

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

Minutes

A regular meeting of the Public Safety Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Thursday, November 12th, 2015 at 10 am.

Members Present:

Legislator Kate Browning - Chairperson

Legislator Robert Calarco - Vice-Chair

Legislator Kara Hahn

Legislator Leslie Kennedy

Legislator William Spencer

Legislator Monica Martinez

Also In Attendance:

Legislator William Lindsay - Legislative District No. 8

Legislator Robert Trotta - Legislator District No. 13

George Nolan - Counsel to the Legislature

Sarah Simpson - Assistant Counsel to the Legislature

Jason Richberg - Chief Deputy Clerk/Suffolk County Legislature

DJ Russo - Legislative Aide/Office of Clerk of the Legislature

Michael Pitcher - Aide to Presiding Officer Gregory

Josh Slaughter - Aide to Legislator Browning

Bill Schilling - Aide to Legislator Calarco

John Ortiz - Senior Budget Analyst/Legislative Budget Review Office

Masiel Fuentes - Budget Analyst/Legislative Budget Review Office

Ali Nazir - Aide to Legislator Kennedy

Elizabeth Alexander - Aide to Legislator Spencer

Maria Barbara - Aide to Legislator Cilmi

Brian Sapp - Aide to Legislator Lindsay

Debbie Harris - Aide to Legislator Stern

Lisa Santeramo - County Executive's Office

Katie Horst - County Executive's Office

Mohammed Awais - County Executive's Office

Dennis Brown - Suffolk County Attorney

Robert Braun - Deputy Bureau Chief/County Attorney's Office

Gil Anderson - Commissioner/Suffolk County Department of Public Works

Dan Dresch - Director of Traffic Safety/SC Department of Public Works

Alexander Prego - Asst. Director of Traffic Safety/Dept of Public Works

Paul Margiotta - Executive Director/Traffic Parking Violations Bureau

Theresa Ogazon - Agency Supervisor/Traffic Parking Violations Bureau

Patrice Dlhopsky - Director/Suffolk County Probation Department

Matthew O'Malley - Lieutenant/Chief of Department's Office/SCPD

Brian Coltellino - Lieutenant/Chief of Department's Office/SCPD

Michael Sharkey - Chief Deputy Sheriff/Suffolk County Sheriff's Office

Russ McCormick - Sgt-at-Arms/Suffolk County Detective's Association

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Lou Tutone - 1st Vice-President/Suffolk County Police Benevolent Assoc
Jim Roddin - Trustee/Superior Officer's Association
John Becker - President/Deputy Sheriff Police Benevolent Association
Brian Macri - President/Suffolk County
Joe Callari - 2nd Vice-President/Suffolk County AME
Suzanne McBride - AME Representative for 911 Center Dispatchers
Kathy Malloy - Secretary/Suffolk County AME
Alec Slatky - AAA Northeast/Automobile Association of America
Daniel McCarthy - West Babylon Resident/Red Light Camera Program
Hector Gavilla Sr. - Dix Hills Resident/Red Light Camera Program
Hector Gavilla Jr. - Dix Hills Resident/Red Light Camera Program
Ralph Wertheimer - Commack Resident/Red Light Camera Program
Marvin Adler - Centereach Resident/Red Light Camera Program
Stephen Ruth - Centereach Resident/Red Light Camera Program
Ron Bracco - Melville Resident/Red Light Camera Program
Cindy Williams - East Northport Resident/Red Light Camera Program
Robin Mills - Bay Shore Resident/Red Light Camera Program
Steven Archdeacon - Medford Resident/Red Light Camera Program
Juana Jackson - Resident of Amityville/Red Light Camera Program
Lynda Frego - Red Light Camera Program
All Other Interested Parties

Minutes Taken By:

Alison Mahoney - Court Stenographer.

(*The meeting was called to order at 10:12 A.M.*)

CHAIRPERSON BROWNING:

Good morning. We'll start the Public Safety meeting. If everyone could please stand for the Pledge of Allegiance led by Legislator Lindsay.

Salutation

And we'll do a moment of silence for those who give up their lives for our country, at home and abroad

Moment of Silence Observed

Thank you. And also yesterday being Veterans Day, if there are any veterans in the room, I would like to say thank you for your service.

And another important note; Mr. Anderson, Commissioner Anderson, Happy Birthday

Applause

Okay, we have a number of speakers, and we'll start with them.
Our first speaker is Daniel McCarthy.

MR. McCARTHY:

More nerve-wracking, first and News 12, you can't get more nerve-wracking than this. Good morning. My name is Daniel McCarthy, resident of West Babylon. I reside with my wife and three children. Now that elections are over, you can really start looking at this failed Red Light Camera Program. Look at this program as a group of concerned Suffolk County residents who happen to

hold the seat of Legislator. You have the power to make real change, power to stick up for the little guy like my family. Please stop looking at this as a Republican vs. Democrat issue. Please just look this Red Light Camera Program as a failure and fix it.

Back when Suffolk first proposed this Red Light Camera Program, I was strongly in favor of it. This only made sense on paper. The goals of the program that were fed to me was certainly a win/win for the people of Suffolk. Please note to this day I have not received a ticket. So why am I against it now? I see this as a flawed program, rotten to the core. May of 2013, Suffolk decided to wake up my family and install a red light camera in front of my house. Cameras with flashes recording my family do not belong near residential homes. Every time one of those flashes enter your car at a light, think of my children in the living room. This woke up the sleeping giant you see before you. No warning, no notice, no permission. Piles of dirt poured onto my lawn, my driveway blocked by the crew. I was unable to respond to fire/EMS calls. Instead of knocking on my car asking me to shut off my sprinkler, the workers would put a cone over it; a simple courtesy like that.

I am a Firefighter/EMT since 2005, I've lived at this house since 2010. Not once have I responded to a car accident at this intersection before installation; since installed, I responded three times. Suffolk DPW told me this is one of the worst intersections in Suffolk. I asked for data, was denied, so I took the back road, I asked Suffolk County PD for accident reports. Shocking to me, the summary -- the summary says 38 accidents with eight injuries in five years. So, since I haven't responded to one, I decided to read each accident report. Twenty-seven out of 38 of those accidents did not have anything to do with this intersection, most were nowhere near the intersection. One was as far as five traffic lights south of this intersection. The fire department has no runs for ambulances in those five years; odd since eight injuries are listed. Data for selecting this intersection is flawed, your installation process is flawed.

October 29th I heard testimony here how Suffolk is shortening yellow lights to catch drivers. Saw a video of an ambulance getting a ticket, thus creating more work for an already overworked volunteer fire service. Saw a car who had a green light turn red for a split second, back to green, get a ticket. Issuing tickets is flawed. Then the most disturbing, hearing people are not getting due process in court. We are Suffolk County residents, we are Americans and we deserve due process. If a rapist can get a fair trial, so should the person getting a red light camera ticket. Stop letting Suffolk County Executive and DPW hide behind the word safety. It is simply taxation by citation. This program's foundation, core and roof are all flawed. This Red Light Camera Program needs to be torn down before the flawed structure collapses on the County and it becomes a further embarrassment to Suffolk. Thank you.

Applause

LEG. TROTTA:

I have a question.

CHAIRPERSON BROWNING:

A question?

LEG. TROTTA:

Yeah. You said you were a volunteer fireman?

MR. McCARTHY:

Yes.

LEG. TROTTA:

You live there and you've never responded -- before the cameras were up, you never responded to

an accident.

MR. McCARTHY:

Yes, since 2005 I'm a volunteer and I bought the house in 2010. I've never responded to that intersection before the cameras.

LEG. TROTТА:

Okay. So since then, how many times have you responded?

MR. McCARTHY:

Three times, and they were pretty bad accidents, too, helicopters involved.

LEG. TROTТА:

Do you know if it was something to do with slamming on the brakes to avoid --

MR. McCARTHY:

I believe one was definitely slamming on the brakes with a rear-end, one was a pedestrian struck by a bicycle, and the other I believe was a right angle, if I recall.

LEG. TROTТА:

Okay. So just going off your intersection, others, other spots that you've responded to, have you seen an increase in, you know -- like my daughter got rear-ended at a light when she thought there was a camera; there wasn't one, but she stepped on the brakes and got hit in the back. Have you seen an increase in that being --

MR. McCARTHY:

There's definitely an increase in rear-end accidents. Not only that, when you're sitting -- there's definitely more skid marks, you hear more near collisions. We definitely see more people speeding now once it turns yellow instead of slowing down to stop, they now speed through it, or they slam on the brakes. That's the two options you have, speed through it, which you could hit a pedestrian on a bicycle, or you slam on the brake.

LEG. TROTТА:

Okay. Thank you.

MR. McCARTHY:

All right, thank you.

CHAIRPERSON BROWNING:

Okay. I would like also if you could give your information, or I do have your card here, maybe to follow-up with DPW to see if we can address some of those issues that you have with sitting on your lawn. And also, is there a confusion about your intersection and maybe it's another one.

MR. McCARTHY:

I think it's just confusing because from my understanding, from what I was told, Suffolk County Police Department reports can't give you -- pinpoint intersections, it goes by radius. So if you're just looking at the summary and not reading the reports, it looks like a bad intersection. Well, you have to read the reports and then you're going to determine --

CHAIRPERSON BROWNING:

Okay, we'll look at it.

MR. McCARTHY:

And also consult the fire department.

CHAIRPERSON BROWNING:

I will provide your information with DPW.

MR. McCARTHY:

All right.

CHAIRPERSON BROWNING:

And we'll look into your --

MR. McCARTHY:

Well, that's been a two-year process now. I'm telling you, they're not going to do much.

CHAIRPERSON BROWNING:

Okay.

MR. McCARTHY:

I have been fighting this for two years.

CHAIRPERSON BROWNING:

Thank you.

MR. McCARTHY:

Thank you.

CHAIRPERSON BROWNING:

Next speaker is Ann Marie -- I think it says Schneider? Or I'm not sure.

MS. HORST:

I believe she was here for the last committee.

CHAIRPERSON BROWNING:

Oh, it was the last committee. Okay. Sorry. How did I get that one in there? Next speaker is Hector Gavilla.

MR. GAVILLA SR:

Senior.

CHAIRPERSON BROWNING:

Senior, sorry.

MR. GAVILLA SR:

Okay. Let me introduce myself. Hector Gavilla, I am an electrical engineer, I graduated in '66. I have been practicing engineering for 49 years and this program is of great concern to me, because one of the tenants of engineering is safety, it's drilled into our heads in school, it's drilled into our heads in the workplace, okay.

So basically what I've done over the last several weeks -- and I was the recipient of a ticket, by the way, so has my son. I've done a lot of research. I have given this document to some of the Legislators who requested it and I'll be glad to provide them, but the bottom line is I also handed out some slides, okay, which I got from those documents. And there are three components to red

light running, which is a safety issue, red light running is a safety issue. The three components are education; well, we all know that you shouldn't be doing that. The other one is enforcement, that's why we have Police departments and so on. The third one is engineering, okay.

Now, in the same study, what it shows is that red light running, there are two types; there's intentional and unintentional, and it goes into discussing the unintentional. The unintentional is when you're unable to stop, and it's really an engineering issue because what they found on another study that I looked at where they looked at -- they took data. They installed video cameras, I don't think a lot of the people knew they were being recorded, and out of 7,400 so many vehicles, they found that when the yellow light time was two seconds, 95% of the -- and this is the chart that I provided here; 95% of the drivers were unable to stop at the stop line. When that number became six seconds, 97% are able to stop, and there may always be a small percentage who would break the law, okay. So the bottom line is that it all comes down to yellow light timing.

Now, I read the kinematic equation -- by the way, safety to me -- I feel pressure under three minutes. I'll be glad to talk to anyone on this issue pro bono, I don't want money out of it. I have concern about the safety of my grandchildren, my son, the residents of Suffolk County, because my driving habits have changed. Now, you heard testimony about due process. I wasn't given that due process, okay. And by the way, the study that I read, right-hand turns were not even looked at, and that's how I got a ticket.

(Beeper Sounded)

And bottom line is that senior citizens have a tendency to get more tickets than anybody else. So when they see a yellow light, they kind of slow down. In my case, you know, I sort of slow down, so making the right turn I got caught. I presented no danger whatsoever. You can look up my record, I haven't gotten a single ticket. I have never been in an accident, I don't know since when.

CHAIRPERSON BROWNING:

Mr. Gavilla.

MR. GAVILLA SR:

So I'm a safe driver. I know, my time is up.

CHAIRPERSON BROWNING:

Your time is up, however, I do have a question.

MR. GAVILLA SR:

Yes.

CHAIRPERSON BROWNING:

You said that you did not get due process. What do you mean when you say you didn't get due process?

MR. GAVILLA SR:

Well, I think -- by the way, Mr. Adler, which I think he is here, I think he will speak to that. I know his wife has a doctor's appointment. I was there in the same room with him. And let me say that when he got in there he thought, *Oh, this is great*, because maybe it's a source of revenue and all that, you know, that kind of stuff. And then he saw what took place in that courtroom.

CHAIRPERSON BROWNING:

Okay, but I need to know --

MR. GAVILLA SR:

Oh, basically I was insulted.

CHAIRPERSON BROWNING:

You said that you did not get due process.

MR. GAVILLA SR:

I was insulted. I was given a lecture for five minutes. Now, I'm 73, I've been driving since I was 17.

CHAIRPERSON BROWNING:

Who lectured you?

MR. GAVILLA SR:

The -- I don't know if this is a Judge or an administrator; the person that was there in charge and he went through this whole process. And by the way, I need to say this. There was an unemployed individual there that also got a ticket, okay, and I'm thinking, *Gee, we're outsourcing our safety to an out-of-state company and this poor guy is looking for a job in Suffolk County.*

CHAIRPERSON BROWNING:

Let me ask you, did you plead guilty to that ticket?

MR. GAVILLA SR:

I paid the ticket.

CHAIRPERSON BROWNING:

You plead guilty and you paid it.

MR. GAVILLA SR:

You know, the thing is, *Is that your car? Yes. I don't want to hear anything else. Is that your vehicle? Yes. Is that your thing? Okay, you pay, boom, that's it.*

Like I said, I'm not the most eloquent person; I'm an engineer. I'm not that strong in public speaking. And I also got it from one of the Legislators, *Hey, you got a ticket? Too bad. Next time don't go through a red light.* The problem is when you're not given enough time, okay, to stop, there's two things you're going to do. A guy like me is going to jam on the brakes, okay. And my wife has seen the difference in me driving. And this gentleman, the Judge, whatever he is, he said, *We're going to change your behavior.* My behavior in driving, I'm a safe driver. Again, you're welcome, I will give you -- you can look at all my records, I have never --

CHAIRPERSON BROWNING:

No, I thank you for that. And I'm not -- I don't disagree that, you know, just because you got a red light camera ticket once, I understand that that's -- you might have gotten one ticket one time, everybody makes a mistake, but it doesn't mean you're a bad person.

MR. GAVILLA SR:

Well, I didn't make a mistake. I think the mistake --

CHAIRPERSON BROWNING:

We do have -- I have another Legislator who --

MR. GAVILLA SR:

The engineering is faulty, okay.

CHAIRPERSON BROWNING:

Well, we have our engineers who are here and they'll respond to that. But I do have another Legislator; Trotta, you have a question?

MR. GAVILLA SR:

Yes, sir.

LEG. TROTTA:

How long have you lived in Suffolk County?

MR. GAVILLA SR:

I have lived here since 1971.

LEG. TROTTA:

And have you ever gotten a ticket before this?

MR. GAVILLA SR:

Never did I get a red light ticket.

LEG. TROTTA:

Do you own a house?

MR. GAVILLA SR:

I own a house.

LEG. TROTTA:

You're paying your taxes, you're a good citizen.

MR. GAVILLA SR:

I pay a lot of taxes in Suffolk County.

LEG. TROTTA:

So I think what I'm hearing here is that, you know, while you maybe didn't stop all the way, you know, having been a cop for 25 years, I've watched a lot of these videos and I have -- I've seen probably 50 or 60, I have yet to see one where I actually would have written a ticket. So my question to you is do you feel that you were mistreated by the County?

MR. GAVILLA SR:

Oh, absolutely. Absolutely. Absolutely. Absolutely, without a doubt. And there were other people there the same way, and they all felt the same way. And one gentleman, two gentlemen were Korean Veterans who fought for our freedom and they have no due process whatsoever.

CHAIRPERSON BROWNING:

Okay.

MR. GAVILLA SR:

That was the biggest beef, to be honest with you, aside from the faulty timing and all that. You know, I --

LEG. TROTTA:

Let me ask you a question. I see this chart you have here and, you know, I went and I videotaped some of the lights and I saw lights that were five seconds and there were no cameras.

MR. GAVILLA SR:

Right, right.

LEG. TROTТА:

And I saw lights where there were cameras and they were three seconds, on the same road; actually, in some cases on the same intersection.

CHAIRPERSON BROWNING:

Rob, do you have a question?

LEG. TROTТА:

Yes, I'm getting to the question.

CHAIRPERSON BROWNING:

Well, ask a question.

LEG. TROTТА:

Okay. So you're an engineer, so this graph basically shows that if you have more time to stop --

MR. GAVILLA SR:

Yes.

LEG. TROTТА:

-- people are more likely to stop; is that correct?

MR. GAVILLA SR:

Yes, correct. And I'd like to speak to -- if I get a chance to speak to engineers, traffic engineers, because I'm very familiar with kinematic equation and all of that. But the bottom line is you can calibrate those cameras to one-tenth of a second. As the driver, if you add another second to my yellow light, how is it going to affect me? If nothing else, to be more safe, to be safer, that's what it's all about. That's what these programs -- that's what we want for the people of Suffolk County, to be safe.

LEG. TROTТА:

I agree. Thank you.

MR. GAVILLA SR:

Thanks for the questions.

CHAIRPERSON BROWNING:

Mr. Gavilla, are you -- you said you're an engineer.

MR. GAVILLA SR:

Yes, I am.

CHAIRPERSON BROWNING:

Are you a highway engineer?

MR. GAVILLA SR:

I am an electric -- I have a degree.

CHAIRPERSON BROWNING:

Oh, you're an electrical engineer.

MR. GAVILLA SR:

A Bachelor of Science in Electrical Engineer, I'm not a traffic engineer.

CHAIRPERSON BROWNING:

Okay.

MR. GAVILLA SR:

However, I read all the documentation on kinematic equations, and so I think I can talk to that when the time comes.

CHAIRPERSON BROWNING:

I appreciate it. And we have our highway engineers who are here, we will have them up, they're going to respond to some questions.

MR. GAVILLA SR:

Thank you very much.

Applause

CHAIRPERSON BROWNING:

Thank you. Next speaker is Suzanne McBride.

MS. McBRIDE:

Good morning, Madam Chair and distinguished Legislators. My name is Suzanne McBride, I represent the dedicated men and women of the Suffolk County Association of Municipal Employees Police Emergency Unit who work in the Police 911 Center. Thank you for the opportunity to speak.

I'm here today to thank you all for being instrumental in trying to solve the staffing issue that has been plaguing our 911 Center for far too long. My members are grateful that as of October 20th we learned that 10 new SCINS for Emergency Complaint Operators were signed. From all appearances, the process to attempt to fill these positions has been expedited; in fact, I'm aware that next Monday four new employees will be starting their training period. These are all positive steps. However, there's still a long way to go before my coworkers will see any real relief; they will continue to face mandatory overtime for months to come. These SCINS also do nothing to relieve the shortage of dispatchers or address the issues faced by my Police Operations Aides.

I'm here today to remind this body, the County Executive and the public that there is no magic fix to this problem. We need your help to sustain the high quality of 911 service that the residents of the County have come to depend on. A County spokesperson was quoted in Newsday recently saying, "*911 Center exceeds national standards*". Your 911 Center does exceed those standards because of the dedication, professionalism of our AME employees who make the system work regardless of any obstacles put in their way.

Another County official sat in this room a while back, described the work my members do as something along the lines of being an air traffic Controller on a unicycle, on a tight rope, flying a helicopter while juggling flaming knives. Today I also ask this body to implement a policy to remember how important those humans are to making that system work. I'm asking to make sure that the members are treated fairly and humanely, with the same empathy we are expected for each and every 911 caller.

There is nothing more demoralizing than to sit and watch your friends, coworkers suffer emotionally and physically as a result of staffing issues. The members on the 911 Center have suffered a tremendous hardship as a result of these staffing issues, from battles for custody of the children to

having to choose between their family, their own health or their job. Recently I received a letter from one of my members who has been facing medical issues; I'd like to share some of that with you.

"Two weeks ago I swallowed over 180 hard-core pills. I wanted to stop feeling upset. After two medical leaves, including major emergency surgery on my back, there have been months I couldn't walk, or more, and spent much of the time in and out of the hospital. I'm approaching a year of absence and the uncertainty of my career, health and finances looming over me, it becomes a lot of weight on my shoulders. A few days before I took those pills, I called my job and spoke to a Supervisor who told me, *"Make sure you can work 12 hours straight, because that's what you'll have to do."* I didn't have to hear that. I've been here multiple years, understaffed, forced to work, sometimes no meal period to rest. It was an added weight on my shoulders, one that with adequate staffing could be avoidable. I'm writing for anyone out there that might be injured or sick or family sick. We have been saving lives every single day. Help us, save us, provide staffing."

Again, I'm asking for your help.

CHAIRPERSON BROWNING:

I do want to let you know, I received a video on PTSD on 911 operators. I have forwarded it to Doc Spencer and I think it is something that we should be looking at. Because if there truly is -- it's clear there is an issue for 911 operators who have to respond to calls and to include your coworkers at FRES. But I do think it is something that we should be looking at. I definitely would love to have a presentation -- I know, I gave it to Liz, so maybe you haven't gotten to see it yet. But it's definitely -- it's pretty alarming to see how much there is, and it was one of your coworkers that no longer works there.

MS. McBRIDE:

Yes. My members are faced with PTSD, compassion fatigue, the stress, the effects mentally and physically on their bodies from the stress. The atmosphere in the 911 Center has changed dramatically over the past ten years, since I -- in the 18 years I've been there. It is not the same environment that we used to have. We need to remember that these people are human, that we have to take care of them. They're not expendable pieces of equipment that when you've burnt them up, ruined their bodies, that you throw to the side with no help, to be left out there with nothing.

CHAIRPERSON BROWNING:

Thank you. And Doc, you have a question?

LEG. SPENCER:

No, I just wanted to definitely acknowledge what you are speaking of. And sometimes we underestimate the impact of emotional stress, but emotional stress does translate into actual physical illness, shortness of life, shortness of career, decreased productivity, and it's well documented. There's diminishing returns with sometimes very -- it may seem that it's saving, but it's really not. When you provide our men and women with the support that they need, it actually leads to a far more productive workforce and I'm a strong believer of that. I appreciate your words and I plan to work very closely with my colleagues to be able to address some of these concerns.

MS. McBRIDE:

Thank you.

CHAIRPERSON BROWNING:

Thank you. Thank you, Suzanne. Next speaker is Ralph Wertheimer? I hope I said your name right.

MR. WERTHEIMER:

Good morning.

CHAIRPERSON BROWNING:

Good morning.

MR. WERTHEIMER:

My name is Ralph Wertheimer, I'm 86-years old and I've been driving for 70 years. And I must say, I have the same automobile insurance company for the last 55 years, and you can check with them and I've never been in an accident. But I must say that for the last two years I've probably gotten about eight or ten tickets for unsafe driving, and that's just absurd because I'm a very safe driver. And this program, when you call it safety program is absurd because that's not the name, it's a fund-raiser. For some reason, you're looking for some money and we're paying for it.

Applause

It's not a safety program at all. And one of the things that I heard today here which happened to me, and I didn't realize that I was the only one, I fought one of these tickets because I went through a red light. And I went through the red light and I said -- when I fought it I said, "*That yellow changed so fast.*" And I'm used to going -- when you see a yellow light and you know you're in a position where you can go through it, you go through it safely, and I didn't go through it safely. And I said, "*That thing was changed,*" and it changed too fast, and so somebody popped up that was with the Judge, they said, *No, we've got a record here of how long that that light was yellow,* and I'm sure that that was not correct information. But I don't know what's going on and what the problem is with the program. It is really a harassment of people, it's not a safety program at all.

And in addition to that, to Show you the extent of this harassment, I've got two tickets that I just recently got for some absurd reason and I misplaced the payment for it, and then I did find it and I sent in a check for the two tickets and it was three days late. They sent it back to me and the check was partially processed, they sent it back to me for an additional \$50 because I didn't pay it on time. What's going on here?

Applause

CHAIRPERSON BROWNING:

Okay. Mr. Wertheim, can I ask you, you mentioned about the yellow light, the timing; what intersection was that?

MR. WERTHEIMER:

I believe it was the intersection at Commack Road and Jericho Turnpike, but I think they may have taken the cameras off there now, I don't think they've been there for a while. This happened about two years ago.

CHAIRPERSON BROWNING:

Okay, I guess our Commissioner will make a note. I know we have our engineers here, they'll take a note of that intersection and I guess we'll ask them about the timing on yellow lights. Okay?

LEG. TROTТА:

Sir? I have a question for you. You've been driving for how many years?

MR. WERTHEIMER:

Seventy years.

LEG. TROTТА:

Seventy years.

MR. WERTHEIMER:

And I have not gotten into an accident, thank God.

LEG. TROTТА:

You have not gotten into an accident in 70 years. And how many tickets have you got?

MR. WERTHEIMER:

Well, I got about eight or so tickets in the last two years here and going -- you know, when you see no cars are coming, and I didn't know there was a camera there, no cars are coming, I made a right turn on a red light.

LEG. TROTТА:

How many of those were right-on-reds; were they all right-on-reds?

MR. WERTHEIMER:

No, they weren't all on red lights, but there were a few of them. And when -- I got two days in a row for the same intersection because I go to the same place all the time. There was never a camera there.

LEG. TROTТА:

Okay.

MR. WERTHEIMER:

And it was never a safety issue.

LEG. TROTТА:

So you're slowing down, you're looking.

MR. WERTHEIMER:

It was never a safety issue.

LEG. TROTТА:

All right, thank you.

CHAIRPERSON BROWNING:

Okay, thank you. The next speaker is Marvin Adler.

MR. ADLER:

Good morning. I'm here because at the last hearing I was encouraged to come back by Legislator Browning and members of her staff and other people. So I'm going to try and be a little less emotional than I was last time, I think some people got a little upset with the way I spoke.

Policing and traffic and safety are important functions of the Suffolk County government. When the County chooses to outsource a police function to a vendor, it should ensure that the vendor is operating at the high standards of the Suffolk County Police Department. I was not permitted to speak at my appeal, as the other gentleman verified. In addition, the Assistant County Attorney did not fully investigate my citation, though he claimed he did. When you file an appeal, you should be permitted to speak. When there are two names on the car registration, both should be questioned by the administrator. I would like an opportunity to voice my appeal before a non-biased administrator, even though I already paid the \$80 to the vendor. Taxpayer residents should be

treated civilly at all Suffolk County administrative functions; my wife and I were not.

At the last time I was here, I explained that I was escorted out of that so-called traffic court by the captain because I wanted to speak, and they did not see that my name -- and I was the driver of the vehicle on the alleged incident. My wife was there only by chance because we had to go someplace else from there and we only have one car. So she didn't know what was going on; she was called up because her name is first on the registration. This person, who some of you think is a Judge, could never, never operate in the Suffolk County courtrooms that I have been in over the years when I represented the school district, never. This person was rude and he did not treat us properly, and you can verify that with all the other people there. And as I said at the last meeting, he should be fired; that's the truth of the matter.

If anyone has any questions, I would gladly answer. Remember, I said I paid the ticket. I didn't question the camera, I questioned the appeal process because the citation had an error on it. And if you go to the regular traffic court and a Police Officer happens by chance to write an incorrect citation, usually the Judge will dismiss that. And I guess Legislator Trotta could verify that, that sometimes police officers do make an error, sir.

CHAIRPERSON BROWNING:

Thank you. And I would like -- not specifically right now, but my Aide Josh is here. Do you have the name of the person who was rude to you; do you know who it was?

MR. ADLER:

As I said, Legislator Browning, with all due respect, at the last meeting no name tag. All of you have your names here. No name tag on the person, didn't even tell us his name. And when I went outside and asked the captain or the guards, *What's his name*, they couldn't tell me.

CHAIRPERSON BROWNING:

Okay, that's something that we can address for you.

LEG. HAHN:

Legislator Browning?

MR. ADLER:

I mean, we can't afford to buy him a name tag? I'll pay for it.

CHAIRPERSON BROWNING:

And the person should be identified to you.

LEG. HAHN:

Legislator Browning, is there a way to go back through the records and determine who served him in an appeals capacity?

CHAIRPERSON BROWNING:

We can ask that question. Mr. Margiotta is here so we can ask that question.

LEG. HAHN:

Thank you.

MR. ADLER:

I also would like to mention one other thing. As soon as he said, "*Guilty, you can't talk*", I went outside, got on the line and offered my credit card to pay right in the building on the spot to get it over with, and they refused, they wouldn't take the credit card. They said, "*We don't take credit*

cards." I don't understand that. This is modern day and age. You don't take credit cards? The County doesn't take credit cards? I mean -- so I called up the vendor, which is located in -- Xerox is located I think in Maryland someplace. When I spoke to her, she couldn't even pronounce the names of the Suffolk County roads correctly where the alleged incident took place, I had to correct her as far as that's concerned. So that's the vendor, as far as that's concerned, so I sent them the money.

But what I don't understand is when this person, this administrator says you're guilty, why don't they send a letter out indicating that's what took place on the particular date. That way I could have brought the letter here and said, *Mr. So and so signed this letter, here's my letter.* Why don't they do that?

CHAIRPERSON BROWNING:

Okay. Well, that would be a question for the gentleman who's here from traffic court.

MR. ADLER:

Well, since the bell didn't ring yet, I want to tell you --

CHAIRPERSON BROWNING:

Oh, it rang (*laughter*). But, there's no more questions? Okay. But no, we appreciate it. Rob?

LEG. TROTТА:

I notice the veteran hat; you were a Korean War Veteran?

MR. ADLER:

Yes.

LEG. TROTТА:

Have you ever gotten any other tickets?

MR. ADLER:

I live in Suffolk County, I pay taxes here 53 years, I've never gotten a ticket.

LEG. TROTТА:

What was this ticket for, right-on-red?

MR. ADLER:

Right-on-red. We had just returned from visiting a very sick friend in Florida and I went to pick up my mail. I usually don't go in that entrance. By the way, I called New York State. New York State said that traffic signal was installed by the owner of the shopping center. It's a private street that I was entering.

LEG. TROTТА:

So you were making a right off a major roadway into a shopping center?

MR. ADLER:

Yes. It's not an accident-prone area. I live here 53 years, okay.

LEG. TROTТА:

How often -- do you pull in there often? I mean --

MR. ADLER:

I go shopping in that shopping center often?

LEG. TROTТА:

Yeah.

MR. ADLER:

Yes, I would say, it's the post office, it's Wal-Mart, it's Modell's. I mean, it's --

LEG. TROTТА:

Would you describe yourself as an unsafe driver?

MR. ADLER:

I don't think so. You can check my records with State Farm. I mean, we take the Driver Ed course, my wife and I, we haven't had any tickets or anything. My children, when they were growing up, had two accidents, people hit them, but not me.

LEG. TROTТА:

You don't strike me as a guy who would be driving unsafely.

CHAIRPERSON BROWNING:

Okay. Rob, that's really --

LEG. TROTТА:

Well, you let Doc talk for 20 minutes on the --

CHAIRPERSON BROWNING:

No, I'm not saying -- I'm just saying you're making statements, you're not asking questions. And we have quite a few cards, so.

MR. ADLER:

Anybody else have a question?

CHAIRPERSON BROWNING:

Thank you, sir. I do not believe so. Thank you. Next speaker is Hector Gavilla, Jr..

LEG. SPENCER:

I didn't go on and on and on.

CHAIRPERSON BROWNING:

Okay. I'm sorry, Mr. Gavilla.

MR. GAVILLA JR:

It's okay. You know, the first thing I just want to say to everybody in this room is that you're public servants and you're supposed to serve the interest of the public over profits, okay.

Applause

And we have a copy of the contract that some of you are denying. And, you know, I've met some of you at meet the candidates nights and all that. But there was a contract that is signed by Mr. Gil Anderson and Paul Margiotta, and the questions that I have for these gentlemen that I believe will be speaking today is how could you sign such a corrupt contract that guarantees that Xerox is going to be allowed to set the locations? It is in there in black and white and we made it available on our website, redlightcam.com, and it's in there. It says that Xerox has the right to choose not based on crash data or accident data, it is strictly based on a minimum criteria that they're allowed to set up a site survey and determine if the location will produce at least 25 tickets on a business day between

the hours of 6 AM and 10 PM; it's in there.

So now I understand why, for example, in Commack there is a red light camera in front of a Meat Farms on Commack Road. And I stood there for about a half hour and I saw across the street from the Meat Farms there is an entrance to a residential neighborhood and not one person was going in and out in that half hour. So this lie that you're being told to us, it prevents T-bone accidents, no way. When you have 95% of the red light tickets for right-hand turns, that's what's going on in front of Meat Farms.

Now, my question to you is very simple, okay; why did you not put it in the intersection of Vanderbilt Parkway and Commack Road? All residents who live in Commack Road know that historically, and you can prove this in Newsday articles, that that is a very dangerous intersection where many deaths have occurred, many deaths have occurred on Vanderbilt parkway and Commack Road. And there is no red light camera there, but there is one in front of a Meat Farms where people do shopping? I have noticed a big trend here that these red light cameras are being manipulated so people get caught and they get caught with the tickets, and it's in areas where there's high traffic where they're forced to go slowly and it's created accidents.

You have created a new brand of driver, as Mr. Trotta had mentioned that his daughter had to stop short and got rear-ended; I have seen that as well. I was involved in an accident -- and I am a good driver, just like my father -- I was in the car with my son where I got rear-ended and he was crying hysterically, he was very upset. And the reason I got rear-ended was because the cars all in front of me stopped short, I had to stop short abruptly and I got hit from behind. And my insurance company said my policy had to go up because of that and I had to explain, that's not my fault. This corruption has to stop, and you're wrong for what you're doing to the residents of Suffolk County.

Applause

Thank you.

CHAIRPERSON BROWNING:

Thank you. Next speaker is Ron Bracco.

MR. BRACCO:

Remember the good ole days? Back then the highways across America illustrated a great example to the rest of the world of the tremendous liberty and freedom that we enjoy here in this County. Americans love to jump in their vehicles for a leisurely drive, a popular destination for city residents was our own Suffolk County, but now our government is sucking all the joy out of taking such a trip. These control-freak bureaucrats have figured out that turning our roads into cash machines to make huge piles of money for them to spend. Officials claim that these cameras are for our own safety. However, recent studies are showing that these cameras actually increase accidents, not decrease them. Drivers are forced to make a split-second decision, speed up and hope that the light doesn't change before they make it through the intersection, or slam on the brakes and risk being rear-ended. Deterrents in charge are fully aware of this but don't seem to care. This is their crack and cocaine. They're addicted to money and can't get enough of it. The cameras are simply another way for Suffolk County to steal millions of dollars from its citizens while denying them valid due process of the law.

Welcome to an eolian age where war equals peace and surveillance equals safety. Notice a pattern? Our government lures us in with a scheme to make our lives better or much safer, and then they convince us that an American police state is being implemented for our own good. Many of you here this morning actually buy into this, but some here know better. We know that the common thread to all tyranny is keeping us safe. A person under surveillance is no longer free; a society under

surveillance is no longer a democracy. If it weren't for being safe, we might actually be truly free and living in a peaceful world right now. Safety is our greatest threat to freedom.

The red light cameras are all about money, not safety. But even if they were truly installed for safety, I don't need the government to make those decisions for me. I can make my own decisions about what is safe or not safe, and what precautions, if any I need to take. I don't need the government of Suffolk County to regulate my safety beyond what laws are already in place.

As most of you know, private companies such as Xerox currently manufacture and profit from these red light cameras now installed here in Suffolk. Xerox not only manufactures the cameras, but they also take a cut from the fines issued to red light violators. According to a study released just this past Monday, New York is number one in political corruption. No other state has had more Legislators forced out of office by ethical or criminal issues than New York. This agreement between Xerox and Suffolk County's fertile breeding ground for such corruption. While there is a system in place for challenging a red light ticket is often confusing and difficult, with the burden of proof resting upon the driver, in most cases your right to a fair and full hearing largely goes out the window. There are accuracy issues, privacy issues, due process issues, and most of all, constitutional issues with these red light cameras. Is there a limit to how much a gotcha government we should have to put up with? Just because we can do this now with technology doesn't mean we should.

It doesn't matter whether you're talking about red light cameras, public surveillance cameras or innocently spying on our computers and phones; they all result in we the people being turned into public enemy number one. Our government is clearly preparing our children and grandchildren for cradle-to-grave surveillance. They need to be stopped right now before it is too late. Let's make Suffolk County a paradigm for freedom in the United States instead of a paradigm for tyranny. Thank you.

Applause

CHAIRPERSON BROWNING:

Your time is up. Thank you. Next speaker, Cindy Williams. Cindy Williams.

MS. WILLIAMS:

Hello. We got three to five of these red light tickets in my household; a few of them were from my daughters and two were from myself. These were from making a right on a red. Is there a full three-second wait before the cameras file a ticket to be paid? Because at a busy intersection, you have to wait at least three seconds to see that nobody is coming, and you can't ticket somebody who's not breaking the law.

Is it true that the County is fining paramedics for going through these red light cameras? I mean, how safe is that? I mean, where is the safety and the well-being of the people that are in need of these services, of the paramedics, if they get ticketed? What are they going to do, stop and wait and somebody dies of a heart attack down the road because, you know, they're worried that this is going to come out of their paycheck? I mean, are the Suffolk County Police being fined? I mean, that's kind of stupid. The flashing lights. I mean, they frighten people. Employees all over the Suffolk County are having their wages garnished to pay -- *Oh, you were driving my truck. We're taking this \$80 out of your paycheck;* for a lot of people, that's more than 10% of their salary. You know, back at the turn of the century, I read an article in Newsday that the Suffolk County Police were making \$105,000 a year after the first year on the job. I mean, I suppose after the recession hit, panic ensued and they had to figure out a way to pay these salaries that they promised and that's where the cameras came into being. Oh, it's like a side business to pay -- you know, it was something that you couldn't afford to begin with. It was a mistake. I mean, you can't

take it out on the people of Suffolk County just because you made a mistake. You screwed up in the budget. I mean, Suffolk County is one of the highest taxed segments of the country. Why can't you manage your money, that you have to put these scams up? I'm not even going to call it a scam, it's a side business, and you screwed up. Okay? You over extended yourselves and you're taking it out on us.

And it's not about safety, it's all a bunch of -- it's not about safety. Everything's about safety. You know, that's an excuse to say we need your money, we need more money. How could you need more money? We're all paying like \$15,000 a year in real estate taxes. How do you need more money?

Applause

Why can't you manage the money we're giving you? You're getting all of our money. We can hardly pay our bills, a lot of us. For crying out loud, manage your money.

Applause

That's it. That's it.

CHAIRPERSON BROWNING:

Thank you. Next speaker is Stephen Ruth.

MR. RUTH:

Good morning, Ladies and Gentlemen. My name is Stephen Ruth and I reside in Legislative District No. 4. I live at No. 28 Stewart Circle in Centereach. I am not afraid to say my address as I have a clean conscience.

As I rise in opposition to the Red Light Camera Program, I am here with John Luke, Sr., the father of John Luke Jr., the boy who was killed at the intersection of Miller Place Road and Route 25A in Miller Place. We did an investigation on that intersection and saw that the yellow lights were so short, the drivers are panicking. They're not paying attention to safety, they're either accelerating their cars or slamming on their brakes afraid of getting a ticket, because the lights -- the yellow turning arrows are turning red in less than three seconds. We have not yet seen a video of the accident, but you can show us video after video of so-called traffic infractions, but you can't show any videos of accidents involving death, as you are afraid of exposing your own negligence.

I have said it before and I will say it again, no politician will publicly say that the yellow lights have not been manipulated because they're afraid of losing their job. To anyone that speaks favorably for the cameras at this point, after everything that's been exposed, I have to assume that you're being compensated by the camera company. You can't just cut yellow lights in half and expect to maintain safety. And for us doing nothing? Yeah, right. We are not as stupid as you think we are. If a law is unjust, a man is not only right to disobey it but he is obligated to do so. You don't care how many people get hurt or killed, you refuse to show the videos, and then you come here with video that doesn't prove anything.

Furthermore, I have reason to believe that the company that's moving around the cameras, as well as doing the installations, is getting a kickback off of every ticket; that being their incentive to shorten the yellow lights as they are also the company that maintains the traffic lights. This County is full of corruption. This is nothing more than a systematic form of extortion at our expense and the residents of Suffolk County have had enough. This is government taking advantage and it's going to stop. We want a Federal investigation. I'd like to thank God for the opportunity to represent the people of Suffolk County as well as the spirits of the innocent lives lost. Thank you.

Applause

CHAIRPERSON BROWNING:

Okay, next speaker is -- Roland Mills? Oh, sorry, Robin. Yes?

MS. MILLS:

Yes. Thank you for letting me speak today. My name is Robin Mills. I'm on permanent disability, I'm 65-years old. I've been living in Suffolk County since 1982. I have never had an accident, I have a safe-free policy, accident-free, never got a ticket in my life till recently.

I was recently in a very bad accident in my home. I had a reciprocating saw go halfway through my ankle and I could have lost my foot. Preceding that, I ended up having an incident where I was having severe colitis attacks. I have colitis attacks from Crohn's Disease and also GER Disease. At the time I was having an attack, I was in the middle lane and I was shifting to the left. I did not know what to do. And if you look at my video, you can see it was stopping and going with my lights on my brakes. I proceeded to have to go through this because I didn't know what else to do. I didn't want to get hit, I didn't know what kind of injury it would cause to me or anyone else on the road.

On the day of my hearing, I was supposed to have a hearing, I asked to have a -- I requested a hearing and pleaded not guilty. At the time of my hearing, the administrative person in charge was very rude and very nasty. Every time I went to open my mouth he objected, did not let me speak, nor was I allowed to produce any of my witnesses or my evidence which I have quite a bit of. I also found out that if I want to appeal this case, not only is there a \$10 charge for the application, there's a \$50 transcript fee, so that's \$60 versus an \$80 ticket. On top of that, I also found out that when an appeal is done, you are not allowed to produce any new evidence or witnesses at the time, it is based on what got said. And I have a feeling that the Administrative Judge at the time knew this and that's why he doesn't let anyone speak at the hearing. You are told, basically, to be quiet. He told me at one point I could not speak because he had other people in the courtroom to get to. He is a disgrace. We have the right to address our situation, we have the right to speak. According to the Sixth Amendment, we have the right to address our accuser, which basically is a camera, okay. That's insane.

Like I said, I am handicapped, I'm on limited disability. This has become not only a hardship -- I left there hysterical, I was hysterical in the courtroom by his behavior that I had to be addressed by someone outside the courtroom. I asked for his name, they would not give it to me. I think the whole thing is appalling, I think it needs to be addressed. I had to borrow the money to pay the ticket because I didn't have it and I think it's enough.

(Beeper Sounded)

I have been dealing with Leslie Kennedy, she has my records, she has a file on me, she knows the whole situation. I just think that something needs to be done. Like I said, never got a ticket in my life, accident-free policy, been driving for over 40 years. This was a medical emergency necessity that happened. Thank you.

Applause

CHAIRPERSON BROWNING:

Thank you. Leslie? You have a question, Leslie?

LEG. KENNEDY:

No, I just want to thank Robin for coming and speaking the truth, it is the best defense. Thank you.

CHAIRPERSON BROWNING:

Thank you.

Applause

Next speaker is Steven Archdeacon.

MR. ARCHDEACON:

Like I said last time, if you can't pronounce my name it's probably me. My name is Steve Archdeacon. Let me first say whoever called this meeting, thank you for acknowledging that there is a problem and something needs to be done. I think the program should just be scrapped and done away with because it's not about money -- it's not about safety, it's about money. And you guys are supposed to represent the people, me, them, and all the people that have lost their lives or gotten into an accident because of this program.

It's not a red light safety program, it's a red light money program, and I want to tell my experience of what happened to me. I got a ticket for coming to a stop. I went over the line maybe like a foot, I looked, there was no cars coming, there was no sign that said no turn on red, and when I got the ticket in the mail I was like, *I know I stopped*. So I fought it, I went to court and, you know, I don't understand how you don't have a Sixth Amendment right to face your accuser. I don't understand how a person who commits a murder has more of a constitutional right to face his accuser than somebody running a red light; that doesn't make any sense to me at all. I mean, if somebody can explain that to me, that would be great, but it doesn't make any sense.

Another thing I don't understand is if you are driving my car, or a mechanic takes my car and runs a red light, that I'm responsible for that ticket even though I did nothing wrong. That doesn't make any sense. It's like somebody saying, *All right, I have a gun and someone stole it and killed somebody, but I'm responsible for that death*. What? That doesn't make any sense to me. You know, this program, everybody keeps saying it's about safety; it's not about safety. When a Fire Chief -- I was here at the last Legislative meeting which a few of -- Kate Browning was here, Robert Trotta, Leslie, a Fire Chief came in, and I'm not sure if he's here today, I'm not sure if you guys saw this video, but when an ambulance goes through a red light with the lights on safely and he gets a ticket; can someone explain that to me? Who is reviewing these tickets? Is it just electronic? Is it big brother, Orwell, 1984 the book? Is it everything just electronic just being done?

And one other thing. We the people in the Constitution of the United States of America, it's about the people, and I just want you guys to remember that you guys are representing us. We are the people and you're supposed to represent the best interest of the people, not the legislation. So that's pretty much all I have to say. And I hope that you do away with this program just like New Jersey did, just like Tucson did, because it's not about safety at all. And to see that video of an ambulance getting a ticket --

CHAIRPERSON BROWNING:

Okay, your time is up and that question will be asked. Mr. Margiotta is here and he'll respond to that question as far as the EMS workers are concerned. Okay?

MR. ARCHDEACON:

Okay.

CHAIRPERSON BROWNING:

Thank you.

MR. ARCHDEACON:

Thank you, guys.

CHAIRPERSON BROWNING:

Next speaker is Alec Slatky.

MR. SLATKY:

I do have a some written testimony, if I can pass that out. Thank you for having me. My name is Alec Slatky and I'm here representing AAA Northeast which is a fully taxpaying not-for-profit corporation that serves a membership of 290,000 Suffolk County residents and over 5.1 million region-wide. I'm trying to offer just a little bit of a broader perspective on the Red Light Camera Program throughout the State and in the County. I mean, red light running is universally reviled, according to our National Traffic Safety Culture Index; 94% of drivers believe it's unacceptable behavior, and yet 42% report having recently driven through a light that had just turned red when they could have stopped safely, and 3% report doing so regularly. So there's kind of a do as I say, not as I do attitude, and there's a major red light running problem throughout the nation. In 2012, red light running caused 683 fatalities and 133,000 injuries nationwide, and between 2011 and '13 here in Suffolk County, disregarding a traffic control device was listed as a contributing factor in over 4,000 crash reports. So there's a big problem. And academic research shows that automated enforcement has the potential to work, and we support cameras that are operated transparently, fairly and effectively. But unfortunately, Suffolk County, in particular the TPVA, has failed to live up to those expectations and I'd like to offer some concrete examples and things that you could do at the local level to help remedy them.

In terms of transparency, State law requires that the County prepare an annual report that includes crash data, violation data, revenue and expenses, adjudication data, and we would like to see this report, as we'd like to see the reports of every other program around the State. We have seen the reports of every other program around the state except in Suffolk County, you're the only one that hasn't given them to us. We filed a FOIL request with the TPVA, that was denied based on a so-called judicial exemption. We asked them respectfully for further reports, we were rejected; we asked for a meeting, we were rejected. So then we went to the State, because State law requires that that report is submitted to the Governor, the Speaker of the Assembly and the President and the Senate; none of those entities had any record of any reports being submitted to them since 2010.

Now, we did receive the summaries of the reports from the TPVA and, you know, we just want to get to the bottom of what's going on. Because crashes are going down, but not as much as they are in Nassau County, not as much as they are in New York City, and we want to see why. And so it's helpful to look at the crash data by intersection, but we haven't been able to do that. You know, really the veil of secrecy undermines the program's credibility and it gives the camera opponents easy ammunition, and it's really just ironic that a County that gets about three-quarters of its violations for right-on-red, some of which are or could be technicalities as violating the State law, really kind of a technicality filing reports late or maybe not even filing them at all. That doesn't mean the cameras should come down, but it means we need to enhance transparency. You can pass a local law that just says to put the report on the website, that would be a fairly simple fix to just one of the problems. So there's more in my testimony, but I'm happy to take any questions. Thank you.

CHAIRPERSON BROWNING:

Bill? Go ahead.

LEG. LINDSAY:

Thank you for being here this morning. I appreciate your testimony and I, for one, agree with you wholeheartedly that we should make that information available. There's no reason why any information that we have here shouldn't be public information.

Just to refer to the statistics you have here in your testimony, you're saying that the cameras have been more effective in Nassau and New York City; is that because they have more cameras at more intersections?

MR. SLATKY:

It's hard to know. I mean, some of the theories that have been presented -- let's just compare Nassau and Suffolk because I think they're more similar. Nassau roads are less wide, they're less high speed, even some of the more major arterials like Old Country Road or Hempstead Turnpike, they're narrower and are less high speed than something like, you know, a 347 right out here. So that could be a reason. It's really hard to know without seeing the crash data for each intersection which, you know, the TPVA has denied us.

And I do want to clarify that in terms of DPW, I have absolutely no beef with them, they've been very professional and I have no issues with them at all.

LEG. LINDSAY:

So right now it's not public information how many intersection cameras there are in New York City?

MR. SLATKY:

In New York City there are 150 intersections with cameras, and then Suffolk has 100, and Nassau actually has fewer than a hundred, they're authorized to go up to a hundred, I think they're around 80 now, about.

LEG. LINDSAY:

Okay. And then according to data here, in Suffolk County we have a 5% reduction in overall crashes, 30% reduction in side impact, 9% increase in rear-end, and 11% reduction in injuries.

MR. SLATKY:

Uh-huh.

LEG. LINDSAY:

So where was all that data accumulated from?

MR. SLATKY:

That data was from a Newsday article from some time ago, and then it was also in the summary of the report that was sent to me by the TPVA, so that's the aggregate data.

LEG. LINDSAY:

Okay.

MR. SLATKY:

We haven't seen the data for each intersection.

LEG. LINDSAY:

But what exactly is information that you're looking for from --

MR. SLATKY:

Just the crash data and the violation data for each intersection. Because, I mean, what we've seen around the State and around the country as well is that the effectiveness of the cameras varies intersection-to-intersection. And what we want is we want to keep the cameras where they're working to reduce crashes and reduce injuries; and where they're not doing that, over a statistically significant period, maybe go back and reevaluate whether those cameras need to be there and see how many violations are occurring at certain intersections.

In terms of the violation data, you know, we've seen the geometry of some intersections maybe induce right-on-red violations more than others. And, you know, we'd like to see where the most right-on-red violations are versus where the most straight-thru violations are, because that's the most dangerous behavior that's causing the t-bones. It's not like we don't want to enforce the right-on-red provision, you know, I don't want to go and change the Vehicle and Traffic Law. You should come to a complete stop before the stop line, regardless of whether there is a red light camera or not, that's the law. At the same time, there should be some discretion about if someone is rolling through going one or two miles an hour and clearly has slowed down to look for any oncoming traffic for pedestrians, then maybe give them a break.

LEG. LINDSAY:

Yeah, I understand; that's somewhat subjective, so it's difficult. But no, I appreciate your testimony and I appreciate the information you provided here. And I agree with you on most of your points in that we should be providing that information and I'll, through my own efforts, try to make that happen.

MR. SLATKY:

Thank you.

CHAIRPERSON BROWNING:

Thank you. Any other questions?

LEG. TROTТА:

How many times did you ask for this?

MR. SLATKY:

Well, we FOILed it about a year ago, actually last December, and then we sent, you know, a couple of e-mails. And they did respond with the summaries of the reports, but we haven't gotten the report, the full report.

LEG. TROTТА:

Did other jurisdictions respond right away?

MR. SLATKY:

Nassau has been extremely transparent with their Red Light Camera Program. Rochester has been doing a good job as well. And one thing Rochester did, they made their report publicly available and then they also said it's worked. You know, crashes and injuries have gone down in most places, but not everywhere. And so they contracted with an engineering firm for a study that's still ongoing to determine why crashes haven't gone down, is there anything they can be doing better. New York City, they've come around under this administration, under the De Blasio Administration, they've been a lot more transparent with us and, you know, as soon as their report was done, they sent it to us and they met with us. Yonkers has been far worse than Suffolk, so you're not the worst program, don't worry, Yonkers has been truly awful. But we were able to get the report after filing a FOIL request because they are -- you know, they're not part of the judiciary, TPVA claims.

LEG. TROTТА:

So you were directed to go to the State?

MR. SLATKY:

No, we weren't directed to go to the State, we went to the State after we didn't get it from the County.

LEG. TROTТА:

So the County's required to give it to the State.

MR. SLATKY:

According to State law, it's an annual report that goes to the Governor.

LEG. TROTТА:

And the State's saying that we don't have it.

MR. SLATKY:

That's correct.

LEG. TROTТА:

So you're saying that Suffolk is in violation of some law that says they're supposed to give it to the State?

MR. SLATKY:

I don't know. I mean, I'm not saying that they've never sent it up, they just didn't have any record. And personally, and from the opinion of AAA, that shouldn't disqualify the program. I mean, we're not saying, *Oh, if you sent it up a little bit late*, that doesn't mean the cameras should be torn down, we should still look at the effectiveness. But it does raise questions. I mean, why is the TPVA so dedicated to opacity if they have nothing to hide? We don't think they necessarily do have anything to hide, but --

LEG. TROTТА:

We don't know.

MR. SLATKY:

-- when you act like this, it does give credence to the arguments of the anti-camera constituents that are here today.

LEG. TROTТА:

Thank you.

CHAIRPERSON BROWNING:

I don't think there's any more questions, but thank you.

MR. SLATKY:

Thank you.

CHAIRPERSON BROWNING:

And we will certainly -- Mr. Margiotta is here, he's heard your statement.

MR. SLATKY:

All right.

CHAIRPERSON BROWNING:

And I would hope that he will comply with your request.

MR. SLATKY:

I look forward to it.

CHAIRPERSON BROWNING:

Thank you. Next speaker is Lynda Frego.

MS. FREGO:

Here ye. Be it known that all my Forefathers ordained and established the Constitution for the United States of America, in part in order to establish justice, ensure domestic tranquility, promote the general welfare and secure the blessings of liberty, not only for themselves but also to their posterity. I am. You did not create me. You were created to serve me. We have told you -- yes, you -- about the engineering malpractice and fraud committed by the traffic engineers who use the red light camera as a scapegoat for their culpability and you were provided proof of that claim as well.

At this time, you've been noticed about the collateral damages due to their malpractice. Time and again this legislation has shown deliberate indifference to the resulting corruption and collateral damages by turning a blind eye and shame on you. This Red Light Camera Program is not only extortion, but it also sets up drivers to fail. With the flawed formula set by the traffic engineers, this program does not promote safety, but rather is a scheme to harvest victims and revenue.

Applause

These cameras are being forced down our throats and when is it going to stop? This is not the American way and I'm sick of it! We're all sick of it! Government is a constitutional republic and the servant cannot rule over the master, just as the clay cannot rule over the potter. We are the posterity our Forefathers spoke of and we are here to collect our liberty. We say dump the Red Light Camera Program now!

Applause

CHAIRPERSON BROWNING:

Okay. Next speaker, Juana Jackson.

UNKNOWN AUDIENCE MEMBER:

She served our country, too.

CHAIRPERSON BROWNING:

Next speaker is Juana Jackson.

MS. JACKSON:

Good morning to all. I expected to see every seat covered with a body. I have five statements to make. The red light camera is not finding those -- that speed. The people that speed don't go at the speed mileage in no area, they are gone. The timing of the yellow light and of the lights are for those that are trying to stay at the speed limit. That's my first statement.

My second statement is the engineers that are supposed to be monitoring or going out and see what's happening with the lights, are either not doing it, are in cahoots with whatever program it is, because they do not return calls at no time with no information.

Number three, I don't understand a country that is so burdened with student loans expect us to be so stupid.

Number four, the courts need to be monitored. The courts need to be monitored. It has happened to me and I thought -- because I'm kind of crazy and out of whatever that I saw this, but I'm sitting here and I'm hearing that it's standard procedure. I have gone in more than a year ago and told my Legislator that the courts need to be monitored.

Number five, the yellow lights are manipulated. I have sat at the roadside, I have given the plate numbers of those little white trucks that shows up every so often, all hours of the day and the night, praying with those things up in the air. I have given plate numbers and whatnot to my Legislator office.

Number five, even in the courts, the computer -- the thing that they use for this, that, the other -- is manipulated.

(Beeper Sounded)

Another thing; too many of these courts, too many of these lights are in certain areas when you go to the court. It's no wonder the seats are empty. The people that is paying up of these tickets have to be working two and three jobs; they're not able to be here to get you to know what's going on. Certain areas have 10 and 15 cameras. You folks have to wake up.

Applause

It's not working. The people are going to get angry enough in time. Thank you.

Applause

CHAIRPERSON BROWNING:

Thank you. Okay, we have no more cards. Is there anyone in the room who did not fill out a card and would like to speak? No one in the room who would like to speak? Okay. So with that, we'll go to the next portion and that will be our Commissioner from DPW and his engineers. And I think Mr. Margiotta, you might want to come up at the same time, just in case there's a crossover. Hopefully we have enough seats.

Okay. I think you've heard the testimony, and there seems to be a compelling opinion that some of the yellow lights are not timed appropriately, that some are shorter than others. And I know I sent a list of questions some time ago, if you want to go through that list. Or I believe you have a presentation; maybe we should let you do your presentation and then hold off on the questions, how's that?

COMMISSIONER ANDERSON:

Thank you. That's -- what we had hoped to ask was in order to be able to answer the questions, we would start with the presentation to do some explanation, and then after the presentation we'll take questions.

CHAIRPERSON BROWNING:

And Gil, if you would, just make sure that everybody -- everybody should introduce themselves for the record.

MR. DRESCH:

Good morning, Legislator Browning. Good morning, members of the Public Safety Committee and other Legislators who have joined us today. My name is Dan Dresch, I am the Director of Traffic Engineering for Suffolk County. I work under Gil Anderson, obviously Commissioner of the Department of Public Works, as well as William Hillman, the Chief Engineer for Highways, Structures & Waterways. This gentleman to my left is Alex Prego, he is my Assistant Director and he'll be helping with the presentation today.

The brief presentation, before we open to questions, just gives a brief primer on the role of the Department of Public Works in the Red Light Camera Program dating back to 2009. Basically, some of the key issues that came up today, the site selection process as well as the calculation of appropriate yellow change intervals.

When this program was first authorized in 2009, it was authorized to great fanfare, support across the board. In fact, we are inundated by letters from constituents, requests from Legislators, requests from local government officials. Everybody had suggestions of *"I have a location where if you put one here, you'll print money,"* quote, right across the board nearly every single time. Therefore, to take the emotion out of it, take the politics out of it, it was a multi-step data-driven process that the department formulated. And the key point that everyone has to remember is back in 2009, we had authorization for 50 intersections. In Suffolk County there are a thousand traffic signals throughout the County, so therefore this was a very precious asset that we had to do our best to pick the best locations possible. Fast forward, just as an aside, in 2012 it was the expansion to the additional 50, we again used the same process that we had done back in 2009.

MR. RUTH:

Excuse me. I have a question.

CHAIRPERSON BROWNING:

No, you may not, you got to speak. Please sit.

MR. DRESCH:

The steps, the main steps of the site selection process start with the crash data. This is crash data that Suffolk County gets from the New York State Department of Motor Vehicle as prescribed in the authorizing bill from New York State. What we did -- I'll get into detail on each individual step, but the crash data we had, and then we did what's called an initial site survey which then rolled into a final site survey and ended with a video site survey. If you have a few moments, I will give you some details on each step.

The crash data, as I had mentioned, is from New York State Department of Motor Vehicle. What we did was we got accident data for every one of the traffic signal signalized intersections around the County. We then took that data and we screened it out for right angle accidents. Obviously, at a signalized intersection, if you have a right angle accident, someone went through a red light. Therefore, so if we're looking to shorten -- weigh this list as best we can to thin out from a thousand possible locations, we sorted from highest number of right angle accidents to the lowest.

What we did at that point was we directed Xerox who was -- at the time they were known as ACS. Xerox and ACS were selected through an RFP process, they had a professional consulting firm here on Long Island associated with them who were going to be doing some studies at our direction in order to pick the best locations for red light cameras. What they did during the initial site survey was they just looked at each intersection; and again, this is starting at the top of the list and working down. They looked at the number of travel lanes and the types of approaches; whether left-turn lanes, number of thru lanes, number of right-turn lanes. They looked at the jurisdiction; is this a signal on the jurisdiction of New York State, under Suffolk County, or a town or a village.

They then looked -- and just back-of-the-napkin, took a look at possible camera locations. And then after that, they also had a technician who just basically commented on the overall viability, the layout, the geometrics, just basic field observations for our review.

So after all that information, they gave that to us and at that point we chose locations to move on to the final site survey. Those locations that made it to the final site survey were then looked at more in-depth; particularly, is there camera line-of-site, the proposed location, is it -- would we get a good view of the intersection and potential violators? Are there any features there? Driveways are a perfect example, driveways that would be a problem for the location of the devices. We also looked, and this was important because dealing with New York State, as most of these locations are on State highways, we had to look at both current and proposed Capital Projects. The last thing we wanted to do is build these devices and then have to remove them, relocate them. And again, we only had 50 initially and then rolled out to a hundred intersections, so we could not have locations that weren't being used. There are also, in some cases, property and right-of-way issues that had to be worked around. Those locations -- also in that step, we, most importantly, did a speed data collection on each approach of each proposed location. And the reason for that is we wanted to calculate the appropriate yellow times before we moved locations into the next step being video validation; video site survey, excuse me.

If we found a location where the calculated yellow time was actually longer than the existing, therefore these locations that made the yellow time maybe too short, we actually suspended any further work at that intersection. For New York State locations and Suffolk County locations, New York State locations we sent that information over to New York State and said, *We have a location here. We calculated the yellow time based on the prevailing speeds and this is what we think the yellow time should be.* We sent that to them for their review and their implementation. On locations on County highways it was obviously much easier, they're under our control, we control the timings of those locations and, therefore, we implemented those yellow change intervals and all-red clearance intervals.

It should be noted that neither New York State DOT nor Suffolk County DPW decreased any yellow times; that is an absolute. There was no recalculation and look and say, *Hey, we have too much yellow*, there was no time decreased.

Once the locations that were --

MR. RUTH:

That's a lie!

CHAIRPERSON BROWNING:

If you cannot keep order in the room, you will have to leave.

MR. DRESCH:

Thank you. Upon implementation of the lengthened yellow times at those locations that were calculated to be too short, then the process resumed, and what we did then was we picked locations to go into the video site survey. At our direction, Xerox deployed temporary video cameras on each approach to record driver behavior between the hours of 6 AM and 10 PM. What we were doing, the aim of this -- again, I can't stress enough, we only had initially 50 intersections at our disposal which then became 100 intersections, so therefore we needed to be as judicious as possible. So we were looking for, on this video, raw violations, 25 raw violations during those hours. Raw violations -- because this is just the static mounted video camera, it doesn't have detectors in the road so you don't have the precision of a red light camera device. This was just a raw video, any vehicles that looked like they may be a violation would be considered a raw violation.

So basically we were looking for 25 to look for the best use of these devices. After completion of this video data, we then sat down, myself and my Assistant Director Alex Prego, we chose the locations to move into design and construction of a red light camera enforcement device.

Next subject I want to briefly speak about is the change in clearance time intervals. The yellow and all-red definitions provided here are from the Federal Highway Administration's National Manual and Uniform Traffic Control Devices. Any of you that have dealt with us out in Yaphank know when we're doing any traffic studies, we're always citing the national manual. It is, you know, our Bible of how we conduct traffic engineering studies, traffic engineering implementation of safety programs.

The change interval is the exclusive function of the yellow change interval shall be to warn traffic of impending change of the right-of-way assignment. Obviously we know this; it's yellow, you know the red's coming up. The appropriate calculation gives sufficient time for a vehicle to enter the intersection before the red indication or to stop before entering the intersection. I think it's common sense, I think we probably all would be in agreement with that.

The red clearance interval is basically for once the red comes up, all approaches have all red and vehicles that are proceeding can clear the intersection before a conflicting green movement comes up. Now, the duration of the yellow change interval, obviously this has been the subject of much discussion.

CHAIRPERSON BROWNING:

Some of them are asking that you speak more into the mic so they can hear you better.

MR. DRESCH:

Sure, absolutely.

CHAIRPERSON BROWNING:

Thanks.

MR. DRESCH:

New York State Vehicle and Traffic Law, Article 44, Section 1680, requires the usage of the National Manual of Uniform Traffic Control Devices and the New York State Supplement for all roadways open for public travel. The quote is, *The manual and its specifications is adopted as the State standard for traffic control devices on any street, highway or bicycle path open to the public. No State or local authority shall hereafter fabricate or purchase traffic control device that does not conform to the current manual and specifications as amended from time to time. Therefore, all devices, including traffic signals, must adhere to the National Manual as well as the New York State Supplement.*"

The National Manual goes on to state, *"The duration of the yellow change interval shall be determined using engineering practices. And also, a yellow change interval shall have a minimum duration, or three seconds, and a maximum duration of six seconds. The longer intervals shall be reserved for use on approaches and with higher speeds."*

The additional guidance it's giving is key here. *"The engineering practices for determining the duration of yellow change and red clearance intervals can be found in the Institute of Transportation Engineers, ITE, Traffic Control Devices Handbook and the Manual of Traffic Signal Design."*

This is the formula that is widely used -- well, it is ITE's formula, it is used by New York State, it's used by every County and probably every town and village in this State and across this nation. It is both in the Traffic Control Devices Handbook and the Manual of Traffic Signal Design, as I had mentioned. It is the same methodology in both. Here it is, I will give you some of the variables that are used. Y on the left is obviously the resultant of the formula, it is the yellow time duration. The T subscript P is the perception reaction time which is usually one second, it's standardly used as one

second. The vehicle's deceleration rate, which is 10 feet per second squared is a comfortable deceleration to a stop. In many years, many years ago there was actually time when 15 per second squared was actually used. Today most of us would probably refer to that as more of a panic stop, but at time that was actually used.

The G is the percent grade of the approach. If there's a downgrade that is accounted for in the formula, if it's an upgrade, that is also accounted for. G is the constant of 32.2 feet per second square, it's the Earth's gravitational constant as well. And then the last is the key that we keep coming back to, V is the vehicle's approach speed which is calculated based on the field data that we referred to before.

This methodology has been in use for generations and it has been studied extensively and modified as automobile technologies have changed. It's been peer reviewed. It is, like I said, universally used. Under this program, Suffolk County ensured that every traffic signal enforced by the Red Light Camera Program adhered to New York State Law as well as traffic engineering principles and practices. Any questions?

CHAIRPERSON BROWNING:

That's it? Okay. Well, I guess I have a couple of questions. Does anybody else have questions? Bill, do you want to start.

LEG. LINDSAY:

Good morning. Thanks for coming in and thank you for your presentation. Can you -- from a practical standpoint, can you explain who controls setting the yellow light time?

MR. DRESCH:

That's a very good question. Approximately 60% of the red light cameras, 60% of the 100 intersections that are used are under the control of New York State DOT. They are the only ones that have access to the timings, whether it's timing the green splits, whether it's timing the yellow clearance, whether it's timing the all-red; they are exclusive. In Suffolk County, on Suffolk County highways, those traffic signals that are under my jurisdiction, we are the only ones that have control over the yellow clearance times, same situation. There are no contractors, no towns that have the ability to go in and change these timings. We have control, we have surveillance on them. The closed-loop system that often comes up for funding, that is our communication system so that we can keep an eye on our traffic signals on the County highways. So any clearance times that are manipulated by others, we would know.

LEG. LINDSAY:

So when you say we, so it's actual DPW employees that are the ones that --

MR. DRESCH:

It's DPW employees, yes.

LEG. LINDSAY:

Okay.

MR. DRESCH:

And we have no -- we have no electrical contractors. We do not maintain any traffic signals, so therefore we do not send contractors out to do that, we handle the timings ourselves.

LEG. LINDSAY:

And then who does the installation of red light cameras?

MR. DRESCH:

The installation of red light cameras is done by -- Xerox has a contractor that they have hired five, six years ago, I believe it's Hinck Electrical out of --

LEG. LINDSAY:

It's a local electrician.

MR. McCARTHY:

A local firm that was part of the -- part of the structure of the RFP is that we encourage local use. Their consulting firm is Nelson & Pope out of Melville, I believe, or Huntington -- Melville, and so also a local firm.

LEG. LINDSAY:

Okay, thank you.

CHAIRPERSON BROWNING:

Okay. Legislator Trotta.

LEG. TROTТА:

Okay, I've got a bunch of questions. There's something called a two-second red interval; are you familiar with that?

MR. DRESCH:

I'm sorry?

LEG. TROTТА:

A two-second red clearance.

MR. DRESCH:

The all-red clearance.

LEG. TROTТА:

Are you familiar with it.

MR. DRESCH:

Two seconds, it's calculated. It can be two seconds, sure.

LEG. TROTТА:

But it's not now.

MR. DRESCH:

I'm sorry?

LEG. TROTТА:

Have you ever looked at any studies where they put in a two-second red clearance?

MR. DRESCH:

Absolutely. We have --

LEG. TROTТА:

And what did those studies say?

MR. DRESCH:

Most of our locations is a minimum of two at our locations, yes.

LEG. TROTТА:

So you're saying that there's a two-second red clearance now at these locations?

MR. DRESCH:

Yes.

LEG. TROTТА:

At all the locations?

MR. DRESCH:

Listen, we're talking about 215 --

LEG. TROTТА:

Where the camera are.

MR. DRESCH:

What's that? Yes, we're talking about 100 intersections, I'm going to say, to the best of my knowledge.

LEG. TROTТА:

What triggers the cameras? How does it physically work?

MR. DRESCH:

There are inductance loops or inductance pucks that are in the pavement. They are set at a distance upstream and also at the stop line, and they can measure the speed of vehicles. And basically the microprocessor makes a determination that the vehicle that's approaching, it may possibly be running a red light, so therefore it actually starts the video, it takes the initial shot in advance of the stop line, and then if they do go through the intersection, you have the multiple shot, the three shots, I believe one before, one crossing the stop line and one in the intersection.

LEG. TROTТА:

So if a car is approaching the intersection and it stops, it doesn't trigger anything?

MR. DRESCH:

If you come up at a certain speed and it interprets that you possibly may run it, you can come up and stop short, and I'm sure we all have done it, come up, stop short at the stop light -- at the stop line, excuse me, and have seen the flash go off.

LEG. TROTТА:

And then no ticket is --

MR. DRESCH:

If there's no second -- if there's no second or third flash, it's because it knows that you stopped.

LEG. TROTТА:

Okay. You mentioned before that you have -- when this program first came out, when you got a bunch of letters, do you keep a file of those letters?

MR. DRESCH:

Six years ago, I'm sure I do have it somewhere, I could probably track it down. But basically, it

really -- to be quite honest, it was really a moot point because, like I said, it had to be a data-driven process. It couldn't be -- you know, we would still be having a --

LEG. TROTТА:

There's one that the gentleman spoke of before at Meat Farms. I mean, I know that, I actually went there and watched that one. It's in a shopping center, it's a right-hand turn into a shopping center.

MR. DRESCH:

Okay. It's northbound/southbound on Commack Road at Dorothea is the public road and the --

LEG. TROTТА:

Yeah, and no one comes down. I mean, like that gentleman said, I actually sat there; no one comes down. So you said that it was data driven based upon, you know, t-bone accidents. You know, I checked a little, I couldn't find an accident there, and I'm seeing, you know, these senior citizens pulling up to the shopping center and making a right into Meat Farms -- you know, they call my office all the time, I'm sure Leslie can say the same thing -- and they're getting these tickets for right-on-reds and I don't see where that is like a high accident area. I just didn't see it. Can you explain why there's one there?

MR. DRESCH:

Like I said, the steps that we went through, that location came out as a viable location.

LEG. TROTТА:

Well, it doesn't fit. You know, I think admittedly you know that it's not -- it's a right into a shopping center.

MR. DRESCH:

It's a T-intersection.

Applause

LEG. TROTТА:

It's a T intersection with a residential road.

MR. DRESCH:

Well, let me finish now that the applause has died down. It's a T intersection and the fourth leg on the intersection is the shopping center. The red light cameras are controlling northbound and southbound controls on CR4, Commack Road. As far as I'm concerned, it has nothing to do with the Meat Farms, whether that's a shopping center or if that was another street, if somebody is making the right on red without coming to a full stop, I mean, that's really -- that's the key.

LEG. TROTТА:

Well, the key is, you know, as the gentleman from the AAA said before, you know, we want to see that, hey, are we writing everyone tickets there and there's no accidents? So then your safety -- the safety issue is out the window. If there was no accidents before, there's no accidents after, but we're writing 50 tickets a day to people going grocery shopping, you know, that's not right.

MR. McCARTHY:

You're kind of -- we're kind of splitting some things here. First off, you asked me why that location was chosen; I showed you what the multi-step --

LEG. TROTТА:

It doesn't fit -- that's why I brought that up, it doesn't fit your multi-step.

MR. McCARTHY:

We went through the multi-step process, that location was chosen. Now, if you're asking what's happening out there now in terms of what -- you know, how the adjudication process that's happening with vehicles that are making rights on red without coming to a full stop --

LEG. TROTТА:

I'm questioning your process. Because you sit there and say something doesn't necessarily mean it's true, okay?

Applause

MR. DRESCH:

I think that --

CHAIRPERSON BROWNING:

Rob? Okay, you got more questions?

LEG. TROTТА:

Yes.

CHAIRPERSON BROWNING:

Okay. So I want to know what was the data on that intersection. You know, I live near there, I see that.

MR. McCARTHY:

We can provide that to you. Surely, I can't --

LEG. TROTТА:

What is the analysis over with? Has anybody relooked at this and said, *Listen, maybe Commack Road and Vanderbilt is a better spot for this rather than a shopping center?* You know, has anybody looked and said, *Okay, look, there's no accidents here now. There's more down the road, should we move that?* Is there a process in place where that happens?

MR. McCARTHY:

There was a process during the expansion program. We relocated, I believe, 35 cameras at ten intersections. What we did was we looked at locations where violations had dropped down and we made -- and we had locations where we felt that they would be better deployed.

LEG. TROTТА:

Okay. So in the first 50 --

MR. DRESCH:

Uh-huh.

LEG. TROTТА:

-- you changed 35 of those.

MR. DRESCH:

No, ten intersections, 35 cameras.

LEG. TROTТА:

So at ten intersections there's three cameras each, or whatever it is. However it works out.

MR. DRESCH:

Well, we have 100 with 215, so yes.

LEG. TROTТА:

What percentage of these tickets are right-on-reds?

MR. DRESCH:

I have no idea. That is not -- that's not --

LEG. TROTТА:

Wait a minute; aren't you the traffic engineer? Didn't you do a study --

MR. DRESCH:

I am at the Department of Public Works, I am not with TPVA.

CHAIRPERSON BROWNING:

Rob, I think that that would be -- that would be the traffic court to find that information.

LEG. TROTТА:

He stood here and said there was a process, that he put cameras up here and he videotaped it. Now, I would think that that would give some idea of the percentage of what the tickets were for.

MR. DRESCH:

Those were the raw violations, yes, during the site selection process.

LEG. TROTТА:

Okay.

MR. DRESCH:

You just asked me what the percentage of violations are right turn on red; that is a TPVA function.

CHAIRPERSON BROWNING:

That does not go to DPW.

LEG. TROTТА:

Okay. Well, when you put in the raw data and you watch those videos, what were you seeing?

MR. DRESCH:

I'm not sure what --

LEG. TROTТА:

Were you seeing straight through the red lights? Where you seeing the majority right-on-reds?

MR. DRESCH:

We looked at all violations.

LEG. TROTТА:

And what were the percentage of right-on-reds when you chose those locations?

MR. DRESCH:

I don't have that information.

LEG. TROTТА:

So what you're saying to me is you don't --

CHAIRPERSON BROWNING:

Rob, I think he answered that question. He said that that --

LEG. TROTТА:

He can't answer the question.

CHAIRPERSON BROWNING:

That's a TPVA question, you can ask them when they come up.

MR. DRESCH:

Legislator Trotta, we looked at over 400 locations, 400 intersections; that's a lot of data points that you're asking me to just come in off the top of my head.

LEG. TROTТА:

And this is what we pay you for. We pay for you to look at these intersections and to understand them, and I asked you a very specific question on when you were looking at the videos. What was -- I want to know what your mindset was when you were looking at these videos. Are people making right on reds into grocery stores? Every old lady made a right on red; did you pick that one, or did you pick the one where the guy ran through the light? Because I have constituents and taxpayers that are being harassed, in my opinion, for not stopping all the way.

Having been a cop for 25 years, I've watched many of these videos, 90% of them I would have never even pulled over, because they stop, they look and they just didn't do that one mile an hour, just that one little bit. If a guy is running red light and it's a dangerous situation and it's a camera, God bless him, he should get 20 tickets. But to do this to our taxpaying customers, our citizens is wrong. And I want to know the mindset of what went into this process, because I'm not liking what I'm hearing.

CHAIRPERSON BROWNING:

Okay, and I think that's a TPVA question. And I think AAA made their comment with regards to when people make right on reds, that it could be the discretion of our traffic court to determine whether that person should be cited or pay that fine. So let's pass off -- stop asking DPW questions that's got nothing to do with them. So do you have another question?

LEG. TROTТА:

It does have something to do with them. They were the ones who picked the locations of the cameras. I want to know what the mindset, what they were thinking --

CHAIRPERSON BROWNING:

However, we're saying the discretion of the traffic court to forgive that ticket, that's their choice.

LEG. TROTТА:

I wasn't asking that.

CHAIRPERSON BROWNING:

But that's the question for traffic court of whether they're willing to do that, as recommended by AAA. So --

LEG. HAHN:

But would they be willing to reconsider that intersection? I think that's just the question that he's

asking.

CHAIRPERSON BROWNING:

Well, I think that will be more questions for later. Let's get to the next question; Doc Spencer, you have questions.

LEG. SPENCER:

I understand the process of, you know, when you're looking at a site, when you're looking at violations. But how -- when you look at all of the sites in Suffolk County that are potential locations, what can you -- can you give me a ballpark of how many intersections there are? I mean, I know that may be a ridiculous question, but do you have a sense?

MR. DRESCH:

Off the top of our heads, about 1500 signalized -- traffic-signalized intersections in Suffolk County were -- was really the universe that this started from, and that was obviously weeded down, {widdled down} to get to the now hundred intersections that are enforced.

LEG. SPENCER:

So I understand kind of the process where you have a camera there, you're looking at 25 violations in a particular day. But what makes a site analyzed? How does that initial site get considered?

MR. DRESCH:

It's based on the number of right angle accidents. It was assorted from highest to lowest and we start at the top of the list and we work forward.

LEG. SPENCER:

That's why -- that's what I thought you said and that's where I kind of got a little confused. Because, you know, I think in that specific example with the supermarket, there were no right angle accidents there or is that not true?

MR. DRESCH:

I don't recall the details on that particular location.

LEG. SPENCER:

Okay. I mean, I think that would be important. And in your testimony you indicated that no yellow has ever had time decreased from the interval.

MR. DRESCH:

Correct.

LEG. SPENCER:

Has there ever been time added?

MR. DRESCH:

Yes.

LEG. SPENCER:

And you mentioned that if it's State-controlled that you appeal to the State?

MR. DRESCH:

We appeal to the State and they handle it.

LEG. SPENCER:

How about with regards to Suffolk County, you all have added time to the yellows?

MR. DRESCH:

Yes. At those locations where the calculation came that we were short, the existing yellow time was too short, yes.

LEG. SPENCER:

Can you just give me, you know, just a sense? I mean, that's a very specific question, it should be pretty available. How many yellows have you added time to, would you say? A ball park. I mean, would you say -- our percentage, how often were the yellow times found to not be adequate?

MR. DRESCH:

Approximately 25%.

LEG. SPENCER:

That you added time?

MR. DRESCH:

Yes, and those were locations that were candidates, not only the final -- locations that got the actual devices. Those were, as you saw, during one of the stages we did the calculations. So there are some locations that we increased the yellow time but never -- that location never progressed to the implementation of a red light camera.

LEG. SPENCER:

So initially when those yellow times were set, I guess if we have control over them, and then when we went back to evaluate them; why would there be a discrepancy in the initial setting of that yellow versus when you evaluated the intersection that you would have to add time?

MR. DRESCH:

It's a very good question. Some of those locations, they may not have been rebuilt or any new timings for that system in 10, 20 years. This formula that we have that I showed earlier, as I mentioned, that formula has been -- has evolved over the course of the last 50 or 60 years. So it's fractions of a second, you know, maybe .2 seconds. You know, not a whole second, not two seconds, you know, maybe just a fraction of a second, the adjustment was what we implemented.

LEG. SPENCER:

The information as far as intervals, is it public information?

MR. DRESCH:

I'm sorry?

LEG. SPENCER:

The information regarding yellow intersection intervals, is it public information?

MR. DRESCH:

Sure. Sure, anybody could FOIL timings for any traffic signal, any Suffolk County highway traffic signal, they could FOIL it through DPW. If it's on a New York State highway, they can FOIL the timings through New York State DOT here in Hauppauge.

LEG. SPENCER:

And is there any concern if we -- this Legislature had a desire for that information to be publicized, would there be any concerns there, I guess Gil, as far as just making that information readily

available? Is it something that we could publish on a website or that it could be --

COMMISSIONER ANDERSON:

No.

MR. DRESCH:

No, I don't think so, just probably more logistically getting timings made into PDFs. In Suffolk County we have approximately 700 traffic signals, you know, just the logistics of getting that --

LEG. SPENCER:

But you have that data. You could -- I could go to any intersection, you could look it up and tell me the yellow is this many seconds.

MR. DRESCH:

Yes.

LEG. SPENCER:

I know this gets very specific. When you've had to add time at 25% of our intersections, do you have a sense of a second, a tenth of a second? How much time would you typically add?

MR. DRESCH:

It's a tenth of a second or a fifth of a second. You know, it's fractions of a second that the adjustments, the deviation from the calculated formula.

LEG. SPENCER:

Sure. And if you decide to -- so you look at an intersection if the number of citations are decreasing. Because we said there's kind of a cross between the Traffic Violations Bureau in terms of what you're doing. Are you looking at that data directly or is there communication in terms of saying, *All right, it seems that violations are going down here, you should reconsider this for a move*, or is this something that you're making this decision?

MR. DRESCH:

That's a great question. As I mentioned earlier, during the expansion of the program from 50 to 100 intersection, during that time we had the ability to relocate a number of Intersections and we looked at -- at that point we were looking at the violations of each camera and determining which intersections had been mitigated and are there other locations that would be best served to be using these devices.

However, once that's done, that was done three years ago, as it stands right now, we do not interact with TPVA in terms of the number of violations at intersections. If there's a point in the future where this program, which sunsets in 2018, if that's reauthorized or expanded, at that point we would sit down and figure out is there -- is this a good time to look to relocate cameras from locations where the red light running has been mitigated into other locations. At this time, we do not -- we have no working relationship with TPVA on how many violations at particular locations. Revenue, I have no idea about revenue or anything like that. We're technical support to TPVA right now. If there's a location that seems to be malfunctioning where they're getting some questions in court, we will take a look at the site. Maybe sometimes the stop lines have worn down and it's difficult for the driver as well as the Administrative Judge to determine what -- you know, whether or not it is a violation, we will make sure that that gets refurbished as necessary. Things like that.

LEG. SPENCER:

And your process, when you're looking at sites, I understand that there's a vendor that's involved and there's a contract with the vendor. If the vendor -- does the vendor recommend intersections

also for placement, or this is strictly done --

MR. DRESCH:

No.

LEG. SPENCER:

I heard some testimony with regards to it. We recommend a particular location and that site isn't performing as far as a certain number of citations; is it true that, based on the contract, we're still required to pay a fee to the vendor if that site is under performing?

MR. DRESCH:

That is inaccurate, that is not true. Here's the -- we did discuss the infamous 25 quota. It's actually -- there's a misunderstanding, the 25 that was mentioned. That was part of our -- I'm sorry?
Dennis

MR. BROWN:

Can I answer that?

MR. DRESCH:

Oh, yes. I'm sorry. Dennis will answer.

LEG. SPENCER:

Oh, certainly. Thank you.

CHAIRPERSON BROWNING:

Sorry about that, Dennis. Identify yourself, Dennis, even though we know who you are.

MR. BROWN:

Dennis Brown, County Attorney. I came because I know there were a couple of questions related to the contract and back in 2012 I did work on the contract. So anyway, so I think that the section that you're referring to is if a particular section doesn't meet the engineering criteria, the County could still request that a camera be installed at a particular intersection. And the County pays; actually, it subsidizes the operation of that camera at a cost of approximately \$2,200 per month.

LEG. SPENCER:

How often is that happening right now as far as intersections not meeting the engineering requirements of the contract that we're paying that? Are we doing that in any case? There would be no reason for -- I hope that's not happening.

MR. DRESCH:

That provision was never used. That was a contingency in the event that we could not find a sufficient number of locations. Remember, we're going through this blind. We're trying to see what the data as we -- the multi-step process, we're trying to anticipate that we're going to get a hundred intersections, we don't know that. However, as we've said that this is being a public safety program, if we only found 95 locations -- as the gentleman from AAA mentioned, Nassau County only has 80 locations out; they have 20 locations they could conceivably be using red light cameras on. We felt that if we were short of the 100, we had an obligation to find the next best locations that we could to use that full 100, because it is for public safety. If we could only find 95, well, then the last -- the lower five -- the last five, we felt that we had to have some contingency so that we can get them out on the street and at least try to get some bang for the buck, for lack of a better word. And that's where that 2,000 and change came from. It was never used, it was a contingency item that was never used.

LEG. SPENCER:

Okay. And I have a lot of questions, but I'm going to yield after this last question out of consideration for -- I know there's a lot more to go. But as far as with electronic equipment. Now, I know that, you know, now my i-Phone can kind of look and try to figure out the right time, but when we're talking about electronic equipment and intervals, is there some deterioration that can occur over time with regards to the timing interval that can occur? Just because of the electronic, these signals, they're out in weather, there's changes in barometric pressure and temperature that could effect. I'm not sure, you know, if there is some sort of mechanics that's involved or electrical circuits.

So my question is is there periodic spot checks? And just from an engineering point of view, is there some deterioration where we could have an interval set at 2.15 seconds and then after a season or a massive change in temperature, that that could decrease?

MR. DRESCH:

Another good question. Back in the start of my career nearly 30 years ago, the timing that was present on what was loosely called at that time a microcomputer that was out in the field, the timing was very spotty in terms of time of day in particular, not necessarily the intervals, whether it's green, whether it's yellow, whether it's red. Fast forward to today's technology, the electronics that are out in the field, they're field-hardened, they are state-of-the-art, they're spot on, they're used by New York State and Suffolk County, the same exact hardware. We've never had any deviation in timing with the current state of our equipment.

LEG. SPENCER:

Thank you for your answers. Thank you, Madam Chairwoman, for your indulgence. I will yield.

CHAIRPERSON BROWNING:

No problem. Thank you. Next speaker, we have Leslie, Legislator Kennedy.

LEG. KENNEDY:

Dr. Spencer has answered and asked my question. I will be sending over a list of intersections that we have questions on from constituents.

COMMISSIONER ANDERSON:

Absolutely.

LEG. KENNEDY:

Thanks.

CHAIRPERSON BROWNING:

Okay, thank you. And, you know, I think there were a few people in the room that mentioned intersections, so hopefully you can take a look at those. Legislator Calarco, you're next.

LEG. CALARCO:

I'll just be brief, because a lot of the questions were asked. And it sounds to me like a lot of this has to do with just getting the information out there in terms of how we make the selections, you know, and the data that goes behind it, and it certainly sounds like that's what AAA is asking for and, quite honestly, I think that's something that we should be doing. And I passed an open data law in this County, we are supposed to be making information available to the public in an easily digestible format that shouldn't be in a PDF format, it should be in a format where it's in a database that someone can sort and sift and do what they want to do with it so that we can provide that information to people. If the yellow times are what the yellow times are, let's make sure people -- you know, if we have a list of that, then let's throw that up on the web and let people see that. If

we know how many crashes are happening at these intersections which is triggering us to look at them, put it up on the web and let people see that. You know, this is all public information anyway at the end of the day, and I think that would help alleviate a lot of the concerns.

I --listen, I had an incident just this year where I was at an intersection of 83 and 347 and my four-day old son in the car and somebody ran a red light, caused an accident and caused a car to crash into mine. So I've got to say that, you know, despite people saying that there's no problem with people running red lights and causing crashes, it certainly happens. And if that person never ran that red light, I wouldn't have had that accident, I wouldn't have had the worry of taking my four-day old son to the hospital to make sure he was okay.

So, you know, we need to make sure that this program is working, it's effective, it's at the best intersections where it's going to have the most effect to reduce those crashes and make sure that people are safe. But certainly the data needs to be made available.

CHAIRPERSON BROWNING:

Legislator Lindsay, you have another question?

LEG. LINDSAY:

Yeah, just through the chair, if I could ask Legislator Trotta. You said you had 60 videos; how did you get the 60 videos.

LEG. TROTТА:

I had people e-mail me their numbers.

LEG. LINDSAY:

Would you mind sharing those with us so that we can see -- because to me, the best part about the program is the fact that it's not someone's word over someone else, but it's the actual videos.

LEG. TROTТА:

None of them -- they all didn't stop all the way, clearly they didn't stop all the way, that's never been my argument. You know, they went up, they stopped one, two, three miles an hour, looked, you can actually see that they're pulling in front of a car. I played them the other day, played a bunch of them the other day, and then they made the right. So while -- everyone in this room today broke the law driving here. Someone went 56 miles an hour, 57 miles an hour on the way here, every single person here. So the argument is there should be discretion in this, because we're not in such a state that we're -- you know, our cars can no longer go 55 miles an hour like we're robot people. There needs to be discretion, that's my argument. I'm not saying they didn't stop.

LEG. LINDSAY:

Could you still share those with us, though?

LEG. TROTТА:

Absolutely.

LEG. LINDSAY:

Because I'd like to see all 60 of them and see what exactly everyone's talking about.

LEG. TROTТА:

I have a list of them here if you want them, I can give them to you know.

LEG. LINDSAY:

Yeah. If you could e-mail it to me, that would be great. Thank you.

CHAIRPERSON BROWNING:

Okay. Rob, you said you have another question.

LEG. TROTТА:

Yes. Why are -- you know, I went -- this was brought up to me and I clearly didn't believe it, and I went and I looked. Where there's a camera, the yellow lights were three seconds; let's say the left-turn lane, they were three-second yellows. Up the block where there was no camera, there was a very similar situation where they're four seconds, on the same road, same speed limit, same topography, same everything. How do you explain that?

MR. DRESCH:

Without talking about a specific location on the fly, I'm going to presume that the three-second yellow clearance that you saw was a left-turn?

LEG. TROTТА:

Yes.

MR. DRESCH:

And the other was the thru movement, a ball, a red -- a yellow ball.

LEG. TROTТА:

No, they were actually lefts at the next light. And also, in the same thing, you know, there were circumstances like you're saying, where the lefts were three seconds and the straights were five seconds.

MR. DRESCH:

Yes, I can speak to that. We've got to put the other one aside because it's site-specific. We'll gladly give it -- we'll gladly talk about it, I can't do that on the fly like that. However, we're talking about the calculation of yellow clearance for a left-turn movement versus a thru movement; I was waiting for this to come up. The same formula is used, however the speeds that are used, the V in that formula is completely different. Obviously someone on a thru movement, they're doing 55 miles an hour, we'll use that as a number. However, those vehicles that are entering the left-turn lane for the left-turn arrow, they are typically used, the speeds that are typically used are 30 to 35 miles per hour, and that is per the Transportation Research Board. Just like ITE, they are -- they do research and give guidelines on different traffic safety issues. The reason for that deviation from 55 miles an hour in the thru-lanes to let's say 30, 35 in the left-turn is that two things are happening. One, a vehicle is already decelerating to enter that lane; and two, that generally, because of the length of the lane, the driver tends to be already commencing breaking in anticipation either of the yellow or the stop line that is approaching. So that's why that number is used. It's the same formula, however the V is a completely different number because of the movement that's happening.

LEG. TROTТА:

I understand. Were any of those modified when you put the cameras up?

MR. DRESCH:

Excuse me?

LEG. TROTТА:

Were any of those yellow lights modified.

MR. DRESCH:

No yellow times were shortened at all.

LEG. TROTТА:

If you were to make those left-hand turning yellows the same as straight, what would be the problem with that?

Applause

MR. DRESCH:

A yellow change time that is too long is just as bad as one that is too short, and here's what happens. You end up putting the driver in a dilemma, a dilemma situation. Let's say, for argument's sake, we have nearly five seconds of yellow for the thru movement and three-and-a-half seconds for the left, that extra second-and-a-half, you have a vehicle that's decelerating, coming to a stop and it's still yellow for another second-and-a-half, there's actually a point at which the driver says, *I'm doing something wrong*, and now the dilemma is do they go into the intersection? You actually end up baiting people into running red lights when they were prepared to stop, but all of a sudden the yellow is still hanging there and they proceed. Therefore, that obviously, is -- the situation that we don't want is to drag people into the intersections.

LEG. TROTТА:

But you do understand that when you're standing -- when someone is standing there and they look at that and then they're getting a ticket for it. Also, I've seen a lot of this lately, is on the right-on-reds, like Indian Head and Jericho, there used to be, as you're going south on Indian Head Road, there would be a right arrow that stayed green once it went. Now that's a two-second red light; it was never there before. I got plenty of complaints on this, that the people are getting on the parkway, going to work in the morning, seven o'clock in the morning, they're used to pulling up to an intersection, seeing the light turn, going straight from green to yellow to red, but the green arrow always stayed on. Now they're being, I'll use the word tricked, with a two-second red light, no one's coming, there's no change from the week before, the camera goes up this light, I don't know if it was the same time, I'm not aware, but believe me, I got a lot of complaints, and they're banging people out for right-on-reds, and even though as they're in the intersection, the arrow goes back on. So now I'm watching videos of people who are going through the intersection, you know, hesitating that as the car is halfway through it goes to a green arrow, whereas the week before it was a green arrow steady. How do you explain that?

MR. DRESCH:

The State reconstructed that intersection. And I do recall, as you've said, because this one came across our bow somehow, maybe it was --

LEG. TROTТА:

There's a few other ones; County Road 83 I think there's one.

MR. DRESCH:

That's -- when they reconstructed it, they changed their phasing and the intervals that instead of going to the right turnover lap, the green arrow, the right turning arrow that came on with Jericho, they changed it to where there's that two second all-red before the start of the overlap. I can't --

LEG. TROTТА:

What is the benefit of having that?

MR. DRESCH:

I know that it's a valid phasing, everything that they have there. It's just they change their design there. I can't speak for them.

LEG. TROTТА:

I mean, if you were to do that and not have a camera there.

MR. DRESCH:

I'm sorry?

LEG. TROTТА:

I mean, you can see how that comes off to the public as, *Oh, we put this little two second red light here to trap you.*

MR. DRESCH:

I understand it in a vacuum. However, its' -- you would have to put the pieces together and say that New York State redesigned it so that it would trick people so that Suffolk County can make revenue. I just need to throw that out.

LEG. TROTТА:

It appears --

MR. DRESCH:

New York State redesigned it, they don't run their redesigns opposite us -- cross, you know, our office for approval. That's not our --

LEG. TROTТА:

I believe -- I have it on my phone, but I think at that very same intersection there's -- like if you're coming in one direction where there's no camera, you have the four second, five second left arrow, yellow, but going the other way it's three seconds.

And just changing gears slightly, I watch these videos and it says like, you know, point zero five seconds; is that the time that the light was red before you went through it?

MR. DRESCH:

I can't speak to that, that's not my role.

LEG. TROTТА:

All right, I'll ask the other guy. I think that about covers it. Thank you.

CHAIRPERSON BROWNING:

Okay, thank you. There was a couple of things. The gentleman from AAA made a recommendation of putting up a sign "*right on red after full stop*"; is that something that can be done at our intersections?

MR. DRESCH:

That is not an approved device by the Federal Highway Administration or New York State, so that, at this point, is not necessarily at my disposal. However, we can look into it and see if there is anything we can proceed with.

CHAIRPERSON BROWNING:

Okay. And, you know, I have to say, you know William Floyd/Montauk Highway very well, and before it was even approved here, there were a number of civics in my district who had said to me, *You really could use a red light camera at that intersection.* And I have to tell you, I do believe driving habits have somewhat changed at that intersection. I know that I've made requests in the past for data with regards reduction, accident reduction. Obviously there was a lot of work you did, there's a reconfiguration which has reduced accidents also. But one of the things that I'm not sure

on is that's a pretty large intersection. Okay?

MR. DRESCH:

Yes it is.

CHAIRPERSON BROWNING:

You know that we have the railroad crossing just south of Montauk Highway. One of the continuous complaints from my constituents is people who block the box.

MR. DRESCH:

Uh-huh.

CHAIRPERSON BROWNING:

At what point in time, if the light's proceeding to turn red and I'm going through the intersection and I see ahead of me that maybe the train has come, the gates are down, traffic is now backed up as far as it can go to the intersection, but people continue to go through. Is there a point in time where any of those vehicles are going to get a red light camera?

MR. DRESCH:

Any vehicle that crosses the stop line and enters the intersection at the moment the yellow ends and transitions to red, once they cross that stop line they are legally in the intersection. Now, your other -- your related question about the blocking the box, the gridlock at the intersection, this system is not here to -- is unable to enforce that and, quite frankly, the authorizing legislation from New York State does not cover that. It's strictly for vehicles that go through a red light; so therefore, if no one went through a red light but they were in the intersection and blocking the opposing traffic, that's not what this program is authorized to enforce.

CHAIRPERSON BROWNING:

I guess that's going to be a question of the Police Department to go there on the busy days, because the complaints I'm getting is the people who are going east and west now can't go east or west because the box is being.

I think there may be one more question, hold on. I do appreciate the information that you provided to us. We will have to take a little bit of time to digest it. But again, I think like Legislator Calarco said, any data that we have should now start -- it should be posted on a website for residents to see. I'm trying to think, there was another one. I think pretty much most of the questions you answered. And again, the shopping center one, because generally the shopping center pays for the light -- is that correct? Like say for example the one on Montauk Highway by the Kohls?

MR. DRESCH:

Uh-huh.

CHAIRPERSON BROWNING:

The shopping center pays -- did they pay for that light?

MR. DRESCH:

It depends -- we'll stay on that site specific, the Dorothea with the Meat Farms. That predates my time here at Suffolk County. I don't know if that was built for Dorothea and then years later the shopping center was built, I have to plead -- I have no knowledge on that.

CHAIRPERSON BROWNING:

Okay.

MR. DRESCH:

So I don't know who built that, whether the developer built it under permit and then turned over the ownership to the town, or if the County built it based on a traffic study at Dorothea; I don't know.

CHAIRPERSON BROWNING:

Okay, thank you. And one last, simple question. I'm not an engineer, I'm not any kind of engineer, and we had a gentleman who spoke, he's an electrical engineer, so there are many different types of engineers. What's the difference between a highway engineer, an electrical engineer? I know that there's a lot of different kinds.

MR. DRESCH:

Highway engineers in the civil side where -- civil being wide-ranging, whether it's sanitation, whether it's structures. The highway guys, we're involved with highway design, traffic engineering, things like that. It's a broad spectrum. It's a big tent under civil engineering. Electrical is its own discipline, mechanical is another discipline.

CHAIRPERSON BROWNING:

Okay. So if I was an electrical engineering, would I have the knowledge and experience that you guys have, or any knowledge or experience?

MR. DRESCH:

It's a different discipline, but it's not that someone is unable to have knowledge in other areas.

CHAIRPERSON BROWNING:

Okay. I appreciate it. You know so I don't -- oh, one more?

LEG. TROTТА:

Dennis Brown.

CHAIRPERSON BROWNING:

Because we still have one more person that needs to -- we still have Mr. Margiotta who's coming up.

LEG. TROTТА:

Okay. Well, this is a legal thing. The quotas; you're saying that we never paid the quotas, yes, I'm looking -- let's go back. We are authorized for 100 intersections or 100 cameras.

MR. BROWN:

Intersections.

MR. DRESCH:

Intersections.

LEG. TROTТА:

And how many cameras do we have?

MR. DRESCH:

Two hundred fifteen.

LEG. TROTТА:

Okay. Now, I'm looking -- and it says that if we don't do 15 -- excuse me, 25 tickets in a 16-hour period; is that for one day or a month?

MR. BROWN:

You know, the contract says that there's a minimum criteria and that minimum criteria, it's an engineering analysis that's been worked out by DPW, which Mr. Dresch has been talking about.

LEG. TROTТА:

Which is how many?

MR. BROWN:

You'd have to ask him.

MR. DRESCH:

That was during the site selection process, the number of locations -- number of violations, raw violations that we're looking for during those hours.

Just to give you -- just to give some perspective on this 25 per day quota. If we had 25 violations per day at the 215 cameras and we have 365 days a year, and the County gets \$29 of the 50 plus a \$30 administrative fee, we multiply that by \$59, we would have -- what was it, a hundred --

MR. PREGO:

One hundred fifteen.

MR. DRESCH:

One hundred fifteen million dollars a year. So just to give you an idea, we have no quota, otherwise there would be no budget problem that I know you're all --

LEG. TROTТА:

But it's in the contract, so they're just not enforcing the contract?

MR. DRESCH:

What was in the contract was for the design criteria.

CHAIRPERSON BROWNING:

Okay, I think -- Dennis?

MR. BROWN:

Yeah, the contract called for design criteria that's been worked out by DPW. It's been explained here by DPW, you know, I think on more than one occasion even. But still, there might be intersections where people or maybe Legislators may wish to have a camera installed for a particular reason, maybe it doesn't -- maybe it's an intersection, an enforcement system might not meet the engineering criteria, but maybe there were a series of fatal accidents over a period of time, and that the community and that the representatives feel that it would be beneficial to have a red light camera enforcement system installed.

LEG. TROTТА:

The contract --

MR. BROWN:

In such a case, in such a case the County will pay for that cost.

LEG. TROTТА:

Okay. And we have not done that.

MR. DRESCH:

No, we have not.

MR. BROWN:

Not to my knowledge, but from what I heard Mr. Dresch say earlier ist hat we have not done it.

LEG. TROTТА:

It doesn't say that in the -- it says that if it doesn't produce "X" amount of tickets a day, we owe \$2,132. I don't see where it says the design -- you know, I read this fairly -- you know, I went over it pretty good and it looks to me -- I mean, it's confusing because you've got to go backwards and forwards to get the message, but it appears to me, and I'm just doing the numbers from the list that you gave us, there's lots of cameras that aren't doing that.

MR. BROWN:

The contract says that if -- it refers you back to another paragraph, 4-A.8 which brings, I think, you back to the engineering standard.

And what was intended and what I believe is actually applied is that when an enforcement system is installed which doesn't meet that engineering criteria, then the County will pay for that.

LEG. TROTТА:

Per month.

Applause

MR. BROWN:

That's correct. The County -- that's correct, that the County would pay --

CHAIRPERSON BROWNING:

Okay, enough, please.

MR. BROWN:

That's correct, that the County would pay a fixed sum that's set forth in the contract, when the engineering criteria weren't met.

Applause

LEG. TROTТА:

And we have not done that; we have never paid that \$2,100 a month.

MR. DRESCH:

Absolutely not. We found 100 intersections. Like I said earlier, that was a contingency. We actually had forethought that in the event we only could find 95 intersections that met the design criteria that we were looking for and we had five and we're hearing -- you know, maybe there's a location that gets a lot of press and we're getting pressure from the Legislature to put in a red light camera at a particular location. We would have the avenue to still use those five that are in our pocket, for lack of a better phrase. That's why that was in there. So rather than negotiating it at the time, we negotiated it while we were negotiating the entire contract, that's why. But the bottom line is it was never used, it was a contingency item in the event we couldn't find 100 intersections for the County.

LEG. TROTТА:

That's the inter -- that's been per intersection. You know what I'm getting at here is that you're saying that you went to these intersections and somehow proved to them that you could write 9,000 tickets a year at the intersection. Using that logic --

CHAIRPERSON BROWNING:

That's not what he said.

LEG. TROTТА:

-- the design was that if you could write 25 tickets in a 5-hour period, that's 9,125 tickets a year, you picked that up, but that's not true because you're not doing that. So my question is where's the logic there that this is in the contract where that the second you put the camera up and it wasn't producing 9,000 tickets a year, you were in violation?

MR. DRESCH:

There's no violation. I don't know where you're making the connection of a violation.

LEG. TROTТА:

You just said that the design in this, that that quota or that little section where we would have to pay had to do with when we first initially were designing these; is that correct?

MR. DRESCH:

No, when we were first choosing locations.

LEG. TROTТА:

Choosing locations. So we were picking --

MR. DRESCH:

Again, we're trying to predict the future that we did not know where --

LEG. TROTТА:

Well, you put the cameras up. You just said you put these cameras up to watch it.

MR. DRESCH:

Fixed temporary cameras, not red light cameras. The old red light cameras to study whether we were going to put red light cameras out. They basically strapped a glorified video camera to a poll and filmed that approach and that information was then viewed to see about the 25 raw violations during that time period.

LEG. TROTТА:

So now I would venture to say we didn't make that in any of them; I mean, maybe two or three.

MR. DRESCH:

No. Listen, I don't know what any of the cameras make in terms of violations, but 25 is a lot per day, yes. That's why it was a raw violation footage, it was just trying to pick the best locations. Like I said, we only had a hundred to use.

LEG. TROTТА:

But you were wrong in almost every time.

MR. DRESCH:

No. Again, raw observations, these were not red light cameras put out.

LEG. TROTТА:

But you were wrong. You weren't right.

CHAIRPERSON BROWNING:

Rob, I think they did --

MR. DRESCH:

It's all relative.

CHAIRPERSON BROWNING:

They looked at intersections before they actually put in cameras and made determinations.

LEG. TROTТА:

But this is a very crucial point here. They're saying here coming here we're the experts and we're going to find 25 violations a day, and I look at what they gave me here --

MR. DRESCH:

That's not what we said.

CHAIRPERSON BROWNING:

They never said that.

LEG. LINDSAY:

They're not saying that.

COMMISSIONER ANDERSON:

That's not what's being said.

MR. DRESCH:

That's not what we said.

LEG. TROTТА:

If you don't you'd be fine.

MR. DRESCH:

We're trying to find some real-world data. We already weighted them based on right angle accidents, we already talked about that. And the final -- the final cut was based on what do we see out in the field based on this video footage, this video footage that was being used.

LEG. TROTТА:

And we signed a contract saying if it wasn't 25 tickets in 16-hours, that you would be fined twenty-one --

LEG. LINDSAY:

It doesn't say that. It just says that's to establish the locations, it doesn't say that we owe them anything after these cameras are put in.

LEG. TROTТА:

But my point is they kept wrong -- they had flawed data to establish the locations. If using the line of thinking logically, this data is flawed because they weren't right.

Applause

CHAIRPERSON BROWNING:

Rob?

MR. DRESCH:

It's all -- again, I'm going to say its' all relative to itself. We were looking to find the best locations. We filtered by right angle accidents, then we filtered on actual field video evidence. That's all I

could say.

LEG. TROTТА:

Which doesn't in any way --

MR. DRESCH:

It's a methodology; I can't explain it any clearer.

CHAIRPERSON BROWNING:

Rob, I think the attorney explained everything. And maybe you need to have a follow-up conversation with him, because Mr. Margiotta is here, we also want to give him an opportunity to come up.

One last question; when does the Xerox contract expire and --

MR. BROWN:

Yeah, it expires -- I was waiting for this question (*laughter*). It expires December 31st, 2018. And I think you also wanted to know about procurement in the future.

CHAIRPERSON BROWNING:

Yes.

MR. BROWN:

I think -- You know, the Law Department doesn't make those decisions, but I'm sure that procurement will be followed on the basis of the best interest of the County, the existing state of the law and whether or not the vendor continues to, you know, deliver service or whether or not the County wishes to replace the vendor.

CHAIRPERSON BROWNING:

Okay. Thank you for that. Legislator Lindsay, one last question.

LEG. LINDSAY:

Dennis, just to clear up whatever confusion might exist. There is no quota, we've never exercised an option to put a traffic camera at a location that didn't meet the criteria; is that correct?

MR. BROWN:

That's correct to my understanding, correct.

LEG. LINDSAY:

And we've never made any payments to Xerox because of quota.

MR. BROWN:

To my understanding, correct also.

LEG. LINDSAY:

Thank you.

CHAIRPERSON BROWNING:

Okay. We've made payments to Xerox, but not quota-type. And I'm sure that our Comptroller could confirm that; am I correct?

MR. BROWN:

I would assume so, yes.

CHAIRPERSON BROWNING:

Okay. So then I think Leslie probably has a pretty close connection with the Comptroller; if you want to check with him. So, thank you for that.

Okay, gentlemen. I appreciate it that you came and spent the time that you spent to answer the questions. I appreciate that you have provided us with this information. If we have any follow-up questions, we'll certainly send them to you.

There was that one gentleman who talked about his intersection, and clearly if it's right outside his home and there's a flashing light that's disturbing his family, I think we should address that.

And also, there was -- again, you were talking about 95 intersections and five -- you know, you have a hundred cameras. I think somebody just got up and spoke about an intersection in particular where it would be more appropriate to put the light up in the Commack area. So maybe you need to look at that. Okay? I appreciate it. Thank you. Have a good day.

MR. DRESCH:

You, too.

COMMISSIONER ANDERSON:

Thank you.

CHAIRPERSON BROWNING:

And Mr. Margiotta from TPVA, if you would like to come forward.

MR. MARGIOTTA:

Not really.

CHAIRPERSON BROWNING:

(Laughter) Not a good thing to say. I don't know if you have anything you would like to present or you just want to answer questions.

MR. MARGIOTTA:

I would just answer questions, if it's all right.

CHAIRPERSON BROWNING:

Okay. I'll start with AAA. They have made a request for information and they claim that they are not receiving the information as per the other traffic courts, so that's one question. And again, I think that we had a number of people came up, obviously getting a traffic court -- you know, having to go to traffic court and to pay a ticket, I'm sure everybody is upset. However, the concern, not just that I've heard from the individuals who have gotten up here today, of not being spoken to appropriately with respect. I just didn't hear today, I've heard it from other people, and I think that's another issue that many of us would like to ask. So could you please respond to the AAA request and why they have not been provided with the information?

MR. MARGIOTTA:

Sure. It is the legal opinion of the TPVA and our FOIL officer that we're part of the judiciary. TPVA is an arm of the District Court. Prior to its creation, red light camera violations were handled in the District Court by the very same judges that are handling them now for TPVA. It is the exact same reason why I have not released Mr. Ruth's videos when requested to by News 12. We take it very seriously that we are a court and that we do not release any of our documents. But Mr. Ruth is here; if he authorized the release of his videos, we could see how ridiculous they are and we could put them up there and show how bad our camera system is.

LEG. HAHN:

He left.

CHAIRPERSON BROWNING:

Actually, I will make a request of Mr. Ruth, because I know that in the past he's made a comment. But let's go back --

MR. MARGIOTTA:

I'd be very happy to.

CHAIRPERSON BROWNING:

Let's go back to AAA.

MR. MARGIOTTA:

So that's why we don't release, because of that. The County --

CHAIRPERSON BROWNING:

Okay. But however, they're basically just asking for the same information, so if it's legally allowed to be provided by Nassau County, by Yonkers, by New York City, then why is Suffolk County any different?

MR. MARGIOTTA:

Nassau County, I could speak with Judge Marks; it's my understanding that he has the same exemption as I do. The other ones are not TPVA, they're not courts, they may be administrative adjudications. But they are released, so once they're released and they're sent to the State, so they should be available, they're out there. But more importantly, what he's asking for is not in them. We don't have that. What he's asking for, I believe, and he could tell us, is intersection accident data; we don't get that. We get data from DMV, and the reason why the reports are late is because DMV data is late. DMV data, if you go on their website, you won't even see 2014 data yet. It was just released in October to our auditors who are now preparing the report. Last year it was released in August. But they have the data, we do not -- TPVA is not as broad as everyone may think. That data comes from DMV, it's given to auditors, they're given our -- I guess our permission to create this report, it's added to the data that we have which is about our cameras, it's put into our camera report and then we send it to the State. And as to why the State doesn't have it, I have no idea, I get the e-mail every year that it's released to the State. And I think you should all have it. Did everyone today was just given 2013, right?

LEG. CALARCO:

Fourteen?

MR. MARGIOTTA:

Fourteen, any day they tell me, but the State did not release the data til October.

LEG. HAHN:

But 2013's was issued in July of 2014.

MR. MARGIOTTA:

What happens is the year has to pass and then the State makes the data, they create the data. The State does not release the data, for whatever reason, until later and later every year. So if that came out in July, that means they probably released the data in June. Like I said, you can go on their website, you can go on the traffic safety website, you'll see -- you could look up this data, I look it up daily, and '14 is not up yet. And it -- what is it? It's November of '15 and you can't get '14's data.

CHAIRPERSON BROWNING:

Okay, right on reds. AAA made a recommendation when it comes to a right on red. Now, I have a CDL license, I know that Legislator McCaffrey does, and one of the things that we know, with our training, as does everyone knows -- and it's actually in the handbook, in the driving handbook -- is that you are supposed to stop at the white line, if there is a white line. And you're supposed to make a complete stop before you make the turn, and that would be whether it be a traffic light, a stop sign. And I have to tell you, I mean, I see it all the time, we see it even in intersections where there's stop signs, people roll right through. They don't stop, as the law requires.

And granted, everybody breaks the law at some point when they're driving. But because I broke the law today, if I blew a stop sign today in my neighborhood and tomorrow there's a police officer and he writes me a ticket, well, I got lucky yesterday, that's the way I look at it. You know, I got one -- I didn't get it yesterday, I got it today. But I am subject to a ticket, and that goes for anything that we do, even speeding. If you're speeding in a neighborhood or you're speeding on a road and you get pulled over and you get a ticket, you get a ticket. But there was obviously a -- there is a lot of right-on-reds. I've viewed -- I had constituents who reached out to me with tickets and they said, *I know I stopped*, and we'd say, *Well, if you can bring in your information, we'll look on the video, we'll see, you know, what happened*, and I can tell you most of them were pretty bad, that they weren't even, barely even touching the breaks and they just kept going. So that is a concern of mine. And I know that when you come to an intersection, if your view is blocked, you stopped and you can roll forward. You're not going to get a red light ticket once you've stopped and you roll if you can make that right. But if you can just continue to role without even hesitating, yeah, you're going to get a ticket.

So the one issue is is that when AAA is saying about making that right on red, that the traffic court would have the discretion to release that ticket and forgive that ticket, that issue, if it was not so flagrant. Have you done that, or would you consider doing that?

MR. MARGIOTTA:

No disrespect to AAA, but that is not the case. I don't know if they meant the police officer. A police officer in the street has the discretion and a violation, if they see a violation or they stop you for a violation such as that, they do have the discretion whether or not to issue the ticket, as Legislator Trotta said. If they don't feel it was a safety issue or a warning will suffice, they could do that.

In the court, it's black letter law. It says you must stop and all the Judge is looking for is a complete cessation of movement, period. And they don't do anything else. Personally, I don't know that I would want them to be making calls on who they're going to let go and who they're not. You know, I think everyone should be treated equally and fairly, and the only way to do that is to make a decision, are you permitted to make a right on red without stopping or do you have to stop? And if you have to stop, then you have to stop. If the law is changed, the law is changed. But I don't -- the judges aren't going to make a call, and it certainly isn't up to me. The judges do not work for me. The only interaction I have with the judges are to schedule them to make sure they're covered. They're all either retired New York State Judges or current Village Judges, they're certified by the New York State Courts and then they could be scheduled, but they do not work for me.

CHAIRPERSON BROWNING:

Okay. However, I would assume that somebody from the District Attorney's Office -- Mr. Slatky. Okay, Mr. Slatky, I would appreciate if you could come up and answer my question. When you were making that recommendation, is that being done in other traffic courts?

MR. SLATKY:

I mean, it's hard to say. I think what I'm talking about is on two fronts. What I'm really talking about is on the back-end, not necessarily in the adjudication, but in determining the issuance of a ticket, and the adjudication as well. I mean, I think about a year ago, you know, Newsday reported that they went to a Suffolk County hearing and had a Judge say, you know, we're forgiving a particular ticket because tie goes to the runner. So that discretion is available and we're glad that that happened. I think I'm thinking less about the adjudication and more about the back-end before the tickets are actually sent out when they're being issued.

CHAIRPERSON BROWNING:

But that's the camera, that's not --

MR. SLATKY:

Well, a person --

CHAIRPERSON BROWNING:

But if the Police Officer has the discretion, but a camera can't make discretion.

MR. SLATKY:

That's true, the camera records the violations.

CHAIRPERSON BROWNING:

Right.

MR. SLATKY:

But then they still have to be issued by someone from TPVA, so it's the camera and then Xerox and then TPVA. So there is a human being with discretion that's issuing the tickets, that's my understanding.

CHAIRPERSON BROWNING:

Okay, I think I see where the problem could be. Because you have some technician who's viewing the video that's saying, *Well, this is okay, this is not okay*, that really that would be a little difficult for that person to do that.

MR. SLATKY:

Yeah. I mean, I think the -- they have, in my opinion, the same discretion that a police officer would. Obviously they can't issue warnings.

CHAIRPERSON BROWNING:

I don't think they would.

MR. SLATKY:

I think the technician can say, *That's too close and I don't think that's a violation*.

CHAIRPERSON BROWNING:

Yeah, I don't think that a technician has the authority or the ability over -- similar to a police officer; I could not agree that they could do that.

MR. MARGIOTTA:

With all due respect, that's exactly what the Judge does. And the tie does go to the motorist. If the Judge cannot determine did they actually stop or was it too close to call, he's going to say they stopped.

MR. SLATKY:

Yeah, and that's all we're looking for on both ends.

MR. MARGIOTTA:

Yes, absolutely. No, that happens every day, every day.

CHAIRPERSON BROWNING:

Okay. Thank you for that, Mr. Slatky.

MR. SLATKY:

Thanks.

CHAIRPERSON BROWNING:

Now, I'm sure there's probably a few other questions, but I think before there was a lot of people who got up, quite a few people, and, like I said, we've heard in the past about due process, how they're being spoken to. Could you explain to me, I get a red light camera ticket, or any kind of ticket, and I think most of the people here being the red light cameras, let's talk about that one. I get a red light camera ticket, I want to challenge my ticket, I come to court; what's the process when I walk into the building?

MR. MARGIOTTA:

Sure. I'm glad that you separated it, too, because I think -- I don't think people are aware of the difference, maybe, between the tickets. If you're issued a ticket by a sworn officer, it's a criminal violation. If that is no inspection, it is a criminal violation, it carries 15 days in jail. If you're issued a red light camera citation, it is a civil matter, it is not criminal. There are no Sixth Amendment right to accuser, you do not get anything on your license, this is -- it's a civil matter. So when you're going to this hearing, it's not beyond a reasonable doubt. And I understand their frustrations, because even as an attorney, the rules of evidence are difficult. And what you want to say and what you may want to offer to the court may not be permitted or it may not be relevant or may be immaterial, and that could be very frustrating. Because you may think that's your whole case, such as the woman who said she had a physical issue and she didn't know what to do. The law doesn't provide for that, so whether or not the Judge was rude or not, again, they don't work for me. I can't discipline a Judge, I can't, you know, tell a Judge how to speak. But they will not -- they will not let evidence in or allow someone to go on about anything that they don't deem is relevant to the violation. And we have to keep in mind that they're looking at a video. So really what they're looking for is did the vehicle stop. So what they're looking for the testimony of the person is, if they're saying the video stopped, they're saying the vehicle stopped or they're saying it was an unauthorized use, *Somebody used my car, I didn't give them permission* or *It's not my car, look at the plate, they got the plate wrong*. They're looking for the things that they could use to dismiss the case.

To let people put in the other evidence, they're Judges, they're not going to do it. And it is frustrating and I understand that. There are plenty of times I've had cases I wanted to put stuff in that Judges would not allow in, and that is frustrating. But it is civil, it does not go on their license, it is not a criminal matter, it does not get reported to the insurance companies as well.

CHAIRPERSON BROWNING:

Okay. I'm actually asking Counsel if he could advise me on that.

MR. MARGIOTTA:

Okay.

CHAIRPERSON BROWNING:

But, you know, let's say, for example, it's a very rainy day, or there's snow/ice on the road, I come up to a red light camera and I'm going to make that right, I attempt to stop, but I'm going to slide through. So you're telling me that if I want to challenge that ticket, I have no due process because it's civil. And that I cannot go and say to the hearing officer that, you know, *Take a look at it. I couldn't stop, it was an icy day*, that hearing officer does have the ability to say, *I see that, you're dismissed*.

MR. MARGIOTTA:

No, you do, yes. And due process gets used a lot. Due process means different things. There's procedural due process and that's what you're getting, you're getting different kinds of due process. So due process is the right to be heard in a meaningful, in a meaningful time in this situation. So you would be able to tell the Judge that.

What I was giving you was an example as, you know, a physical sickness and I didn't stop for the red light, they're not going to listen to that. If you're explaining road conditions, however, the Judge is going to apply the entire Vehicle & Traffic Law and they're going to say, *Well, then you were doing an unreasonable speed and that's why you couldn't stop*. In those road conditions, you can't be doing the speed limit. You should have been going slow enough in that condition to be able to stop for the red light, because if you did go through it and hit another person, the excuse cannot be, *Well, it was raining* or *It was snowing*. It was snowy for everybody. You know, we have to drive accordingly. And the officers give out many tickets for unreasonable speed. Unreasonable speed, you could be doing 30 miles an hour in a 30-mile an hour zone, but if it's icy out, you're going to get a ticket for unreasonable speed. So the Judge applies the whole Vehicle & Traffic Law looking at this.

Now, if it's reasonable. If you're -- and we have your speed, the camera gives us your speed, so if it's icy and snowing and the camera says you're doing 45 miles an hour when you went through that red light making a left-hand turn, the Judge knows. If you're doing 25 miles an hour and you slide, the Judge knows. So the Judge will listen and if it is reasonable, they find people not guilty all the time.

CHAIRPERSON BROWNING:

Okay. And I know Legislator Hahn has a question, I have one last one. One of the comments about someone who spoke to them, not knowing who the person is, nobody wears name tags. Because I can tell you, if I get a complaint to my office about a police officer, they'll know their name, he's got a name tag and he's got a badge number. So one way or the other, I'm going to find out who that person is. So my question is why, when people are asking for the name of an individual if they have a complaint, why is that not being provided to them?

MR. MARGIOTTA:

Not all Judges have identifiers.

CHAIRPERSON BROWNING:

I'm talking about anybody who works in that building, period.

MR. MARGIOTTA:

Oh. If they ask somebody for their name, they would give them their name. If they wouldn't and they tell me who that person is, I will discipline that person. I understood it to be that there was no name for the Judge and they asked the Captain the name of the Judge and he wouldn't tell them the name of the Judge.

CHAIRPERSON BROWNING:

No, no, no. Well, first of all, if there's a Judge, yeah, he should have a tag.

MR. MARGIOTTA:

Only one Judge does. But, you know, hearing --

CHAIRPERSON BROWNING:

Well, they all should. I think that's --

MR. MARGIOTTA:

I think I'll just buy those and put them up.

CHAIRPERSON BROWNING:

However, I think some of the complaints were not necessarily about the Judges but about employees and how they were spoken to. And again, when they go to another individual and say, *What's that's person's name* and they're being denied that answer, you know, people don't know -- I mean, the average citizen, when they walk in, they don't know, you know, who to go to. They don't know, *Well, I've got to go talk to Paul Margiotta*. You know, they're going to ask whoever in that building, maybe a security guard and say, you know, *I want that person's name*. They're entitled to that name, should it be even a first name with an initial, but some information. But to be refused the right to know who that person is and how they were spoken to. Because I guarantee you, every Suffolk County worker will tell you that deals with the public can definitely guarantee you that their names have been used and been reported if they felt -- if someone felt they weren't being treated appropriately. So it should be exactly the same in this court.

MR. MARGIOTTA:

And I would tell you that that is the same. And if there is someone who says it isn't, I would be happy to meet them there and they could point out the individual and tell me who would not give them their name. I would be very happy to do that. And I have video of every month, so I could actually go back and watch if they actually talked to the person they said they talked to, how long they talked to them, where they, so everything's recorded. So I would be very happy to go do that. And if someone didn't, I will discipline that person, there's no question about it. No question.

CHAIRPERSON BROWNING:

Like I said, it's not being done. Maybe you need to make sure there's a directive that goes out to the employees and start working on getting name tags for everyone.

MR. MARGIOTTA:

Well, I believe it is being done, Legislator, I do.

CHAIRPERSON BROWNING:

Well, and everybody should have a name tag. There's no reason why they can't.

MR. MARGIOTTA:

That might be a union issue, I don't know. I don't know.

CHAIRPERSON BROWNING:

They're AME members. Okay, we've got a couple of people. I'm going to let it go. Kara, you have a question?

LEG. HAHN:

So the line of questioning, and I agree, I think everyone should be wearing a name tag. I think -- I'm not sure that you answered -- you had said, *These Judges don't work for me*, you know, *If*

they're rude, you can't complain to me. Who can people complain to? Maybe there should be a sign, you know, Issues, you can complain here. Because they work for somebody, and so where can a complaint about a hearing officer, or a Judge if it's a Judge, where can they be directed to?

MR. MARGIOTTA:

Office of Court Administration.

LEG. HAHN:

The Office of Court Administration, okay. And it would be nice, you know, if there were nameplates or tags or something, that every person is identified and can be held accountable.

MR. MARGIOTTA:

I agree. And I'm going to buy them, even though they don't have them, I'm going to buy them.

LEG. HAHN:

So when a Police Officer gives a ticket, you said that there's -- so we talked about red light cameras, but now let's talk about if a Police Officer issues a ticket. I do have a letter here from a constituent who felt, you know, to have the same kind of problem where they weren't -- they were just sort of said, *This is it, black and white*, dah dah dah, you don't get to complain about the situation that occurred. And it was a very particular situation involving an impromptu new traffic pattern around, you know, a truck that was doing work at the time and no one was directing traffic and the police -- and they felt, you know -- so what happens? What should a person expect when they come in to fight the ticket based on, you know, the conditions of that day? So why would this person not have gotten a mediated experience where they actually got to discuss what happened and why they were issued the ticket.

MR. MARGIOTTA:

Everyone gets to go in front of the Judge, gets to present their case. If they do -- and again, I'm not in control of that. If they go into areas where the Judge is not going to listen, the Judge is not going to listen. If the prosecutors goes into areas that the Judge is not going to listen, the Judge is not going to listen. But I have sat through some, not that many, maybe 20 trials since we've opened on red lights, and they do vary a lot.

LEG. HAHN:

This wasn't about a red light --

MR. MARGIOTTA:

Oh.

LEG. HAHN:

-- and it wasn't -- they didn't go to trial.

MR. MARGIOTTA:

Then that is why.

LEG. HAHN:

They chose not to.

MR. MARGIOTTA:

That's why they weren't heard. Because if they show up for a plea bargain, the officer's not there. So at that point, we don't discuss the situation.

LEG. HAHN:

But then that's not really a plea bargain, is it?

MR. MARGIOTTA:

Well, it is, because they're going to offer them a plea to something less without even taking into consideration what happened. If they want to get into what happened, then we're going to bring the Police Officer in, because we can't hear what they have to say and not what the Police Officer has to say. So we just look at their record and say, *You know what? You're a good driver, we're going to give you a good deal regardless of what is said.* Even if officer comes in and says, *Nope, you're wrong. You absolutely went through the light;* okay, we're going to accept that from the beginning that you were wrong. It doesn't matter, you have a good license, you haven't gone through -- you know, you have no points, we're going to offer you a good deal right up front. If you don't want that and you say, *Absolutely not, I'm not guilty,* then we'll bring in the officer and then we'll go forward.

So they get it up front. We assume that even if they were guilty, we're still giving them a deal because of their history. You know, people deserve a deal if even if they were wrong. Unless they have a bad driving record, most people get offered something.

LEG. HAHN:

Okay. I'm going to share -- I think I shared this letter with you, but I'll make sure that you see it --

MR. MARGIOTTA:

Okay. Absolutely.

LEG. HAHN:

-- and you can help me just better understand.

MR. MARGIOTTA:

Sure.

LEG. HAHN:

I don't think we need to waste the committee's time over one circumstance.

MR. MARGIOTTA:

Okay.

LEG. HAHN:

You know, I think there are some just legitimate feelings out there about treatment that I think, you know, need to be addressed. I am in full support of the Red Light Camera Program. It is a safety measure. It has, you know, worked up until the part of -- the place where we've -- I'm a little stressed that we don't have 2014 data, but, you know. I was present when the late Presiding Officer Bill Lindsay introduced year after year after year fighting for the red light cameras because both his wife, his neighbors were in red light accidents. The T-bone crashes are the most dangerous, they're the ones we are trying to reduce. However, when we have folks coming in to a court, to a plea bargain experience, whether it's front of a Judge or a hearing officer, they need to be treated with respect and we need to, you know, make sure that's happening.

MR. MARGIOTTA:

I would like everyone to keep in mind, we do thousands of people a week come to TPVA. And if there was a general or even a 2% displeasure, you would be getting inundated with calls and letters.

CHAIRPERSON BROWNING:

You're good? Okay, Leslie?

MS. KENNEDY:

Hello, Paul.

MR. MARGIOTTA:

Hi, Leslie; Legislator Kennedy, I'm sorry.

LEG. KENNEDY:

It's okay. Most of the time that we speak we've discussed things in an intelligent, functional manner. I do not always get what I need for my constituents, but I can understand your points.

Name tags would be great. But what I'm hearing is more than just a little disregard by the hearing officers. I heard from two people that they were told to shut up or they were going to be tossed out of the courtroom when they said, *Can I speak*. They were directed that, *Do you see how many people are in this room? I don't have time to hear you*. We have to change that. And since the hearing officers are not under your jurisdiction and they won't give out their names, how do we report them to OCA? We don't know who they are. So do you have any suggestions as to what we can do, besides you giving them all nametags that they will probably choose not to wear?

MR. MARGIOTTA:

Yes, I could post the names outside their courtrooms.

LEG. KENNEDY:

That might be a better idea. I know they have a difficult job and no one wants to have a roomful of people found guilty, but they still have to be courteous, polite and act as legal authorities.

MR. MARGIOTTA:

I agree.

LEG. KENNEDY:

Okay.

MR. MARGIOTTA:

I agree 100%.

LEG. KENNEDY:

Thank you.

CHAIRPERSON BROWNING:

Legislator Trotta.

LEG. TROTТА:

Who hires the Judges?

MR. MARGIOTTA:

It's a complicated question. They're not really hired. What happens is if you want to be a Judge, you have to apply for certification to the Chief Judge of the County. The Chief Judge has to verify that you have had two years experience as a sitting Judge in a court with jurisdiction over traffic matters. Once the Judge is satisfied that's the case, you get certified. He writes an order certifying you, he sends the order to me. Then that Judge comes to the County, the County gives them a bunch of paper work to fill out so that they can be compensated. Once they're cleared with their paperwork, they submit a schedule that they can work. I get a stack of schedules from Judges and I fill up the month, I just put people in. Everyone that's certified is put in the schedule, so no one is not put on.

LEG. TROTТА:

So you hire them.

MR. MARGIOTTA:

No I schedule everyone.

LEG. TROTТА:

You decide who gets on the schedule.

MR. MARGIOTTA:

Everyone gets on the schedule. I don't -- I have never said I'm going to take 10 out of 15 or 12 out -- everyone that puts in goes on the schedule, unless they give me one day and we can't fit them in. But everybody is on.

LEG. TROTТА:

So you have the ability not to schedule somebody, that's at your discretion.

MR. MARGIOTTA:

I do, and then it would be up to the Chief Judge if he took offense to that and whatever he does. Because the law says that he appoints the hearing officers to handle the traffic matters, and he has made issue of whether or not he actually schedules them.

LEG. TROTТА:

So the ability exists for you to not -- to send a message to one of these people that if he's -- I've got to tell you, out of all the complaints I get in my office, TPV is the worst. We had an 87-year old gentleman here and I can't even tell you how many people have told me, senior citizens, how they were treated, and I've apologized to them. There's absolutely no reason for that. And, you know, I know what Judges get like, I've been to some of these people, I've sat in courtrooms where they belittle nice, hard-working people, and those people shouldn't be scheduled.

How many -- you know, I'm a little concerned that you're not providing us with statistics. I mean, you're a civil court, we'd like to know how many tickets were issued at a certain location, how many right-on-reds, how many -- you know, because we can determine --

MR. MARGIOTTA:

I just gave you that.

LEG. TROTТА:

Well, this is -- it's old. And does it have specific locations?

MR. MARGIOTTA:

That's 2013.

LEG. TROTТА:

And I received it today, so.

MR. MARGIOTTA:

Right, 2014's not done, that's what we're talking about. That's waiting on DMV.

LEG. TROTТА:

How many tickets -- well, DMV should have nothing to do with it. I just want to know about the tickets being issued.

MR. MARGIOTTA:

You want to know how many tickets were issued by location.

LEG. TROTТА:

Certain locations and for what; that's something you can print out probably hourly.

MR. MARGIOTTA:

All right, you mean by red light camera?

LEG. TROTТА:

Yes.

MR. MARGIOTTA:

That's the supplemental report. You have that there, too.

LEG. CALARCO:

Yeah, it says 15 red light location data, it's got 2015 events. So I'll give you an example, the first one here is County Road 13/Fifth Ave --

LEG. TROTТА:

All right.

LEG. CALARCO:

-- at County Road 50, it says 12,616 events, 796 issued; without having a key here, I'm assuming that means the camera was triggered 12,600 times but only 796 actual tickets were issued.

MR. MARGIOTTA:

Correct.

LEG. TROTТА:

What does that mean exactly?

MR. MARGIOTTA:

That means that 12,616 times the sensors anticipated a vehicle was going to go through the red light, but only 796 actually went through the red light.

CHAIRPERSON BROWNING:

Which was explained by DPW, how that works.

LEG. TROTТА:

Okay. You mentioned that they -- we'd also like numbers on how many were dropped. I'd like to know how many people were dismissed.

MR. MARGIOTTA:

You mean found not guilty?

LEG. TROTТА:

Yeah, found not guilty or the Judge used his discretion and said no, no good.

MR. MARGIOTTA:

You want adjudication information.

LEG. TROTTA:

Yeah, I'd like to know how many people would say, you know, *Listen, it was close, this wasn't a safety issue.*

MR. MARGIOTTA:

You have the '13 and it's in the '13 report; and the '14 report, I'm told it's almost done by --

LEG. TROTTA:

Do you know what page that's on, quickly, in the '13 report?

MR. MARGIOTTA:

-- Nelson and Pope. Do you know what page it's on in '13?

MS. OGAZON:

It's in the table of contents, if they're looking.

MR. MARGIOTTA:

The table of contents should say where it is.

MS. OGAZON:

Red light camera adjudication results.

LEG. TROTTA:

Let's talk about the non-red light tickets. I'm hearing a lot of people are getting -- you know, a friend of mine got a ticket after doing 41 in a 30, and he went there and he plea bargained it down to a parking ticket but paid \$496. He had never gotten a ticket before in his life. You know, it's almost like extortion. You know, what the -- not you personally, but what the TPV, or whatever you're calling it, does, they say, *Oh, we're not going to give you any points, but if you want, you know, you can plead guilty to a parking ticket and pay us twice as much money.* And I understand that, you know, you're putting people in a position, you know, in this case it was like a housewife saying, *Oh, I'm going to get a ticket, I'm going to get points on my license, and she ends up paying \$500 for going down like at Sunken Meadow Park into the park, you know, you have to ride the brake, it's going downhill. If you didn't have your foot on the brake you'd be doing 50, and here's she's doing 41 in a 30-mile an hour zone -- actually, it was 43 in a 30-mile an hour zone and, you know, she ends up paying \$500 for a ticket. I mean, is there something in-between there where, you know, it can't be such a burden on the taxpayer?*

MR. BROWN:

Legislator Trotta, I would ask that -- with all due respect, sir -- if you could refrain from questions with respect to general operations of TPVA instead of the Red Light Program. I'm sure, as you know, there is more than one action pending against the County with respect to operation, so to the extent that, you know, any of your questions and the answers to those questions might impact upon that litigation, I just respect that we -- I just respectfully request that we refrain from doing that right now.

CHAIRPERSON BROWNING:

Okay. Dennis, can this be done in executive session?

MR. BROWN:

Yes.

CHAIRPERSON BROWNING:

Okay. Do we have to have a committee meeting to have that executive session, or could we have another meeting at another time?

MR. BROWN:

I mean, I think that an executive session probably at another committee meeting, you know, maybe at the next meeting might be a better approach.

CHAIRPERSON BROWNING:

Yeah, and we're actually -- I'm on the next committee meeting, so we wouldn't be able to do that. What I will request, then, is your questions, we have a short turnaround to the next Public Safety Committee -- yeah, it's next week -- so if there's a possibility that we could schedule an executive session for next week to respond to some of those questions, because I understand that we can talk about some of these things.

LEG. TROTTA:

Well, another question. When does the State DMV release their information you said.

MR. MARGIOTTA:

Every year it's been getting later and later and late; this year it was October.

LEG. TROTTA:

Okay. So that's the accident information?

MR. MARGIOTTA:

Yes.

LEG. TROTTA:

So you take the accident information and marry it with the summons information --

MR. MARGIOTTA:

It actually -- I'm sorry, Legislator. It actually goes to an auditor, Nelson & Pope, and they do all the calculations and they do all the work and then they send us the final product. But they can't do the job until they get --

LEG. TROTTA:

So you provide Nelson & Pope information on the red light ticket -- tickets, and then they marry it up with the State accident results.

MR. MARGIOTTA:

Right, yes. What happens is they do the calculations and prepare the summary of the findings. They send us the data, we take our data of what we have for cameras, marry it with the accident data and then put the conclusions and calculations as the conclusion.

LEG. TROTTA:

All right. So Nelson & Pope does not get the red light traffic information.

MR. MARGIOTTA:

They do, they get the citation information.

LEG. TROTTA:

Okay, so they marry it or you marry it together?

MR. MARGIOTTA:

Well, they take the two data and they calculate them. I take -- I prepare -- well, we prepare our data in a paper format, they prepare the accident data in a paper format, we put the two pieces of paper together to create the paper report. So I don't want to --

LEG. TROTТА:

Okay. So if you look at like Indian Head and Jericho, you look at the -- the State provides us with the accidents and you provide us with the tickets.

MR. MARGIOTTA:

That's right.

LEG. TROTТА:

And then you make some determination based upon what, I don't know, that it went up or down --

MR. MARGIOTTA:

They do that.

LEG. TROTТА:

-- or whatever.

MR. MARGIOTTA:

They do that, the auditors do it.

LEG. TROTТА:

Nelson & Pope, our auditors?

MR. MARGIOTTA:

Yes.

MR. BROWN:

Engineers.

MR. MARGIOTTA:

Engineers? Oh, engineers, I'm sorry.

LEG. TROTТА:

So can you -- and you do supply us the report, okay. Did you ever think of having a cop review these? I mean, I'm throwing it out there. If you had an officer sitting there reviewing the ticket, you know, like where it's a gray area, you say, *Oh, this guy, you know, it wasn't an issue*, or issuing them warnings, sending out a mailer saying, *Hey listen, your car went through this red light. While it was close, please don't do this again.*

MR. MARGIOTTA:

It's a civil adjudication, there is no ability for a police officer to be involved. The Statute provides for a civil penalty, so there's no law enforcement whatsoever. That's why it doesn't go on your license, it doesn't go on your registration, there's no points, it's a civil fine.

LEG. TROTТА:

Do you or do we -- this is probably a better question -- have the ability to instruct the Judges to use more discretion in viewing these things?

MR. MARGIOTTA:

No.

LEG. TROTTA:

I think you understand, though, you know, a lot of people who have never gotten tickets or never got in an accident are being hit over the head with these tickets and, you know, in my opinion, it's not right. I mean, does it trouble you at all?

MR. MARGIOTTA:

I think the argument is a State Law argument whether or not you can make a right on red.

LEG. TROTTA:

Oh, quick question, if you make a -- if I go right on red and there's a sign there, "*No Right On Red*", and I stop and then I go, you don't get a ticket, do you?

MR. MARGIOTTA:

Not from a Red Light Camera Program, no. It's not authorized. The Red Light Camera Program is a red light camera safety program and it's only meant to address a vehicle that does not come to a complete cessation of movement at a red light. So whether or not they make the right on red, that would be an 1110A, that would be disobeying a traffic control device, being the sign. The Red Light Camera Program does not authorize it. And again, it's a civil program and only -- it's very specific.

LEG. TROTTA:

Was there any thought of putting a camera so you can see the person driving the car?

MR. MARGIOTTA:

It's prohibited by the law, actually. It's a violation of -- it would be a violation on the County if we could see the driver.

LEG. TROTTA:

We would have to change the law and have the State change the law.

MR. MARGIOTTA:

Yeah, that would be a violation, as it stands now.

LEG. TROTTA:

So that if you're pulling up to a red light and you stop and there's a sign everywhere no red light turn on red and you might the right, this camera program does not give you a ticket.

MR. MARGIOTTA:

Correct.

LEG. TROTTA:

And that's based upon --

MR. MARGIOTTA:

The way the law is written.

LEG. TROTTA:

-- State Law.

MR. MARGIOTTA:

Yes.

LEG. TROTТА:

Thank you.

MR. MARGIOTTA:

You're welcome.

CHAIRPERSON BROWNING:

Okay. I would like to ask, someone mentioned about not being able to use a credit card. Do you accept credit cards? Do you have -- okay. And the other thing is do you have a debit that people could use?

MR. MARGIOTTA:

Yes and yes. I believe the issue there, and I'm guessing, was that he had a red light ticket, and if you have a red light ticket that's paid -- if you want to pay by credit card, you have to do it on-line. So right outside the cashier's door, we have it set up that you can actually do it yourself.

CHAIRPERSON BROWNING:

Okay. EMS, police officers, fire departments, I know that that was an issue, that before the red light cameras were actually officially installed, that was a question that I had asked, was if we have -- you know, a fire truck has to go through a red light, we have sometimes funeral processions, I know we've had these conversations. There was a gentleman who made mention -- I guess from Babylon, I think he was, West Babylon -- receiving a ticket for going through a red light. Now I reached out to a couple of my ambulance companies to ask them, *Have any of your members ever received a ticket while they were on a call*, and she said, *No. Anyone who did receive a ticket, it's been dismissed, it was thrown out.* So can you give us information? Have you any information on emergency service?

MR. MARGIOTTA:

I do. First would be an emergency vehicle; an official emergency vehicle is defined by the Vehicle & Traffic Law and it must have an auditory sound coming from it and flashing lights and there's a minimum type of flashing lights; that would cover your police car, your fire truck, your ambulance. They also, many of them have a device on the truck which triggers the light and will turn the light red and let them go. No emergency vehicle has ever been issued a red light camera citation while I've been the Director of TPVA. That would be insane. It has never been done.

As far as if we're going to a volunteer in their car with a courtesy light, blue or green; courtesy lights are meaningless under the Vehicle & Traffic Law. They are a courtesy to the driver, which means if they're behind you and you see that light, they're asking you to move out of the way so that they can go ahead. They're not to go through a red light. They are not to go through a stop sign.

Personally, I'm a life member of Bay Shore/Bright Waters Rescue Ambulance. I spent 11 years volunteering and I responded on my ambulance to my own members being in accidents responding to the call. What we do is -- and I believe it is in our discretion, is we watch the video. If the driver was cautious and came to a stop, or almost to stop, and then proceeded through the intersection, we administratively void that summons for an emergency responding person. If they go straight through the red light and put someone's life in danger, we do not and we let the Chief know. All of the Chiefs that I've ever dealt with and that deal with FRES, they're all on board, as far as I have been told, that if they use caution and they don't put anyone in danger, we will not issue a ticket to an emergency response person.

If they do put a life in danger, that's not acceptable.

CHAIRPERSON BROWNING:

Okay. Well, I don't know if you guys have the West Babylon guy, if you have his information. He's

claiming there was a ticket, so I'd like to confirm that he actually received a ticket or that it was not dismissed. So --

LEG. HAHN:

What?

CHAIRPERSON BROWNING:

Legislator Martinez, you have a question?

LEG. HAHN:

Could you just clarify what the procedure would be for someone who got that?

MR. MARGIOTTA:

Sure. If --

CHAIRPERSON BROWNING:

Okay, sorry about that.

LEG. HAHN:

You know, a volunteer responder.

MR. MARGIOTTA:

Sure. If they got it, they go to their Chief or their Commanding Officer, they notify them what happened. The Commanding Officer has certain paperwork they fill out and they send to FRES, Commissioner Williams, and then he sends it to me and it confirms that there was a call and that they did respond. Then we review the video and then it would be administratively voided and those documents scanned into the system to prove that that person was on an emergency call.

LEG. HAHN:

Thank you.

MR. MARGIOTTA:

You're welcome.

CHAIRPERSON BROWNING:

Monica?

LEG. MARTINEZ:

Hey, Paul. How are you?

MR. MARGIOTTA:

I'm good, thank you.

LEG. MARTINEZ:

First of all, just thank you. Every time I've called, you definitely come through, so thank you for that. I just do have one question. A recent incident that just came through my office, and that is that an individual received a ticket in April and then received a ticket in June, same year, but they were not allowed to discuss the ticket they received in June because they had not paid their ticket in April; was that accurate?

MR. MARGIOTTA:

It's a mix of what's accurate. They are not allowed to plea bargain their ticket in June if they haven't paid their ticket in April. So if you come in and you get a plea bargain, you agree, *I'm going*

to pay my fine by May 5th and then you don't pay it, you come in the next time, there's no plea bargain, now you have to go to trial and whatever happens happens. But if you haven't paid a prior ticket, they're not going to offer you another deal. You have to, you know, have a clean license or at least have paid any ticket in the past and still have a decent license.

LEG. MARTINEZ:

So the plea bargain was made for the first ticket.

MR. MARGIOTTA:

I'm getting into plea bargaining and they'd rather I don't do that.

LEG. MARTINEZ:

Okay. So there was an agreement made with this individual for the first ticket, unfortunately the individual did not have the financial means to pay. It was reduced to something that this individual could pay, but then he had asked for it to -- you know, for some time to go by so he can save up money, but then because it wasn't done at the appropriate timing, the fines then went back to the original whatever amount that was given, but then received a second ticket. So that still constitutes the negotiations being made earlier, you cannot discuss the second.

MR. MARGIOTTA:

Can we pass on that and then I can speak to you privately?

LEG. MARTINEZ:

Yes. Thank you.

CHAIRPERSON BROWNING:

Okay. I know that I've requested that we have the executive session. If I go to court, or let's say I get a ticket and I --

MR. MARGIOTTA:

That would never happen (*laughter*).

CHAIRPERSON BROWNING:

Never say never, and I believe I got one in my life. But if I get a ticket and I hire an attorney, can my attorney represent me and me not show up, or am I mandated to show up?

MR. MARGIOTTA:

If it's not for trial, you never have to show up.

CHAIRPERSON BROWNING:

But for trial I have to, I'm mandated to show up.

MR. MARGIOTTA:

If you request a trial, yes; both parties have to be there, you and the police officer.

CHAIRPERSON BROWNING:

Okay. Who -- because you say you don't hire the Judges. Who writes the check for those Judges and where does the funds come from for that Judge?

MR. BROWN:

You want me to answer?

CHAIRPERSON BROWNING:

Sure.

MR. BROWN:

Interestingly, JHOs are supposed to be paid out of the New York State Office of Court Administration budget, but they don't have an appropriation or sufficient appropriation to pay the JHOs, Judicial Hearing Officers -- which are appointed under State law and under State regulation -- so the County pays them.

CHAIRPERSON BROWNING:

Okay. And that's paid out of the revenue that comes from the court, to the court.

MR. BROWN:

You know, it might be Fund 1, I'm not sure.

CHAIRPERSON BROWNING:

Okay. So I do have some other questions, but in the interest of time and I think it's probably some of them may more require that we do it in executive session, so I think to be on the safe side, I'm going to save them. But I appreciate you coming in. So I guess next week Josh will be in touch with you to let you know, hopefully the next Public Safety meeting won't go this long, but I think it's important. There are people coming with legitimate concerns and, again, you know, simple things like name tags; who do I speak to? What are your rights? And the one thing that you had mentioned was, *Well, you could post it as people come in who the Judges are;* I assumed that that was already something that was done. Because if you go to a criminal court, you always see what's on the docket for the day.

MR. MARGIOTTA:

That's the difference, it changes every day, basically. They're per diem, the Judges, they're different every day.

CHAIRPERSON BROWNING:

But you wouldn't know -- if you have a trial today, don't you know this morning before --

MR. MARGIOTTA:

Yes. So that's what we'd to do every morning, we'd have to do to go through District Court, they have their own room, so it's out there period.

CHAIRPERSON BROWNING:

When you walk in the hallway, before you even go through security --

MR. MARGIOTTA:

Yes.

CHAIRPERSON BROWNING:

-- that's on the wall.

MR. MARGIOTTA:

Yes. Ours doesn't do that because they're not assigned a case, so they were put in a courtroom. But what we can do in the morning is I could have someone go and say, *Who's in that courtroom this morning?*

CHAIRPERSON BROWNING:

Okay.

MR. MARGIOTTA:

And I will do that.

CHAIRPERSON BROWNING:

Name tags are a wonderful thing. Legislator Calarco.

LEG. CALARCO:

It was actually -- Legislator Browning brought up that point and brought up the other issue someone had mentioned, and this is -- they stated that they went in, I don't know if it was because they spoke with the attorney beforehand, the prosecuting attorney, or if they went to trial, what have you, but they had said they never received anything from the court saying what the final outcome was. How does it work? When you go in, you come out, you're going to come out with some sort of document, right, that says that you pled guilty, you pled guilty to whatever the fence was, the lesser offense or the offence that you're accused or you were found not guilty by the hearing officer and all the names of the individuals you would have dealt with, whether it's the prosecuting attorney or the judicial officer, would be on that, correct? There should be some sort of document that tells you what you actually agreed to in that instance?

MR. MARGIOTTA:

It's actually not on the document, it's on the record, it's recorded. It's on the calendar that it's recorded in your notes, but you are given a document. Unfortunately every document has my name on the bottom, but it does tell you everything else that you asked, it just doesn't tell you who the Judge was or who the prosecutor was. And sometimes they very, too. If one courtroom's backed up, they may bring people to another courtroom, so you talk to one prosecutor but you go in front of another one to be heard just to get the people out quicker. But we can always be looked up, there's no question about. We know everybody, where they went, who they went to, and it's all recorded.

LEG. CALARCO:

That's information that's available to anybody who asks for it.

MR. MARGIOTTA:

If it's their case, yes. Absolutely.

LEG. CALARCO:

And the fee for a transcript is --

MR. MARGIOTTA:

It depend on how long it went. If it's --

LEG. CALARCO:

What's it, like --

MR. MARGIOTTA:

-- a five minute thing --

LEG. CALARCO:

-- twenty-five cents per page, or how does that work?

MR. MARGIOTTA:

It's set by the State. I don't know, they're independent.

LEG. CALARCO:

Is it set by the State, set by the courts?

MR. MARGIOTTA:

Yeah, they're independent.

LEG. CALARCO:

Is it the same -- it would be applied if you went to District Court.

MR. MARGIOTTA:

Absolutely. Yeah, they're outside people.

CHAIRPERSON BROWNING:

Again, next week I would like also to add the issue of the timeline. I was in the DWI court and that was Judge Dunn and sat through the DWI court, and when the people had the fines, they had the opportunity to pay a fine in 3 months, 6 months, up to a year. And it seems that, you know, a young girl that I know, she got a ticket, it was something like \$450 and she was told, *Pay it next week*; she's 20-years old, she doesn't make that kind of money. So the issue is is that are we giving them sufficient time to pay their fines? Basically, she had to save up the money and it took her probably close to six months to save the money to pay the fine. So I think that is something that we need to address, because people with money will pay the ticket. People who are struggling and can't afford to pay that ticket, it's a difference between paying for the rent, paying for a utility bill, just even paying for a gallon of milk. And granted, people will say, *Well, you shouldn't have gotten the ticket*; well, you know, that's life. People get tickets, it happens. You know, people make mistakes, it happens. But I don't want to see people getting hammered over the head because they can't pay a fine immediately, I think that's unfair. And I think that we need to look at a better system of how we pay the fines and the amount of time, plus the additional late fees and surcharges. I mean, I just think it's unfair to say because, you know, you make \$20,000 a year you can't pay it, so now you're going to pay a higher cost to a ticket than somebody who makes \$100,000 a year. So it's an unfair burden on that person who doesn't make a lot of money. So I think that is something that we need to discuss out of fairness.

So is there any other questions? No? Okay. Well, we thank you, and I guess we'll see you next week.

MR. MARGIOTTA:

Next week you're going to do this?

CHAIRPERSON BROWNING:

Next Thursday we will have --

MR. MARGIOTTA:

Hunting season. Two weeks, all right.

CHAIRPERSON BROWNING:

No, it's not two weeks. Next Thursday. Well, unless -- I don't know, George, can you weigh in?

MR. NOLAN:

On what?

CHAIRPERSON BROWNING:

Well, we, I believe, cannot have an executive session unless we're having a committee.

MR. MARGIOTTA:

All right.

CHAIRPERSON BROWNING:

So in order for us to have that executive session, we'd have to do it after the next committee.

MR. MARGIOTTA:

That's all right, I'll go Friday morning.

CHAIRPERSON BROWNING:

Okay. So it will be Thursday morning; with a bit of luck, it will not take too long.

MR. MARGIOTTA:

Okay, thank you.

CHAIRPERSON BROWNING:

So we have an agenda to go; did we forget about that?

LEG. KENNEDY:

Yeah, we did.

LEG. CALARCO:

We're not done yet.

CHAIRPERSON BROWNING:

Okay. We're not done yet.

LEG. CALARCO:

We're actually going to do our agenda.

CHAIRPERSON BROWNING:

Yes. So anyway, we shall start with **Introductory Resolutions:**

Okay, can we have all committee members to the horseshoe, please? And while we're waiting, you know, anyone who was here speaking against the red light cameras, you are more than welcome, if you feel that you've been unfairly treated and you've received a red light camera ticket that you felt that was unfair, that you should not have received it, I would be more than happy, my Aide, my office, I know you know how to find me, please, it would help us to review your video. So I know Mr. Ruth, Mr. Gavilla, Senior and Junior, you know, if you would like to provide your information on the tickets that you feel you were unfairly treated with, you know, I'd be happy to -- I would appreciate being able to look at your videos to see what the issues are that you have.

Okay, we shall go to the agenda.

Introductory Resolutions

1782-15 - Accepting and appropriating a grant from the United States Department of Homeland Security (DHS) in the amount of \$25,000 for FY 2015 Port Security Grant Program (PSGP) to be administered by the Suffolk County Sheriff's Office, a member of the East End Marine Task Force and to execute grant related agreements in Suffolk County with 100% support (County Executive). Motion to approve by Legislator Spencer and place on the Consent Calendar. Second, Legislator Calarco. All in favor? Opposed? Abstentions?
It's approved (and placed on the Consent Calendar - VOTE: 6-0-0-0).

CHAIRPERSON BROWNING:

1796-15 - Amending the 2015 Adopted Operating Budget to accept and appropriate 1000% Federal grant funds from the Department of Justice --

MR. NOLAN:

One hundred percent.

CHAIRPERSON BROWNING:

Did I say a thousand? (*Laughter*) Oh, well, we'll take a thousand. -- **100% Federal grant funds from the Department of Justice, Office of Justice Programs, to the Suffolk County Office of the Medical Examiner Crime Laboratory. Office of Justice Programs, to the Suffolk County Office of the Medical Examiner Crime Laboratory (County Executive).** Motion to approve -- same motion, same second, same vote; sound good? (**Approved and placed on Consent Calendar (VOTE: 6-0-0-0).**)

LEG. CALARCO:

Yep.

CHAIRPERSON BROWNING:

Okay, **1797-15 - Accepting and appropriating 100% Federal grant funds from the US Department of Homeland Security/Federal Emergency Management Agency in the amount of \$1,299,065 for the staffing for adequate Fire and Emergency Response (SAFER) FY 2014 administered by the Suffolk County Department of Fire, Rescue and Emergency Services and to execute grant related agreements (County Executive).** Can we do same motion, same second? Okay, same vote. (**Approved and placed on Consent Calendar (VOTE: 6-0-0-0).**)

1798-15 - Accepting and appropriating 100% Federal funds awarded by the Federal Bureau of Investigation to the Suffolk County Department of Probation and authorizing the County Executive to execute related agreements (County Executive). I'll make a motion -- oh, we can do same motion, same second, same vote; it's a hundred percent too. (**Approved and placed on the Consent Calendar - VOTE: 6-0-0-0).**

1799-15 - Accepting and appropriating 100% federal grant funds awarded by the U.S. Department of Justice to the Suffolk County Departments of Probation, Police, Sheriff, Medical Examiner, Social Services and District Attorney (County Executive). Same motion, same second, same vote. (**Approved and placed on the Consent Calendar - VOTE: 6-0-0-0).**

1804-15 - Accepting and appropriating 62% State Aid reimbursement funds awarded by the New York State Office of Children and Family Services to the Suffolk County Department of Probation and authorizing the County Executive to execute related agreements (County Executive). Motion, Legislator Martinez. Second, Legislator Hahn. All in favor? Opposed? Abstentions? **It's approved (VOTE: 6-0-0-0).**

1815-15 - Adopting Local Law No. -2015, A Local Law establishing a Domestic Violence Fatality Analysis Commission (Hahn). Table for -- Legislator Hahn is tabling for a public hearing. Second? I'll second that. All in favor? Opposed? Abstentions? **It's tabled for a public hearing (VOTE: 6-0-0-0).**

1826-15 - Authorizing the transfer of funds from the Sheriff's Office Prisoners' Commissary Account to the General Fund (County Executive). I'll make a motion. Second, Legislator Kennedy. No questions? I think -- does anybody have any questions about that one; no? Because I pretty much remember what that's about. So there was a motion and a second. All in

favor? Opposed? Abstentions? ***It's approved (VOTE: 6-0-0-0).***

1830-15 - Accepting and appropriating a grant in the amount of \$6,000 from the New York State Governor's Traffic Safety Committee Grant (GTSC FFY2016) Highway Safety Program with 100% support for Sheriff's Traffic Safety Initiative (County Executive).

LEG. SPENCER:

Motion.

CHAIRPERSON BROWNING:

Motion by Legislator Spencer, place on the Consent Calendar.

LEG. CALARCO:

Second.

CHAIRPERSON BROWNING:

Second, Legislator Calarco. All in favor? Opposed? Abstentions? ***It's approved (and placed on the Consent Calendar - VOTE: 6-0-0-0).***

1845-15 - Accepting and appropriating a grant in the amount of \$19,520 from the New York State Governor's Traffic Safety Committee (GTSC FFY2016) Police Traffic Services (PTS) Program with 100% support for the Sheriff's Traffic Safety Initiative (County Executive). Same motion, same second, same vote. ***(Approved and placed on the consent calendar (VOTE: 6-0-0-0).***

1846-15 - Accepting and appropriating a grant in the amount of \$12,000 from the New York State Governor's Traffic Safety Committee (GTSC FFY2016) Child Passenger Safety Program with 100% support for Sheriff's Traffic Safety Initiative (County Executive). Same motion, same second, same vote. ***(Approved and placed on the Consent Calendar - VOTE: 6-0-0-0).***

1850-15 - Accepting and appropriating a grant in the amount of \$10,000 from the New York State Division of Criminal Justice Services (DCJS) for the Sheriff's Office to replace and update obsolete Sheriff's Office live-scan equipment with 50% support (County Executive).

LEG. CALARCO:

Motion.

CHAIRPERSON BROWNING:

Motion to approve, Legislator Calarco. Second, Legislator Kennedy. No questions on what this is? Okay, thank you.

LEG. SPENCER:

(Inaudible)

CHAIRPERSON BROWNING:

Okay. I guess, Mike, you're here, we might as well let you come up. Question on this obsolete live-scan equipment.

CHIEF SHARKEY:

Live-scan is the electronic finger -- just to keep it simple, it's an electronic fingerprint capturing station, it's used by law enforcement and this one has to be replaced.

CHAIRPERSON BROWNING:

Okay. Any questions?

LEG. SPENCER:

No.

CHAIRPERSON BROWNING:

No? Thank you. Okay. All in favor? Opposed? Abstentions? *It's approved (VOTE: 6-0-0-0).*

1852-15 - Accepting and appropriating a federal grant award in the amount of \$887,198 from US Department of Justice, Office on Violence Against Women for Suffolk County Domestic Violence Enforcement Program (Project DOVE) with 95% support (County Executive).

LEG. HAHN:

Motion.

CHAIRPERSON BROWNING:

Motion by Legislator Hahn. Second, Legislator Martinez. All in favor?

MR. ORTIZ:

Legislator Browning, I would just like to make a note on this one.

CHAIRPERSON BROWNING:

Okay.

MR. ORTIZ:

While it says 95% support, it really is 100%.

CHAIRPERSON BROWNING:

Okay.

MR. ORTIZ:

The Feds hold back 5% because of some criteria, but there's no County share here.

CHAIRPERSON BROWNING:

Okay, so we can place it on the Consent calendar.

LEG. SPENCER:

Can I ask a question?

CHAIRPERSON BROWNING:

Sure, go ahead.

LEG. SPENCER:

Do the Feds do this with all of these grants that we're getting?

MR. ORTIZ:

No. There are certain grants, because the New York State HIV testing doesn't meet the Federal standards, that there are certain grants that they withhold 5%.

LEG. SPENCER:

Okay.

MR. ORTIZ:
But not all of them.

LEG. SPENCER:
Thank you.

LEG. HAHN:
And is this -- just another quick question, Madam Chair?

CHAIRPERSON BROWNING:
Yes.

LEG. HAHN:
Is this something we've gotten in the past and it's just recurring, or is this a new grant?

CHAIRPERSON BROWNING:
Okay. We have Patrice, Director of Probation, she has an answer.

LEG. HAHN:
I thought it was PD.

CHAIRPERSON BROWNING:
Isn't it a good thing you came, Patrice (*laughter*).

DIRECTOR DLHOPOLSKY:
This is a new, competitive grant. We had it in the past.

LEG. HAHN:
Excellent.

DIRECTOR DLHOPOLSKY:
We had it in the past and then it wasn't, and we reapplied and this is a new, competitive grant.

LEG. HAHN:
Excellent. Thank you.

CHAIRPERSON BROWNING:
Okay, thank you for that. See? You came for something (*laughter*).

There was a motion to approve and a second to place on the Consent Calendar, correct?
All in favor? Opposed? Abstentions? ***It's approved (and placed on the Consent Calendar (VOTE: 6-0-0-0).***

LEG. HAHN:
Do you know why our HIV testing doesn't meet national standards?

CHAIRPERSON BROWNING:
Okay, that's a Health Committee question.

1856-15 - Accepting and appropriating a grant in the amount of \$95,585 in Federal funding from the United States Department of Justice for the Paul Coverdell Forensic Analysis Improvement Program 2015 with 100% support (County Executive). Motion to approve, Legislator Kennedy, place on the Consent Calendar. I'll second that. All in favor?

Opposed? Abstentions? ***(Approved and placed on the Consent Calendar - (VOTE: 6-0-0-0).***

And that's it on the agenda. However, real quick, Lieutenant O'Malley -- Lieutenant, correct?

LIEUTENANT O'MALLEY:

Correct.

CHAIRPERSON BROWNING:

I know that you have someone with you, if you'd like to introduce him. This will only take but a minute. And also, I didn't realize, Lieutenant O'Malley, Happy Birthday *(laughter)*.

Applause

LIEUTENANT O'MALLEY:

Lieutenant O'Malley here. This is my last time at the meeting, I have been transferred out to the 3rd Precinct Crime Section. Lieutenant Brian Coltellino will be taking over from here on in, and I'm sure he's looking forward to these as much as I have been.

(*Laughter*)

It's been a pleasure.

CHAIRPERSON BROWNING:

And if you'd would like to say anything? There was one question that I did have, and Katie also, I believe I was contacted that the Sergeants test list expires at the end of the week. Has there been any new promotions, or is there any intent? Can you please find out for us? I'm not going to put you on --

MS. HORST:

I can find out for you.

CHAIRPERSON BROWNING:

Okay, but I believe that test list expires Saturday.

MS. HORST:

Okay.

CHAIRPERSON BROWNING:

Okay. So if there's going to be any promotions, it needs to be done tomorrow.

MS. HORST:

Understood.

CHAIRPERSON BROWNING:

Or today. Okay, thank you.

Welcome. And I always say, I never shoot the messenger *(laughter)*. So we'll look forward to working with you.

LIEUTENANT COLTELLINO:

And the same here.

CHAIRPERSON BROWNING:

What we'll do is Josh is my Aide, we'll make sure we have your contact information so we can send you copies of the agenda, and if we have any questions, we'll try and make sure you get the questions before we come to committee.

LIEUTENANT COLTELLINO:

Yes, ma'am. Thank you.

CHAIRPERSON BROWNING:

Thank you. Have a good day.

I'll make a motion to adjourn. All in favor? We are adjourned.

(*The meeting was adjourned at 1:43 P.M. *)