaks to policy. If we had a program in place, and we were changing elements of the program that reduced revenue, that would be a different story, but we don't have a program yet.

LEG. SPENCER:
I do feel this is about safety, ultimately, but when you look at just -- to say that it's not a revenue -- it's not a revenue issue I really think is misguided. I don't think -- it's not about revenue, I think it's primarily about safety, but there's significant revenue that's involved. And I do think that the public is really watching how we address this particular issue, and I think we should learn lessons that have already been taught to us from our neighbors. So I'm, you know, supporting the tabling motion. Thank you.

CHAIRPERSON BROWNING:
DuWayne?

P.O. GREGORY:
Yes. I apologize, I came a little late to the discussion, so I'm a little -- I don't know. I'm trying -- I guess I'm trying to understand what's going on. I guess BRO has -- they're saying that they're -- the fiscal impact is -- there may be a fiscal impact that may negate the need for this, or challenge some of the legalities of this bill?

MR. NOLAN:
I don't want to speak for Robert, if he wants to restate their position.

P.O. GREGORY:
Could you, Robert, restate --

MR. LIPP:
Sure.

P.O. GREGORY:
-- your position as far as fiscal impact?

MR. LIPP:
So, you know, as we said earlier, this is, you know, a late bill, so we just finished the fiscal impact this morning. We didn't have specific dollar numbers, that it still needs to be researched. But our view was because it's -- because it's placing restrictions, even though the program hasn't been established, because it is clearly placing some restrictions on the program, it would appear to us that to be either an increase in cost or a decrease in revenue associated with the restrictions, and, therefore, would need to be a budget amendment. And, therefore, we believe that the resolution would need to be amended for that to be the case.

P.O. GREGORY:
How do you determine what the impact's going to be? I mean, it's impossible.

MR. LIPP:
Well, we could -- I mean, it is hard, okay, but the restrictions that are placed on it, for instance, the two-week grace period is likely to have a reduction in revenue. The signage and the flashing lights is likely to have an increase in cost. While it could be, for instance, that an RFP would include that cost being incurred by the contract, then if you were bidding on the contract, you would want a bigger piece of the revenue in order to compensate you for that. So we feel that it's likely to have a budgetary impact, and the budget should be amended if that's the case.

P.O. GREGORY:
And what -- and, Tom, what is exactly the Administration's objections to this bill at this time?

MR. VAUGHN:
We think that it's very -- we think that -- our concern are this, Mr. Presiding Officer:

This is premature at this point, and we feel that we don't want to start establishing policies for a program in a piecemeal type of way. We would like -- we would like to, at some point in time, have a debate on speed cameras, but we want to have a debate on speed cameras once we have the information with which to fill out that debate. So, for example, once -- the RFEIs are not even completed at this point in time, we are still in the process of reviewing them. So, for example, there is a question of the installation of visible signage. Well, who would be responsible for doing

that visible signage? I understand that we may want that in place, but we should be able to have a conversation about how we're going to do that when we debate an actual Local Law to implement this.

There's a question here about a two-week grace period. Well, if we are going to be moving these, do we give a two-week grace period each time when we move the signs?

I understand the concerns and what the Legislator would like to do. We think that the goals are very laudable, and, certainly, I think that what we want to make sure is that we learn from the past. I think that that is -- that we were able to effectively do that when we implemented TPVA. I think that when we saw that we were having some concerns about the way that we were assessing fees in TPVA we listened to the public, we went back and we redid them and we actually issued refunds. So I think that we have learned from the past as we've implemented new programs. I think that we should continue to do our due diligence. I don't believe that we have done our due diligence yet, and think that we should have a debate with the policies, and invite plenty of comments to come into this as we craft a bill at some point in time in the future.

But we're already starting to put things into -- perhaps put things into a bill that doesn't yet exist, and we think that we really need to look at this as an overall issue, as one -- as one type of an issue, not we're going to look at a piece here, and maybe, you know, we'll introduce another piece of legislation in three or four months, and we'll put another piece there. It's not the way that we form Local Laws here in the County. We form Local Laws through a piece of legislation through a Public Hearing process, and then -- and through working together.

P.O. GREGORY:
But you're saying Local Law, but there is no requirement that you could bring forth a Local Law back to the Legislature.

MR. VAUGHN:
You know what, Mr. Presiding Officer, I understand that, but I will also tell you this, that when we had that debate, and I have the transcript, because I reviewed it, we -- the Administration made a commitment to do that. And I would be -- I think that it would be very difficult for us not to hold to our commitments to this body.

You are right, if Mr. Nolan, he is -- and he is the lawyer. If Mr. Nolan says that there is not a State requirement that we bring this back across the street, that's fine. But there were a lot of us sitting up here in front of you that day that we debated that Home Rule Message and there were a lot of promises made, and we would like to try and keep as many of them as possible.

MR. NOLAN:
I didn't say that, Tom. I said that the State Law doesn't say it has to be in the form of a Local Law, that's all I said.

MR. VAUGHN:
I apologize, Mr. Nolan.

MR. NOLAN:
The Legislature is going to, I think, have to weigh in on it.

P.O. GREGORY:
So I tend to disagree with your line of reasoning. I think if any -- one of the things that I've learned from what we've seen in our neighboring county is that to try to put as many -- try to put as much of a plan in place prior to implementation as possible, so you're not piecemealing it and kind of

dealing with the reaction, you're really rolling out a focused plan, and one of which -- you know, let's talk about signage. Now they're deciding that let's put a million dollars worth of signage up. That to me is something that should be in the RFEI, so when a contractor gets the -- a potential proposer gets the bid, they know the requirements that's going to be -- that they're going to have to fall under, and they can calculate that in their -- in their response, as opposed to, well, we gave you a proposal, we think -- you know, we think we want to add this to it, you know, then it just makes things -- you know, muddies the waters a little bit.

MR. VAUGHN:
I understand that. But my thought -- my concern is, sir, is that this is exactly a piece. This is only a piece of this at this point in time. And these guidelines, they're certainly laudable. We don't disagree with the intent of the guidelines. We think that there should be one bill that we start with that is a foundation to put -- to put this program in place. But this is a -- this is a bill about a program that doesn't exist yet. We're not having a debate --

P.O. GREGORY:
Yeah, but it's putting -- but some of which at least there are going to be requirements that the -- whoever implements the program is going to have to comply with, unless the County's making the decision right now that we're going to take on that requirement and not the provider, then that's a different --

MR. VAUGHN:
But that's -- but that's my point, sir. Nobody's made those decisions yet, and now we have a -- we have a piece of legislation that doesn't look at the problem overall, where it just deals with these four topics. And these four topics are laudable, but it doesn't address the entire program overall. And we should be starting with a conversation on the entire -- we feel that we should be starting with a conversation with the entire program overall, and building these pieces and many other pieces into it, and having some of the answers to these -- to these questions.

P.O. GREGORY:
Okay. So you think this is a piece of it. So what are you guys doing to address the other piece that hasn't been --

MR. VAUGHN:
So, at this point time, we have -- we had put out an RFEI. The responses to the RFEI have come back; we are in the process of reviewing them. We have to decide. There are other things that need to be done. Legislator Hahn was talking about having conversations with schools. There's more conversations that need to be had with TPVA. There are conversations that need to be had with the Department of Public Works. I think that this is a very complicated program, that we should really make sure that we take our time and get right. We just want to get it right.

And I'm not saying that this bill has anything to do with getting it wrong. We just think that when you have -- if we do this one now, and perhaps another piece at another time, and another piece at another time, it may lead to a situation where we could end up making some type of unintended mistake, and I don't -- and that's our concern.

P.O. GREGORY:
Well, right, that's --

MR. VAUGHN:
We think it should be looked at overall.

P.O. GREGORY:
And that's exactly the concern that I'm worried about. I mean, we're looking at it from a perspective that this is just a part of the puzzle, and that we may -- you know, it should be more of a comprehensive approach. But if you look at it from, you know, the residents, they could see it as, well, there's Suffolk County, they don't want to put requirements in, they want to -- you know, these gotcha cameras, you know, they don't want to do things that are in the best interest of the community. So we have to be careful of sending that message as well.

MR. VAUGHN:
I completely agree with you, which is why I think that -- I think there are a lot of conversations that need to be had about -- about a speed camera program prior to us putting a speed camera program in place. I think that -- I think that we largely agree, sir.

P.O. GREGORY:
Okay. I mean, there are people, obviously, that disagree with this program, for whatever reason.

MR. VAUGHN:
Sure, 100%.

P.O. GREGORY:
I personally think we should put signage in every school in the County. So, you know, I think, you know, if people don't want to -- if people are saying that, you know, the posted signs are not enough for them to follow the law, okay, I'll buy into that premise. Let's put signage, flashing lights, bells, whistles in every school district in the County, whether there's a camera or not. So if you think that's going to -- if that will force you to follow the law, let's do that. But in those areas where there actually is a camera and you take the risk of not following the law, then you're going to get fined for it.

So -- but, you know, obviously, some people don't agree with that. You know, they're not -- obviously, they're not familiar that they live in an area with a school district that has reduced speed limits, and they think that the government's overreaching, and, you know -- so we have to -- and I do recognize Legislator Schneiderman's efforts to kind of get ahead of -- ahead of the argument of, you know, this is a -- you know, putting requirements in to not make our residents feel like they're being entrapped in some way.

MR. VAUGHN:
And I think that making our residents feel that they're not being entrapped would be a very important component to a future piece of legislation. I think that it should be, a bill of rights, whatever you want to call it, to make sure that residents are not feeling entrapped. I don't think that that's -- I think that's a laudable goal. I just think it should be in a comprehensive piece of legislation as we move forward. I don't think that -- I don't think that if a future bill didn't include something like that, I think that it would be very difficult for us to find support here for it. I think it would be very difficult for us to find ten Legislators to support something that didn't adequately protect the public from feeling entrapped.

P.O. GREGORY:
Well, that's the other part of it, too, is, you know, we're -- you know, we don't want something presented to us that the Legislature hasn't had any input on. And then, you know, we're going to get the questions, so we got to work together on this.

MR. VAUGHN:
We agree that we need to work together on this. We agree that this is something that we all need to come together and put our -- and really find a real true consensus on. We agree with you

wholeheartedly.

P.O. GREGORY:
Okay. All right. Thank you, Madam Chair.

CHAIRPERSON BROWNING:
John.

LEG. KENNEDY:
Just a couple of quick more questions, if we can. And I'll go to BRO first.

So, Robert, what is in the 2015 Operating identified as revenue from speed cameras?

MR. LIPP:
Close to $4 million, almost 2 1/2 for the fines, and almost a million-and-a-half for the fees and --

LEG. KENNEDY:
So there was --

MR. LIPP:
Well, let me just finish.

LEG. KENNEDY:
Go ahead, go ahead.

MR. LIPP:
And, also, it's an unclear amount, may or may not be in the budget for expense associated with the speed camera contract. It's not clear to us exactly what that is, because the program itself is sort of up in the air at this point as obvious from the discussion here, so it's not -- you can't really explicitly figure out exactly what piece of the action is and that's in the budget for the speed camera portion. So even though it's -- there's 4 million almost in terms of revenue, it's not -- there's an unclear amount in terms of expenditures associated with that, so the net is less than the 4 million.

LEG. KENNEDY:
So, setting aside the merits and the validity of how things go forward, and stopping speeding cars in front of schools, and all those other types of things, the harsh reality here is we got a $4 million revenue stream identified for 2015, depending upon when and if this actually does get up off the ground and gets implemented, that either will be realized, or will wind up being a hole in the budget?

MR. LIPP:
Correct.

LEG. KENNEDY:
Okay. I would just ask, Madam Chair, then, through you, since there's no second on my motion to table subject to call, if there's going to be debate on this again for what will be my very last Public Safety Committee meeting, I'd like to see somebody from TVB, I'd like to see Mr. Margiotta here. And, quite frankly, I'd like to see somebody from the School Superintendents Association here too, because we are opining, you know, you know, about a whole wide variety of parties impacted and affected.

As you well know, we have a whole segment of motor vehicle operators out there who don't even get due process under red light camera. Two weeks is not a sufficient turnaround time. As a

matter of fact, in some cases, two months doesn't cover it. So, if it's the will of the committee to go forward on it, let's bring the parties that, you know, have some skin in the game in to go ahead and talk to us.

CHAIRPERSON BROWNING:
Right. But, again, we don't have an RFP. And I think, too, if they're going to do the RFP, these requirements in here could be added in the RFP, I believe, I would think. When you're setting up your RFP, you're going to set some guidelines what you're looking for. I think, you know, I get the intent of the bill, but it is very premature. It is very premature. I know that I've reached out to my school districts. I think maybe one has responded with support. Most of them have -- do not support this and do not support speed cameras in their district.

LEG. KENNEDY:
Most people don't either.

CHAIRPERSON BROWNING:
And, again, it's not every -- not every school district is going to get one, because they're not on a County road. I don't believe they can put them on the Town roads anyway. So, you know, let's --

LEG. SPENCER:
Why don't the school districts?

CHAIRPERSON BROWNING:
I'm just telling you, that's what the response was, most of them did not support it.

So, anyway, let's -- it's almost 11 o'clock. We had a motion to table, and a second. And we did have the motion to table subject to call. We do not have a second?

MR. RICHBERG:
No.

CHAIRPERSON BROWNING:
Okay. So with that, then, the motion to table. All in favor? Opposed? Abstentions?

LEG. KENNEDY:
Opposed.

CHAIRPERSON BROWNING:
It is tabled. ***(Vote: Approved 6-1-0-0/P.O. Gregory Included in Vote).***

Okay. I guess there's no more on the agenda. I'll make a motion to adjourn; second, Legislator Calarco. We are adjourned. Thank you.

(The meeting was adjourned at 10:58 a.m.)