

PUBLIC SAFETY COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

A regular meeting of the Public Safety Committee of the Suffolk County Legislature was held in the Maxine S. Postal Legislative Auditorium of the Evans K. Griffing Building, 300 Center Drive, Riverhead, New York on Thursday, May 5, 2016 at 9:30 am.

Members Present:

Legislator Kate Browning - Chairperson

Legislator Robert Calarco - Vice-Chair
Legislator Bridget Fleming
Legislator Kara Hahn
Legislator Monica Martinez
Legislator Tom Cilmi
Legislator Leslie Kennedy
Legislator William Spencer

Also In Attendance:

Legislator Robert Trotta - Legislative District #13
George Nolan - Counsel to the Legislature
Sarah Simpson - Assistant Counsel to the Legislature
Amy Ellis - Chief Deputy Clerk/Suffolk County Legislature
Craig Freas - Legislative Budget Review Office
Michael Pitcher - Aide to Presiding Officer Gregory
Ray Donnelly - Aide to Presiding Officer Gregory
Josh Slaughter - Aide to Chairperson Browning
Alyssa Turano - Aide to Legislator Hahn
Ali Nazir - Aide to Legislator Kennedy
Liz Sutton - Aide to Legislator Fleming
Deborah Harris - Aide to Legislator Stern
Maria Barbara - Aide to Legislator Cilmi
John Stype - Aide to Legislator Krupski
Katie Horst - Director-Intergovernmental Relations/CE's Office
Jason Hahn - County Executive Assistant
Dr. Michael Caplan - Chief Medical Examiner
Liza Wright - Office of the Medical Examiner
Robert Braun - Deputy Bureau Chief/County Attorney's Office
Patrice Dlhopsky - Director/Suffolk County Probation Department
Mike Postel - Director/Police Communications System - SCPD
Michael Sharkey - Chief Deputy Sheriff/Suffolk County Sheriff's Office
Anthony Papparatto - Suffolk County Sheriff's Office
Joe Williams - Commissioner/Fire, Rescue & Emergency Services
Tom Tatarian -2nd Vice-President/Suffolk County Police Benevolent Assoc.
John Becker - President/Deputy Sheriffs Police Benevolent Association
Dawn Ruggiero - Police Emergency Unit/AME Unit President
Jodi Pagel - 911 Dispatcher/Suffolk County Police Department
Jennifer Nunns - 911 Dispatcher/Suffolk County Police Department
Matt Porter - Unit President/Suffolk County Probation Officers Assoc.

Public Safety 5/5/16

Joe Calari - 2nd Vice President/AME
Captain Rich Smith - Riverhead Town Police Department
Chief Martin Flatley - Southold Town Police Department
Hector Gavilla
Stephen Ruth
Bruce Kagan
Mary Kanzenberg
Linda Lattanzio
James Emanuele
Angela Huneault
Madiha Khan
All Other Interested Parties

Taken By:

Lucia Braaten - Court Stenographer

CHAIRPERSON BROWNING:

Okay. Good morning. We will start the Public Safety meeting, the first in Riverhead. If everyone would please stand for the Pledge of Allegiance, led by Legislator Calarco.

*(*Salutation*)*

And if we could stand for a moment of silence for the men and women who have given of their lives for our country. And also for Peter Gunther. Peter Gunther was a member of the Northport Fire Department. And we wish the best to his family and condolences.

*(*Moment of Silence*)*

Thank you. Okay. We have a few cards. We'll start. The first card is Hector Gavilla.

MR. GAVILLA:

Okay. Hi. Good morning. My name is Hector Gavilla, and I oppose the Red Light Camera Program.

Now those of you who are in favor of the program have always told us that it's about preventing accidents. However, what I would like to do is direct you to, starting on Page 10 of the 2014 annual report for the Red Light Safety Program. And what you will see is that in your own report, at 44 locations, of red light camera locations, there was an increase in accidents. So to me that doesn't seem like it's a success. Actually, they mention that on Page 11. The other alarming statistic is that rear-end collisions actually increased throughout all the red light camera locations.

Now, the other thing that you're trying to tell us as well is that the red light cameras prevent T-bone collisions, but that's not actually true, because when you have an intersection that, for example, is on Commack Road in front of the Meat Farms, and across the street is an entrance to a residential neighborhood where there's never been a history of T-bone accidents, how could you say that that location, the cameras actually prevented T-bone accidents that never existed? However, what I will tell you, in this 2014 report, at the entrance of the Meat Farms, accidents increased by 100% after the year that they installed the cameras, so this program is clearly a failure.

Now, if you look at the summary of the accidents, total accidents before -- at all these 100 -- there's 100 red light camera locations. So the average accidents before the cameras were installed were 1,073 per year. After the cameras were installed, there was an average of 1,040 a year. So there was only a reduction of about 30 accidents a year. That to me is a failure. Are you proud of that, that we have red light cameras, but it only reduced about 30 accidents per year? I don't think so. I don't think that that's a success in my book.

You also look at the summary page of the rear-end accidents throughout Suffolk County, and before the cameras were installed, there was an average of 302 rear-end collisions at these locations before the cameras were installed, but after, it actually increased to 429 per year at the red light camera locations. Why? Because people are jamming on their breaks. Just like Robert Trotta told me the other day, that his own daughter is jamming on the brakes at a location that didn't even have a red light camera. So what you're doing is you're changing people's behaviors every time they see a yellow light, because they don't know when that red light is going to change.

And one last thing. One other lie that you're perpetrating is you're saying that it's going to prevent fatal accidents. Not true. There was an accident recently that was mentioned in Newsday in East Patchogue, a fatal accident, and it happened at a red light camera location. The red light camera failed to save this man's life, failed. So it's not helping. It's actually --

CHAIRPERSON BROWNING:

Okay. Mr. Gavilla, your time is up, but Legislator Calarco has a comment.

LEG. CALARCO:

Mr. Gavilla, how do you allege that a drunk driver who ran off the road and hit a man walking on the sidewalk was the result of some -- of the red light camera not properly stopping somebody at a red light? We had a drunk driver who should have never even been on the road in the first instance.

MR. GAVILLA:

That's where -- Mr. Calarco, that's where you and I both agree. We both agree accidents are caused by poor decisions, somebody who is drinking or driving, who's texting.

D.P.O. CALARCO:

What --

MR. GAVILLA:

Wait, let me speak, please, okay? Texting -- someone who's texting and driving, someone who's a drunk driver, they're bad drivers, they cause accidents, we both agree. Red light cameras will never prevent fatal accidents, that's my point, sir.

LEG. CALARCO:

So we should pull --

MR. GAVILLA:

Apparently --

D.P.O. CALARCO:

So the solution -- I let you speak, now you let me speak.

MR. GAVILLA:

Okay.

D.P.O. CALARCO:

The solution you're suggesting, then, is we eliminate all traffic control laws and let the rule -- people just do whatever they want and let people get hurt because they're not willing to abide by the law, since they're texting while driving, and they're doing whatever it is they may be driving, and they're not willing to obey the law, they're willing to drive drunk, so let's just let them do it, including run through red lights?

MR. GAVILLA:

Okay. No, I did not say that, you're saying that. What I said, if you review the transcript after this meeting and the videotape of what I said, I am not saying that. I am saying enforce the law, but do not perpetrate a lie and say that the red light cameras prevent accidents, because they never will.

LEG. CALARCO:

They certainly have. And, as a matter of fact, since overall traffic accidents, since the program started, across all County roads has skyrocketed because of distracted driving, because more people are texting and driving, and emailing and driving --

MR. GAVILLA:

Right.

D.P.O. CALARCO:

-- and doing whatever else they are doing with their phone while driving. This program has been even more successful, because the reality is, is there would have been an increase of accidents at every one of these intersections as well on top of what we've seen.

MR. GAVILLA:

That's a hypothetical, and that --

LEG. CALARCO:

And yours is a hypothetical as well, Mr. Gavilla. I'm done talking to you. Thank you very much.

MR. GAVILLA:

Okay. These are facts, sir.

CHAIRPERSON BROWNING:

Okay. Thank you, Mr Gavilla.

MR. GAVILLA:

No, no.

CHAIRPERSON BROWNING:

Your time is up.

MR. GAVILLA:

I have a chance to answer, because I am not talking about hypotheticals. If you review what I just said, I'm talking about facts, that there's increases in rear-end accidents because people don't know when that light is going to turn red. And you're illegally charging people \$80. You know it, because New York State only authorized Suffolk County to charge \$50. This is all about revenue, it has never been about safety. You're wrong, Mr. Calarco, and anybody who doesn't support Robert Trotta is wrong.

CHAIRPERSON BROWNING:

Legislator Trotta, you have a question?

LEG. TROTТА:

Yeah. You seemed to go over the numbers, and you brought up a point I had brought up to you. I have a question. Did you look into it?

You know, my daughter got in an accident because she slammed on the brakes at a yellow light and there was no --

CHAIRPERSON BROWNING:

Question.

LEG. TROTТА:

I'm getting to the question.

CHAIRPERSON BROWNING:

Question. Okay.

LEG. TROTТА:

My question is, did you look at the overall increase? Because, clearly, if that happened to my daughter, it happened more than 30 times in the County where someone did this. Now there's

really no way to measure that, except for an increase overall in all -- in all accidents. Have you looked at any of that data, because I really couldn't find it. I tried briefly.

MR. GAVILLA:

Well, what I saw was that in the personal injury data, okay, I did not see any significant decrease in accidents. So when we look at the overall data, what we saw was also an insignificant decrease in accidents. And it's false to say that red light cameras alone helped in any decrease. So what I saw is in the overall data of accidents at those locations, they only went down from 1,073 down to 1,040. That's embarrassing. And there's no way that you could say that red light cameras attributed to that, no way.

LEG. TROTТА:

Excuse me.

MR. GAVILLA:

Cameras only record. Yes.

LEG. TROTТА:

Did you go over any locations? Like in my Legislative District, there's three that they actually increased 100%. Can you tell me how many at locations they increased more than 100%?

MR. GAVILLA:

Well, I'd have to review the data, and you have this data in front of you. But, you know, for example, in Dorothea and Commack Road, we had a significant increase in accidents in that one location. I mean, it is an area that there were no accidents, and then, all of a sudden, in one year, it jumped by 100%.

LEG. TROTТА:

Thank you.

MR. GAVILLA:

I mean, this is disgusting what you're doing.

LEG. TROTТА:

I have a question for Counsel, if that's appropriate at this point. I'm not sure.

CHAIRPERSON BROWNING:

At this time, I don't know; is it?

MR. NOLAN:

What's the question?

LEG. TROTТА:

My question is, is the County under any liability? If we're putting a camera up and the accidents increased over 100%, and now we are now aware of it, is there some kind of liability that we should be stopping them at this location, or reassessing them, or something? Because, you know, if my kid got in an accident and there was -- they got hurt, and I looked that this data and I saw that there was an increase of 100% when they put these cameras up and nothing was done, I would think that the County would be on the hook for something here.

MR. RUTH:

Absolutely.

MR. NOLAN:

I disagree. I don't think --

MR. RUTH:

Absolutely.

AUDIENCE MEMBER:

I agree.

MR. RUTH:

Conduct an investigation --

CHAIRPERSON BROWNING:

Excuse me. If you cannot be quiet -- you had your chance to speak. Counsel was asked a question, he's answering the question.

MR. NOLAN:

This is a State-authorized program. The other thing is, you know, you never -- you know, you have to show a proximate -- that something is a proximate cause of an accident, and, you know, you're never going to -- a stationary camera is never going to be the proximate cause of an automobile accident. That's off the top, but I can't -- I'm not concerned about liability to the County with this program, no.

CHAIRPERSON BROWNING:

Okay. Thank you. Next speaker is Bruce Kagan.

MR. KAGAN:

Good morning, everybody. And I want to thank you very much for giving us this opportunity to speak with you here on Eastern Long Island.

I want to start with a statistic that's rather shocking, and that is that Suffolk County is the most dangerous County in New York State for bicycle accidents and bicycle deaths. I am an avid bicyclist. I'm working with the Town of Riverhead and Councilwoman Jodi Giglio on helping to increase a security path in the former Grumman property. You, as our government, have given us \$200,000. Unfortunately, it's not enough to complete the extension of this sheltered and guarded trail.

I work on another trail that I call the Tesla trail. It's a proposed 11-mile Rails to Trail from the Town of Wading River to Mount Sinai. You are aware of it, the County Executive is aware of it and gave a wonderful press release on it. I thank you for your encouragement, but I need -- I, when I say "I", the people of Suffolk County need your support for furthering this Tesla trail and helping with the EPCAL trail as well.

I just want to say that I work with Legislator Sarah Anker at round-table discussions and we are learning that PSE&G have changed their -- appear to have changed their attitude towards this trail. I did a bicycle letter-writing campaign with my third, fourth and fifth-graders at the Laddie A. Decker Sound Beach School about 12 years ago. I've been working on the project for 15 years, and we got responses. At that time, the power company was pro trail. We feel that they are changing their attitude. They are giving some major roadblocks to the institution of this trail. They want the trail to be 22 feet from either power stanchion. That will nullify the trail for all intents and purposes, except for small areas. They have admitted that this 22 feet from power stanchion is arbitrary, and their response to that statement was, "It's our property and we're coming up with this 22-foot." I'm in contact with Rails to Trails Central at Washington D.C. Again, that 22 feet is arbitrary.

There's another impediment, that they want a satellite mapping of their power stanchions at a cost to the County of \$60,000. We have design money in our design fund to do that, but they're asking us to map their stanchions, so that then they can sit down and make a decision, that way you can see the 22 feet can't be met, and they want to use that to nullify the trail. I'll just finish up. Then they want the County to pay for their time to look over the documents. There is a major change, I feel, in their attitude. They're not helping the people. We need your help, we need your guidance, we need you to work to get us off Route 25A and save our lives.

CHAIRPERSON BROWNING:

Okay. Don't go anywhere, Mr. Kagan. Legislator Fleming has a question.

LEG. FLEMING:

Thank you, Madam Chairwoman. Thank you for coming and thank you for your advocacy, it's really important stuff. Just where is the -- the EPCAL trail goes from where to where?

MR. KAGAN:

The Grumman EPCAL trail is a safety security trail that their security force used on the inside of the perimeter fence of the entire EPCAL property. It was a crushed coal or stone. Now Riverhead has paved a 3.3-mile 8-foot-wide path going from one parking lot around the big jets and then terminates. And we want to try to use the money that Suffolk County has -- is going to give us to extend that another -- oh, I think it's another 5, 6 or 7 miles. However, the 200 grand, when we did get it, is not going to make it, so we don't have enough funds. But it's inside a security -- a perimeter fence. It is so sheltered. It is now part and parcel of the fabric of the Town of Riverhead, and people can push baby carriages there and be safe, look at birds, they can peddle bicycles. And we want to extend that 10-foot about another 6 miles and we don't have all the funding.

LEG. FLEMING:

If you extended it 6 miles, where would it --

CHAIRPERSON BROWNING:

Your mic's not on. Your mic's not on.

MR. KAGAN:

Okay.

LEG. FLEMING:

Where would it end, is my question.

MR. KAGAN:

Okay. It would -- there is a north-south road which is called Line Road. This was used for jets to idle between runways. It's kind of broken up, but we do use it now. What the trail would do is extend back in the beautiful pine forests and come around and join Line Road, which would then come back by the major parking lot. So it would make it about a 9-mile road.

LEG. FLEMING:

Okay. Thank you, sir.

MR. KAGAN:

Thank you.

CHAIRPERSON BROWNING:

And just so you know, Bridget, this was something that Legislator Krupski worked on, and it was in the budget. So you might want talk to him about it.

LEG. FLEMING:

Yeah, I was thinking I'll talk to Al about it.

CHAIRPERSON BROWNING:

Okay.

LEG. FLEMING:

Thank you.

CHAIRPERSON BROWNING:

And the next speaker is -- I hope I don't destroy your last name -- Mary Kanzenberg.

MS. KANZENBERG:

You destroyed it.

CHAIRPERSON BROWNING:

Yeah, you see?

MS. KANZENBERG:

But you're not the only one.

*(*Laughter*)*

CHAIRPERSON BROWNING:

Pronounce your name again. I'm sorry.

MS. KANZENBERG:

My name is Mary Kanzenberg.

CHAIRPERSON BROWNING:

Oh, okay. I though it was an "L".

MS. KANZENBERG:

No problem. This is not my forte, so excuse me if I'm nervous. I'm going to try to read this as fast as I can.

This is -- my name is Mary Kanzenberg. I reside in Commack for over 30 years. I'd like to address this Trotta's bill that all you I hear are going to vote on in June.

Recently, it was proven that there are more rear-end collisions which occurred on the installation of these cameras based on those recent studies of 2014. I support his bill. I'd like to add that Commack Road and Dorothea, where cameras gross the largest revenue, this area was never rated a black dot district, you do remember that. Rear-end collisions were increased here, which does not improve our safety in Commack.

I do not understand why Commack Road and Vanderbilt Parkway, our worst intersection, where it has had so many fatalities, it was deemed a black dot area, even a Police Officer was killed here, and there's no red light camera. Is really safety the concern? Has there been any studies done to justify fatalities or accidents while making rights on red?

More accidents are right light -- red light runners, which was the main purpose of these cameras in the first place. Or does the right on red bring you guys a larger revenue? Those are statistics that I would like to know. Are there statistics to show an ambulance might not arrive in critical time because people won't go through the red light? This concerns me.

Commack has numerous cameras. I have received three tickets in the last two years for no -- for no red -- for right on red, failing to stop fully three seconds. I live here, I frequent these cameras more. It is prejudicial. I am prone to ticketing. My sister lives on the South Shore. I couldn't find one camera there, and not even near her train station, which is probably the largest volume of traffic. This concerns me.

The red light was made an acceptable law because of the gas shortage. It was deemed unnecessarily -- unnecessary while idling and bad for the environment. Right on red was not seen at that time as dangerous or risky after a full stop. And now, years later, Legislatures have passed the use of these red light cameras. So now making rights on red, it's necessary to stop and count to three.

I feel victimized. You have proven them -- you have not proven them safer. You have not proven right on red unsafe. No County police person or law enforcement official is in charge of these locations or these tickets. We have no right to appeal in the court of law, we just mail Xerox a check. This money-making venture for Suffolk County is offensive, because it's violating the current law in charging excessive fees. It is run by Xerox, a business making -- making money. It is discriminatory in its location. The cameras are dangerous. Please remove these cameras immediately by voting in favor of Robert Trotta's bill.

In closing, I'd just like to thank Leslie Kennedy for replying to my email, along with Tom Cimil?

LEG. CILMI:

Cilmi.

MS. KANZENBERG:

Excuse me.

LEG. CILMI:

It's okay.

MS. KANZENBERG:

For your reply. I know you're interested in changing the timing, but I'd rather you support removing these cameras, because they are dangerous. And Tom Muratore, thank you for having your staff reply to me. I heard from no one else.

I support Trotta's bill. End this camera fiasco. It does not work, and it's leaving residents of over 30 years like myself very angry.

(*Applause*)

CHAIRPERSON BROWNING:

Okay. Thank you. Next speaker is Linda Lattanzio.

MS. LATTANZIO:

Good morning. I'm here for a little bit of a different purpose for the Safety Committee. My name is Linda Lattanzio and I'm a Counselor at The Retreat, Eastern Long Island's only domestic violence

agency, and we wanted to be here today. I'm very happy to see you in Riverhead, so thank you for being here at all.

I started my work with The Retreat as an advocate. I accompanied clients to court to help them with custody, child support and Orders of Protection. I later transitioned to the Counseling Department, where I've supported men, women and children as they navigate through the impact of domestic violence on their lives.

Last year, we had 294 counseling clients, 340 legal advocacy clients, we sheltered 88 children and 61 adults. We reached 1500 students through school programs. We have many success stories. In the last year alone, I personally have counseled an 18-year old girl who was able to work with our advocates to obtain a Stay-Away Order of Protection against the boyfriend that stalked and physically assaulted her; a 40-year old mother of two who has gained enough knowledge and self esteem to leave her sexually and financially abusive husband and proceed through a divorce; a 12-year-old boy who has opened up and processed the trauma of witnessing his father fracture his mother's skull, and an 80-year old man who has learned to set boundaries with his manipulative and controlling son.

You have been critical in providing funds for us to do our work. You advocated for The Retreat last year and got proposed funding cuts reinstated. And we are so thankful that you understood what a drastic cut would have meant to us. Last year, we responded to over 3600 hotline calls, a 15% increase from the previous year. It is our job to meet the rising need for help by the people like the ones I just described. We have the expertise and experience to fulfill the demand, and as the only provider on the East End, we look forward to reaching as many people as need our services.

Having dedicated myself to this field, it's encouraging to know that we are operating in a county whose leadership values the work we do, and, more importantly, values the lives of the people we serve. So today we wanted to come and say on behalf of The Retreat, I would like to say that we appreciate you and your work. We thank you, and we look forward to continuing this partnership. Thank you for your time.

CHAIRPERSON BROWNING:

Okay. Don't go anywhere, I've got a couple of questions for you. Legislator Hahn.

LEG. HAHN:

Good morning.

MS. LATTANZIO:

Good morning.

LEG. HAHN:

I just wanted to say, as a one-time victim myself, I want to thank you for all that you do. Thank you for being here, and all the help you provide to many, many victims that we have, and thanks for your advocacy.

MS. LATTANZIO:

Thank you.

CHAIRPERSON BROWNING:

And Legislator Kennedy.

LEG. KENNEDY:

Good morning. Thank you for what you do. I just want to clarify. You do not only take care of

East End residents, correct?

MS. LATTANZIO:

We do not only take care of East End residents, no. We work with people from all over Suffolk County, and, in fact, all over the state, yeah.

LEG. KENNEDY:

I know that. I just wanted to clarify.

MS. LATTANZIO:

Yes.

LEG. KENNEDY:

Okay.

MS. LATTANZIO:

Primarily -- you know, we talk about that, because, primarily, we are the only agency located on the East End of Long Island.

LEG. KENNEDY:

And I --

MS. LATTANZIO:

That's why we focus on that. But, yes, we do work with all areas.

LEG. KENNEDY:

I have referred clients to you and you did an excellent job.

MS. LATTANZIO:

Thank you very much. Okay. Thank you.

CHAIRPERSON BROWNING:

Okay. Next is Chief Martin Flatley. And I apologize. If I thought you were in the room, your card was stuck in the middle and I didn't see you, I would have had you come up first.

CHIEF FLATLEY:

Oh, that's fine. Thank you. Good morning, everyone. My name is Chief Martin Flatley from the Southold Town Police Department, and the topic I wanted to discuss this morning was public safety communications on the North Fork of Long Island, and specifically in the Town of Southold.

In 2014, obviously, the County passed the project title called the 700/800 Megahertz Trunked Radio Communication System Upgrade. And some of the questions I have is where was our benefit from the money spent on the radio communications?

I think it's probably best -- best stated in a letter I wrote to Legislator Krupski right after the monies were spent, and I believe it was at least \$10 million, if not, maybe \$12 million on that communications bill. The letter reads:

"Dear Legislator Krupski, it is very encouraging to read the commitment that Suffolk County is making with their plans for a major upgrade of the public safety communications. In reading the press release from County Executive Steve Bellone, it appears that the upgrades will allow for interoperability between Federal, State and local agencies during times of emergencies. According to Suffolk County Police Commissioner, then Webber, and Commissioner Williams from FRES stated,

'This new system will enable us to communicate seamlessly, and residents will be better off for it.'

These upgrades will benefit Fire, Police and EMS in the Police District, but I need to hear that they will also improve communications systems on the North Fork of Long Island and Southold Town. We are still on an older radio system because our current signal coverage will only allow these type of communications, and recently, this is starting to fail. On a daily basis, officers that patrol the eastern portion of our township in the Greenport area and further east attempt to use both mobile radios and their patrol car radios and portable radios for communications back to headquarters in Peconic, and cannot do so because of poor signal coverage. This, obviously, creates a dangerous condition for our officers when they cannot radio dispatch or fellow officers for assistance when needed.

Most Suffolk County Police Departments are on the County's 800 radio system, although we have the capability to use the system, and also to make communication with all the departments seamless. Our signal coverage on the North Fork does not allow us to, because the infrastructure of the towers and antenna placement was never invested in for our area. Therefore, we continue to struggle with our day-to-day essential communications between our dispatch and our Police Officers in the field.

I need to know what this multi-million dollar expenditure of funds for public safety communications will mean for the Southold Town Police Department in our quest to merely be able to communicate between our officers and other departments in a manner that other departments in Suffolk County currently enjoy."

Just to give a little background, our department is a PSAP for the Town of Southold and for Shelter Island. We dispatch about eight Fire Departments, two Police Departments. And we have made an application to become part of the County's 800 megahertz radio system. And that letter was written back in 2014, and I'm just -- I'm still asking for the support of Suffolk County and the Legislature to include us in on some of the monies being spent in the 01 Budget Communications line.

CHAIRPERSON BROWNING:

Okay. The project is still underway, and I don't know. Have you had any conversation with Mike Postel?

CHIEF FLATLEY:

I did, and I believe he has -- he at least has stated that he's made application for a project that would build out the North Fork. I have not heard anything since then. I don't know if that was tied into any grant funding, or if it was just funded by the Legislature itself.

CHAIRPERSON BROWNING:

Okay. This was -- there was a lot of grant fund -- there was, I believe, some grant funding. Joe, do you -- I'm drawing a blank. Commissioner Williams is here from FRES. He might be able to kind of give us an update on where all the money is coming from. But, yes, we -- and actually, we're -- we just -- we just appropriated more money again this year just about a month or so ago to continue to do the upgrade. It will take a couple of years to do the upgrades, Motorola being the company that's doing it. But did you have a question? Yeah, go ahead.

LEG. FLEMING:

I just -- I just wanted to add to the discussion. Thank you, Chief, for being here. It's really important to keep front and center. I represent the South Fork. And you're absolutely right, that it's critical that the upgrade and the \$10 million is the right number that we recently approved, extend communication capabilities on the East End. And we have notified Chief Sarlo, Chief Read,

Chief Pearce in my district. And we have been in touch with Mr. Postel. And we have the commitment from Commissioner Sini to ensure that those communication upgrades do meet the needs. I know Chief Read from Shelter Island is front and center on this discussion. So thank you for being here and reminding everyone how important it is. It is something that's on our radar screen and we -- so to speak, and I'd appreciate your continued advocacy. I know you're working with AI on it and we'll keep -- we'll keep moving forward.

CHIEF FLATLEY:

And I am. And I know the County has made the effort to address the issue, but I just want to reaffirm that we definitely want to be a part of this system. I mean, the 800 system was originally built out to include all the Departments on the East End, just not the infrastructure so we can use it right now.

CHAIRPERSON BROWNING:

Okay. We'll make sure Mr. Postel keeps you in the loop and stays in touch with you.

CHIEF FLATLEY:

Okay. Thank you very much.

CHAIRPERSON BROWNING:

Thanks for coming. Next speaker is Stephen Ruth.

MR. RUTH:

Good morning, Ladies and Gentlemen. Okay. I'm going to assume that you're going to do the right thing and suspend the program. And I'd hope that you will continue to do the right thing and to turn yourselves in for over one million counts of violating Section 111(b) of the Vehicle and Traffic Code, which states that you have overstepped the enabling statute and overcharged people \$20 million with that violation. You are all guilty of it. It is a felony and you have committed over one million counts of it, okay? That's overstepping the enabling statute. The State was clear, you're not allowed to charge the motorists more than \$50 and you went and charged \$80. And not only that, none of the cameras were signed off by engineers.

And in regards to the accident that you guys were discussing earlier, in Patchogue, after the vehicle had hit the motorist, drunk or not, after all that took place, the warning signs for the cameras were then installed. So when you want to get into liability on the County, how about that for liability? You guys are installing the warning signs for cameras after the fatalities, and I have video evidence of it. So good luck with that, Mr. Nolan. Was that -- no, it was Mr. Calarco, right? So you said that there is no liability to the County. How do you feel about that? That's my question to you, now that you know that the warning signs for the camera was installed after the fatality. No comment, right? I didn't think so. So you, too, are guilty of violating that, overstepping that particular statute.

LEG. CALARCO:

That's an inaccurate statement. I represent that district. I drive that road regularly. Those signs --

MR. RUTH:

I have video evidence.

D.P.O. CALARCO:

-- were up since that --

MR. RUTH:

I have video evidence.

D.P.O. CALARCO:

-- since that camera was installed.

MR. RUTH:

I have video evidence. Would you like to take a look at it right now? Because I have the video evidence with me. The sign warning of the camera was installed after the camera -- after the fatality was -- after it happened.

Furthermore, you guys know the lights were shortened. And when I ran into Mr. Bellone the other day, he says to me, "If we straighten out the lights, could we keep the cameras?" That's what he says to me. You guys are straight cowards. I am coming for you. All of your actions are depicted by the super PAC money or the Glenwood Management money. You guys know it, we know it, the people know it. All of their actions are depicted by how much money they get and for who. If you're getting the super PAC money, well, then you're going to obviously argue against me. If you're not getting super PAC money, you may consider siding with me. What about the Glenwood Management money? You guys won't talk about any of that, right?

Let me tell you something. At my trial, if you guys ever have an opportunity to get me into a courtroom, which I doubt you'll do, because so much corruption in this County is running from that, you're going to all sit on the cross-examination, you'll sit on the bench and get cross-examined as to where your political contributions, your campaign contributions come from, and how your decisions were made based on that. And you're all going to go down. My lawyer is going to happily dissect this County and all of the corruption that coincides with it.

I have 15 seconds more to describe how corrupt you guys are. You never once would conduct an investigation into all the people who got killed. Why is that? Because you don't want to give justice to their families. All of these people died in front shortened yellow lights for revenue, that's it. Good luck with that. Good luck getting this to happen.

CHAIRPERSON BROWNING:

Thank you, Mr. Ruth. Have a good day.

MR. RUTH:

You, too. I hope to see you guys in trial.

CHAIRPERSON BROWNING:

Next speaker is James Emanuele.

MR. EMANUELE:

My name is James Emanuele. I'm here to support Robert Trotta's bill to suspend the red light cameras.

I spent 25 years in law enforcement in this County as a Suffolk County Police Officer, going from one end of the County to the other. My unit had to move around very quickly.

MR. NOLAN:

Use the mic.

MR. EMANUELE:

And we had to move around safely.

LEG. HAHN:

Lift the microphone up.

MR. EMANUELE:

And many times you couldn't use lights and siren.

CHAIRPERSON BROWNING:

Can you pick up -- can you pick up the mic a little bit? Thank you.

MR. EMANUELE:

So knowing the timing of the camera system in the County was imperative to us. I remember the six-second yellow. I remember simultaneous two-second red in all directions. Now what's happened is when you brought Xerox in here and camera'd up these intersections, all that was changed. Now we're looking at three-second yellow, in some cases actually on Suffolk Avenue two-second yellow. Simultaneous red is gone. And what's been happening, I stood at an intersection about a month ago and watched as every single cycle of that intersection, it was actually Carlton Avenue and Suffolk Avenue, two or three people went through the steady red signal, not because they wanted to, because they had no choice, they couldn't stop in time. With a two-second yellow, it's impossible to stop from 45 miles an hour. And as soon as that signal went red, to them, where they went through it, it was green on the other side and the vehicle started out in that intersection. I watched multiple near collisions.

This is all about money. I understand the County has financial obligations that are enormous. I'm disgusted, I'll be perfectly honest with you, how one of the richest counties in the United States is pretty much bankrupt. How you guys killed the goose with the golden egg, it's outrageous to me. But what you're doing here is you're jeopardizing the lives of Suffolk County citizens. I know what these signals used to look like and I know what they look like now. There is a dramatic difference.

And I just wanted to thank Robert Trotta for standing up for the people of Suffolk County. And I hope everybody else gets on side with him, because we really need somebody to stand up for us. These cameras are a disgrace. Thank you.

*(*Applause*)*

CHAIRPERSON BROWNING:

Thank you. The next speaker is Angela Huneault. I hope I said your name correct.

MS. HUNEAULT:

Hi. I represent Riverside Rediscovered. I'm the Assistant Community Liaison. I want to, on behalf of Riverside Rediscovered, thank all of you for coming to Riverside. It is a hike for us to get to Hauppauge, and we have enjoyed all week being here, sitting -- some of us haven't spoken, but we have sat and were able to see. Some residents have never even had the opportunity or even the thought to come to a Legislative meeting, and they were able to see how the process occurs. They will be here on May 10th, and we thank you very much for being -- for being here.

The other thing is public safety. We have seen an increase in the last month or two with both Southampton Police, the State Troopers, and the Riverhead Police. I don't want -- I'll say cracking down on the crime and the prostitution and all that has been occurring. And we thank you for supporting them for -- you know, so that they're able to be out more.

And also, you know, with the revitalization, we thank you for supporting us for the revitalization, because with that revitalization, there will come less crime and less out there, and we'll have more

people on the streets to see, and more activities of good that is going to come out of this. So we thank you. Riverhead Rediscovered thanks you for coming out here to Riverside, and look forward to more meetings like this. Thank you.

CHAIRPERSON BROWNING:

No, thank you. And we certainly encourage more of the residents from the East End to come. This is why we did this. We did it for you guys, so the more of you who show up, the more it justifies the reason for doing it.

LEG. FLEMING:

Thank you.

CHAIRPERSON BROWNING:

Thank you.

*(*Applause*)*

And last, but not least, is John Becker.

MR. BECKER:

Legislators, good morning. On the morning of April 27th, the same day as the State of the County Address, the DSPBA organized to have a picket line outside the William H. Rogers Legislature Building. I received a letter from Chief Deputy County Executive Dennis Cohen, and although I have sent a response to this letter, a copy of which has been sent to each Legislator, I would like to bring to light some very serious inaccuracies that were presented.

The letter begins with the following statement: "Since 2012, this Administration has worked in good faith to negotiate a contract with the Deputy Sheriffs Police Benevolent Association." I will remind this Committee that the DSPBA had filed an Improper Practice charge against the County for bad faith bargaining. We asked for costing of the Police and Corrections contracts. The purpose of this is to see exactly how the alleged savings for the County was being achieved. Being as we must achieve a pro rata share of savings based on these negotiated deals, it seems reasonable that these costings would be made available to us.

The next paragraph states that, "We appear to be at an impasse." This is an interesting turn of events due to the fact that only a month ago the County stated to the media that they were -- they remain ready, willing and able to sit at the table to negotiate a fair contract with the Sheriffs union. Well, being as there have been no negotiations or any County proposals submitted to us, why the sudden change?

The letter goes on to further state that the Administration will be seeking to proceed to interest arbitration. Due to the fact that arbitration would only cover years '11, '12 and '13, and would take at least a year to complete, why would the County wish to explore this avenue? The end result would be the DSPBA would still be out of a contract upon its completion. How does this at all solve the problem? Even more disturbing is the fact that the justification for negotiating the long-term deals with the other units was to avoid arbitration, the very thing now the County is seeking to proceed to.

I will state on the record that the DSPBA will not participate in binding arbitration. Binding arbitration is something that Deputy Sheriffs have fought for as a right. It is -- since we cannot strike under the Taylor Law. It is not something that this municipality can impose upon us as a means to remove us from the forefront. If arbitration was the path the County wished to go down, it should have been done years ago. The County can feel free to file, but we will absolutely not

participate in it, and it simply will not go forward.

We will keep the current conditions in place via our expired contract, and we will seek to continue to negotiate a long-term deal, like those that were accomplished with the other bargaining units.

Additionally, the letter discusses that the Administration will not agree to a contract which breaks the pattern. Since percent increases for Corrections and Deputies have remained in tandem throughout our history, no matter which unit made more, to suggest that we are seeking to break the pattern is completely inaccurate. Only in recent years have the Correction Officers passed Deputy Sheriffs in base pay. When it was reversed in previous years, the end result was exactly the same.

In closing, as I stated in my response to the Chief Deputy County Executive, my door remains open for negotiations and for both sides to come to a mutual resolution to our issues. I thank you.

CHAIRPERSON BROWNING:

John, I got a question. What's the current start pay for a Deputy Sheriff?

MR. BECKER:

Thirty thousand.

CHAIRPERSON BROWNING:

Thirty thousand. And the Corrections Officers, prior to their last contract, was how much?

MR. BECKER:

Thirty-five. Their starting pay was lowered to 30,000, we're already at 30,000.

CHAIRPERSON BROWNING:

So then the assumption is, is if they want to follow suit with, you know, changing your -- you know, your contract to mirror everyone else, they would probably be expecting that you go below 35 to maybe 25?

MR. BECKER:

Well, we can't -- we simply can't negotiate a deal that would lower the starting salary to 30,000. I feel 30,000 is too low as it is. It has -- a new pay scale has been proposed. I think it's problematic. I think it's something that while the PBA was able to negotiate a new pay scale, for us, I'm not sure what it accomplishes, other than making recruiting much more difficult.

CHAIRPERSON BROWNING:

It's just I have a constituent who is, I guess, about a year now from the last class, and he called me up to tell me that he calculated what his hourly wage was based on what he was earning and he said it was \$14.25. And the Governor is now, you know, encouraging that \$15 minimum wage for people who work at McDonald's. And I'm a little disturbed to think that someone who carries a gun and has to wear a bulletproof vest could wind up making the same kind of money. And I think that no matter who you are, any law enforcement, whether it be the Suffolk County PBA, Corrections, yourselves, or our Probation Officers, who are also in a very serious and dangerous situation many times, that we should be respecting, you know, what you do to protect our County. And \$14.25 is pretty sad and a little embarrassing, I think, especially living in Suffolk County. You can't make -- he lives at home with his parents, no surprise.

MR. BECKER:

Yeah. I think what's going to end up happening is that people who are going to take the job are exactly that, you're going to have young people who are still living at home. But if you were married with children, to survive on a \$30,000 salary is in this County nearly impossible.

CHAIRPERSON BROWNING:

So, and there's been no negotiations over the past couple of weeks?

MR. BECKER:

No, there has been no negotiations. I have received no counter-proposal. We submitted a proposal that would address both a contract and a settlement for Highway. The County stated that they are -- they are not interested in that proposal. However, I feel if you're going to say that you're going to come to the table and negotiate, it should be exactly that, it should be a negotiation. There should be proposals being exchanged back and forth, and that's not taking place. Simply saying no to something does not get the deal done.

CHAIRPERSON BROWNING:

And when was the last time you received a counter-offer from the County?

MR. BECKER:

I have not.

CHAIRPERSON BROWNING:

You have never received a counter-offer?

MR. BECKER:

I have received a "no".

CHAIRPERSON BROWNING:

Well, that's not negotiations.

MR. BECKER:

(Nodded yes).

CHAIRPERSON BROWNING:

Okay. Well, Rob, do you have a question?

LEG. TROTТА:

What happens if you don't agree to go to bargaining arbitration, legally, what -- it doesn't happen?

MR. BECKER:

It will not happen. We won't participate in it, because it does not solve the problem. The County can feel free to file for it, but we will not participate in it. It's a right that Police Officers and Deputy Sheriffs have fought for when they come to an impasse. But it's not something that the municipality can impose upon us as a means to, "Well, we're not going to negotiate with you, we're going to go to binding arbitration," that's not how it works.

LEG. TROTТА:

So arbitration won't happen?

MR. BECKER:

It will not happen.

LEG. TROTТА:

So there's no mechanism for the State to force you to do it or --

MR. BECKER:

No. We will simply continue on the conditions that are in our expired contract, and when the County is ready and willing to negotiate, our door is open. But doing a three-year arbitration that will take at least a year to complete would only cover years '11, '12 and '13. It doesn't solve the problem, we're exactly right back where we started. And, again, the whole justification for these long-term deals was to allow the County to use long-term planning, because now we know what the officers are going to be making, and to avoid having a third party impose a settlement. Now we have a complete change in stance for one bargaining unit only.

LEG. TROTТА:

And the Probation Officers, too, right?

MR. BECKER:

Correct.

LEG. TROTТА:

Okay. All right. Thanks.

MR. BECKER:

Thank you.

CHAIRPERSON BROWNING:

Okay. Legislator Cilmi, you had a question?

LEG. CILMI:

It's more of a -- more of a statement for the record and for Mr. Becker's edification. And I think this may be the second committee meeting that I've done this. But the Chair will recall that at a previous meeting, we had requested publicly at the meeting that somebody from the County Executive's Office come to the Legislature to discuss the nature of your negotiations and to provide some reasons as to why you're still without a contract. That public request was followed up by an email from the Chairwoman, which some time later, I think after a second email, we received a reply to from, if I'm not mistaken, Chief Deputy County Executive Dennis Cohen, which basically said that neither he -- that he will not come to a meeting to discuss publicly your negotiations, and that he has instructed Jennifer McNamara, our Labor Relations Director, that she shall not come to a meeting to discuss those negotiations. And I wrote an email back and expressed that I appreciate his concern about discussing those negotiations publicly, and suggested that we might have an Executive Session to do so. That email was sent, had to be at least a month or so ago now, maybe longer, and I still have not had a reply. So don't feel alone, I guess, is my point.

MR. BECKER:

And I certainly can appreciate their position of maybe not wanting to get in depth as to the substance of the negotiations on the -- in a public forum, and I think that's why an Executive Session would make sense. It just -- you know, from our perspective, for this to have gone on this long, we just don't understand it.

LEG. CILMI:

I just -- I just don't understand, John. I mean, I certainly appreciate your point of view and agree with your point of view, and -- but, additionally, from my point of view, this Legislature is an admittedly separate but equal branch of County government. And while we don't have the negotiating authority, I believe we deserve to know when -- when negotiations have gone on for as long as they have supposedly gone on, but allegedly not really gone on. I believe we deserve to know why we have contracts in the County with our unions, both Deputy Sheriffs and Probation, that expired six years ago and are still not -- are still not worked out. And to not clue us all in as to

those reasons I think is a travesty, really.

*(*Applause*)*

MR. BECKER:

I appreciate that. And, you know, the other issue that's still out there is thousands and thousands of dollars are being spent on litigating this highway issue. And this is something that doesn't just affect our union, you have other unions as well. I mean, I certainly don't speak for the PBA, the SOA and the Detectives, but their groups are being affected by this as well, because you have a situation where back in 2008, the Police Department was taken off the highway, the Sheriffs were put on; 2012, the Sheriffs were taken off the highway, the Police were back on. Well, as this litigation moves forward, if it's ruled that then the Sheriffs would prevail in this litigation, now you would have a situation where now the Police is coming back on and the Sheriffs are -- so how long are we going to ping-pong two agencies back and forth? It's simply now is the time to just settle this issue and have peace in the County and stop using two unions against each other in a divisive manner. It should just be settled and put to bed once and for all.

CHAIRPERSON BROWNING:

Well, I'm glad to hear you say that. However, there's one person who can resolve this, it's the guy who sits on the 12th Floor at the Dennison Building, and he has every opportunity to sit down with you guys. You know, if you're willing to make that lawsuit go away, why wouldn't he want to talk to you? It just doesn't make sense. So I can only hope.

I know we can make a request again that they meet with us in an Executive Session to say, "Let's get this done," because there are two unions, and another one that's going to be coming up soon, AME, that negotiations need to be done. I know that the PBA, you know, Suffolk County PBA negotiated just with the lower start salary, I get that, but then again, it's not \$30,000. And I think that to expect you to go below 30 I think is just unbelievable and disrespectful of our Law Enforcement Officers. So I know Legislator Fleming has a question.

LEG. CILMI:

Madam Chair, if I may just quickly interject and just say, you know, that these are our employees, the Legislature's employees, as much as they are the County Executive's employees, and I know that every member of this Legislature feels that way, and we deserve answers.

*(*Applause*)*

CHAIRPERSON BROWNING:

Right, we do. Legislator Fleming.

LEG. FLEMING:

Thank you, Chairman -- Chairwoman Browning. Thank you for reaching out to my office, John, and I look forward to being able to get some more education on this. I'm the new girl on the block. But I would like to just say that I wholeheartedly support the call for an Executive Session, at the very least. I agree with Legislators who have spoken, that we have a right to understand what's happening here. But I did want to ask, just clarification. With regard to the effect of this declaration of going to binding arbitration, and the years that would be addressed in any binding arbitration, could you just clarify what you said about '11, '12 and '13 being the subject of that arbitration? How does that work, and how -- is there no way that that arbitration would affect any current contract?

MR. BECKER:

Yeah. So our last contract expired December 2010, so beginning January 2011, we were out of a

contract. So because of a previous Memorandum of Agreement, we are entitled to a three-year arbitration. Ordinarily, it would only be a two-year. So we would have to start from years '11, '12 and '13, those are the years that would be addressed in an arbitration. Upon completion of that, now you're -- you know, so you would have '11, '12 and '13 taken care of, so now you're in 2014. So we're right back out of contract. It really doesn't solve the problem of getting us current and, you know, achieving the goals that the other bargaining units weren't able to achieve, which was to have a long-term deal in place. And for us, as a union, that would be a tremendous thing, because instead of constantly coming here and discussing being out of a contract, we can focus on member issues, we can focus on things that are affecting us as a union. And from the County's perspective, it allows them to, you know, utilize, you know, financial planning for the future. You know what the Deputy Sheriffs are going to be making through 2018.

LEG. FLEMING:

Sorry, if I could just follow up. So it's a Memorandum of Understanding that establishes that the binding arbitration could only be for three years?

MR. BECKER:

Correct.

LEG. FLEMING:

So there's no way that this declared step of going to binding arbitration would result in a current contract for you?

MR. BECKER:

The County would have to agree to a long-term arbitration. That's, you know, their decision. If they wanted to go to an eight-year arbitration, we can entertain that. I doubt they would, but --

LEG. FLEMING:

But that would have to be explicitly stated in order to go beyond this Memorandum of Understanding?

MR. BECKER:

Yes.

LEG. FLEMING:

Okay. Thank you.

CHAIRPERSON BROWNING:

Leslie, you have a question?

LEG. KENNEDY:

Yes, thank you. John, I understand and support where you're at. Six years without a contract for anyone, especially when the contract should come from the County, is heinous. But I need to just clarify. Letters going back and forth is not negotiation. When was the last time your union sat down with the County Executive's staff and actually attempted negotiations?

MR. BECKER:

Well, we've had both formal and informal negotiations. It's been a couple of months since we've had any kind of meeting in place.

LEG. KENNEDY:

Without getting into what you discussed, which we are not to be privy to, does it basically go as a statement of wants and needs, or suggestions and a no?

MR. BECKER:

It's -- the County has firmly stated its position in regards to the contract and a settlement of Highway. I believe it makes sense to settle both, and I believe the sticking point is a settlement for the Highway. I believe that's where the main issue lies. However, if a true negotiation were to take place, I believe it could very easily be addressed and this could all be done.

LEG. KENNEDY:

Okay. And the 4 million is inclusive in negotiations, or is it just that they want to separate the 4 million from the salary?

MR. BECKER:

Well, the 4 million, in our opinion, should have been returned when the agreement was violated.

LEG. KENNEDY:

Correct.

MR. BECKER:

However, at the minimum, if they weren't going to do that, it was supposed to be paid in December of 2015. That did not happen, which was the impetus for the Federal lawsuit, one-half of it anyway.

LEG. KENNEDY:

Right.

MR. BECKER:

The Chief Deputy County Executive stated that they were going to now take steps to return that 4 million.

LEG. KENNEDY:

Right.

MR. BECKER:

I am happy to hear that. However, from our perspective, there -- that's not enough for us to withdraw the lawsuit. You still have attorneys' fees, associated costs, 9% annual interest would now apply. So the example I use is if I were to go to your house and steal your car, and then after a few years I return it and say, "Well, Legislator Kennedy, aren't you happy you got your car back?" "No, you stole my car and that's a serious injustice." So we -- simply bringing it back doesn't satisfy us.

LEG. KENNEDY:

I could ask another question, but I'm just going to let it go at that. Thank you.

MR. BECKER:

Thank you.

CHAIRPERSON BROWNING:

Questions? Okay. John, you know, I have to say a lot of this was all created by the prior Administration, that whole highway issue. You know, you're the new leader of this union, you're trying to resolve the issue. And I have to say four years ago, I thought with this Administration that things would get better, and that, you know, the law enforcement would not be on opposite sides. I know myself, you know, I hear the who-took-whose-work, and I know, having been formerly in a union, no, nobody likes that. And I think that I do believe that's something that you're trying to resolve. But, again, if you can't get the Administration to sit down and talk to you

and work with you, then it's never going to get better.

Like I said, four years ago, I thought this Administration and a County Exec who always claims that his father was a Corrections Officer and worked in the Sheriff's Department, that he would have a better understanding and would work to bring everybody back together again. And, in my opinion, it's gotten worse instead of better, and that's really a shame, that we should have our law enforcement officers at loggerheads with each other, and that's just -- I just think it's horrendous.

But I can say that when I have seen -- I've been to events where there's Suffolk County Police Officers, rank and file members and Deputy Sheriffs in the same area and the relationship is great. You know, they're -- they work together, they're professional, and I never see any animosity amongst them and they all get along very well. And I'm hoping that this Administration will get the message from all of us that this needs to stop, that they can fix this. And they know that they can fix it, so why they're not willing to do something, I don't know.

MR. RUTH:

I believe super PAC money, that's why.

CHAIRPERSON BROWNING:

So, anyway -- excuse me, no speaking from the back. This is Mr. Becker's opportunity to speak. So, anyway, we'll make a request again for an Executive Session. Maybe I'll ask the Presiding Officer to consider at the May 10th meeting that maybe we could have some time to discuss your issue.

MR. BECKER:

That would be great. And I want to thank the Legislature so much for their support.

CHAIRPERSON BROWNING:

No, thank you. There are no more cards. If there are any other people in the room who have not yet spoken who would like to speak, please come forward. And I don't want to put Matt on the spot, Mr. Porter. Probation, have you had any -- I'd like to ask, have you had any negotiations? When was your last time that you had a meeting with the Administration?

MR. PORTER:

Yesterday.

CHAIRPERSON BROWNING:

Oh, I can't hear you, sorry.

MR. PORTER:

Yesterday.

CHAIRPERSON BROWNING:

You had a meeting yesterday. All right.

MR. PORTER:

There was a meeting yesterday.

CHAIRPERSON BROWNING:

Good. Getting close?

*(*Laughter*)*

Okay. Don't say a word. No. We appreciate you coming up and -- but at least yesterday is a good thing, so.

MR. PORTER:

It's a start of communication. We appreciate all the Legislators' support. And, you know, we'll continue to strive to get to a point where we can come to an arrangement.

CHAIRPERSON BROWNING:

Well, thank you, Matt. But, please, make sure you stay in touch with us. We would be happy to accommodate whatever way we can.

MR. PORTER:

Thank you very much.

CHAIRPERSON BROWNING:

Thank you. So no one else in the room? Okay. So -- and I did forget to mention our presentation did -- she has to reschedule, so we do not have the presentation. So we'll go to the resolutions.

TABLED RESOLUTIONS

Tabled ***Resolution 1026 - Adopting a Local Law to amend Resolution No. 1123-2015 and improve Alarm System Registration Requirements (Browning)***. I'm making a table --

D.P.O. CALARCO:

Second.

CHAIRPERSON BROWNING:

-- to -- for public hearing. And there's a second, Legislator Calarco. All in favor? Opposed? Abstentions? It's tabled. ***(Vote: Tabled for Public Hearing 7-0-0-1-0/Not Present: Legislator Martinez)***

1042 - Adopting a Local Law, a Charter Law to establish minimum qualifications and screening process for the appointment of Police Commissioner (McCaffrey).

LEG. SPENCER:

Motion to table.

CHAIRPERSON BROWNING:

Motion to table.

LEG. CALARCO:

Second.

CHAIRPERSON BROWNING:

Second. Who said the -- who said the motion? Oh, Spencer was the motion, and second was Calarco. All --

LEG. KENNEDY:

Motion to approve.

LEG. SPENCER:

The public hearing is still open.

LEG. KENNEDY:

Oh, the public hearing?

CHAIRPERSON BROWNING:

I think the public hearing is still open. What's the story?

MR. NOLAN:

It's closed.

CHAIRPERSON BROWNING:

It was closed? Okay.

MR. NOLAN:

It's closed.

CHAIRPERSON BROWNING:

It was closed.

LEG. KENNEDY:

It was closed?

LEG. SPENCER:

Really?

CHAIRPERSON BROWNING:

Okay. So it's tabled or tabled for public hearing? You made a motion to table, and we had a second by Calarco.

LEG. CILMI:

We have it closed.

LEG. SPENCER:

You have it closed, my mistake.

LEG. KENNEDY:

Motion to approve.

CHAIRPERSON BROWNING:

Okay. We had a motion to approve by Legislator Kennedy.

LEG. CILMI:

I'll second for the purpose of discussion.

CHAIRPERSON BROWNING:

Second, Legislator Cilmi.

LEG. CILMI:

Madam Chair, have you had any communications with the sponsor of this bill with respect to the disposition or his intentions?

CHAIRPERSON BROWNING:

No. I'm sorry, he has not reached out to me.

LEG. CALARCO:

The last conversation I had with the sponsor, he was indicating to me he was looking to continue to table this, but that was some time ago. So maybe Legislator Kennedy knows something I don't know.

LEG. KENNEDY:

I do not know anything more than you know.

CHAIRPERSON BROWNING:

Okay. So, well, we have a motion to table, which takes precedence. We have -- okay. So there was a motion to table and a second; a motion to approve and a second, so tabling takes precedent. There was a motion by Legislator Spencer, second by Legislator Calarco. All in favor? Opposed? Abstentions?

LEG. CILMI:

Opposed to table.

CHAIRPERSON BROWNING:

One opposed to tabling. Okay. So motion carries. **(Vote: Tabled 6-1-0-1-0/Opposed: Legislator Cilmi/Not Present: Legislator Martinez)**

1180 - Adopting a Local Law, a Local Law to prohibit the sale of Kratom in Suffolk County (Stern). Is that -- that's still in public hearing, right?

MS. HARRIS:

No, it's not, but he would like it tabled one cycle.

CHAIRPERSON BROWNING:

Oh, he wants it tabled? Okay. So the sponsor would like it tabled.

LEG. SPENCER:

Motion.

CHAIRPERSON BROWNING:

So motion to table by Legislator Spencer, second by Legislator Cilmi. All in favor? Opposed? Abstentions? It's tabled. **(Vote: Tabled 8-0-0-0-0)**

INTRODUCTORY RESOLUTIONS

CHAIRPERSON BROWNING:

1333 - Accepting and appropriating 100% grant funds from the New York State Division of Criminal Justice Services to the Suffolk County Office of the Medical Examiner, Toxicology Lab for the Enhancement Aid to Labs Grant (Co. Exec.). Motion by Legislator Hahn; second, Legislator Martinez.

LEG. MARTINEZ:

(Nodded yes).

CHAIRPERSON BROWNING:

Placed on the Consent Calendar. All in favor? Opposed? Abstentions? It is approved. **(Vote: Approved and Placed on Consent Calendar 8-0-0-0-0)**

1334 - Accepting and appropriating a grant, 100% grant funds from the New York State

Division of Criminal Justice Services to the Suffolk County Office of the Medical Examiner, Crime Lab for the Enhancement Aid to Labs Grant (Co. Exec.). Same motion, same second, same vote. ***(Vote: Approved and Placed on Consent Calendar 8-0-0-0-0)***

1343 - Appropriating funds for the Forensic Sciences Medical and Legal Investigative Consolidated Lab (CP 1109)(Co. Exec.). Motion -- I'll make a motion to approve; second, Legislator Kennedy. All in favor? Opposed? Abstentions? It's approved. ***(Vote: Approved 8-0-0-0-0)***

1344 - Appropriating funds for the purchase of equipment for Medical, Legal Investigations and Forensic Sciences (CP 1132)(Co. Exec.). Motion to approve, Legislator Fleming; second, Legislator --

LEG. CILMI:

On the motion.

CHAIRPERSON BROWNING:

On the motion. Second --

LEG. CILMI:

I'll second first.

CHAIRPERSON BROWNING:

You want to second it or -- I'll second it. And on the motion. Dr. Caplan, Legislator Cilmi has a question about this one.

LEG. CILMI:

Good morning, Doctor.

DR. CAPLAN:

Good morning, Legislator Cilmi.

LEG. CILMI:

How are you? Over here.

DR. CAPLAN:

Sorry. I got my other glasses on.

LEG. CILMI:

No, that's all right.

(*Laughter*)

So it's good to see that we are investing in your lab and your operations. I know for a long time it was neglected. But I wonder if you could describe for us, or for me, in some detail the implications or the need for the resolution we just approved, 1343, as well as -- as well as this resolution, 1344.

DR. CAPLAN:

Absolutely.

LEG. CILMI:

You may as well include 1345, I guess, while we're at it.

DR. CAPLAN:

Yeah. So with regard to 1343, which is -- which is our Capital Budget 1132 item, we are looking for -- I'm sorry, 11 -- I'm sorry, 1109. For our 1109, we are looking for specifically some improvements in the physical plant building of the Medical Examiner's Office. Those include two items which are specifically related to the Public Health and Environmental Laboratory. We're looking to expand the radiochemistry section, and that's related to the -- to enhance the Safe Drinking Water Act for Radium 226,228 that's required by the Environmental Protection Agency's radionuclide rule. So that's really a modification that's on the table for -- to promote safety.

LEG. CILMI:

And that's what we've already passed?

DR. CAPLAN:

Right.

LEG. CILMI:

That's what we just passed?

DR. CAPLAN:

Yes.

LEG. CILMI:

Okay. Go ahead.

DR. CAPLAN:

Okay, correct. Other things, the other item in the Public Health Laboratory is modifications to improve space for sample preparation and analytical procedures. It's important that with any analytical procedures, you have to have a safe environment for placing the specimen in a way to be tested, okay? And so that requires, you know, safe hoods and safe ventilation just to be able to do it in a safe environment.

LEG. CILMI:

Sure.

DR. CAPLAN:

The other items in this project are redesigning the morgue cooler. So we have an issue that comes up, unfortunately, not infrequently. We do have a finite amount of space in our office, and so most of the time we're able -- when we have decedents that come into the Medical Examiner's Office, most of the time we're able to release them in a timely fashion to the families and loved ones to the funeral homes, usually within about a 24 to 48-hour period. However, there are two main exceptions to that. One is if there's a body that's not identified, either which can't be identified visually and requires additional scientific identification, that may be through fingerprints, through dental records, through X-rays, through anthropology or for DNA, and that can extend the time required to maintain the body in the Medical Examiner's Office, sometimes even a matter of a couple of weeks. So what that does essentially is that, you know, if you have a situation where you have multiple fatalities, or just a situation where you have multiple bodies that just can't be released right away, that does create some strain on the storage capacity.

The other issue is bodies that have been identified but are unclaimed, in which that is the family, or nobody is either willing or able to take responsibility for burial, and in that case it becomes a matter of the public administration. But, in the meantime, we are also storing bodies.

One other situation is sometimes we will provide a temporary storage for, for example, decedents

from nursing homes, because nursing homes in Suffolk County don't have refrigerated facilities. So sometimes we'll be a resting place for these decedents.

I mention all of this because in certain times that can exceed our capacity to actually store the bodies. So what we do is we have asked -- we have an agreement with Fire, Rescue and Emergency Services to use a trailer, a refrigerated trailer. We have actually taken advantage of that several times this year already. In looking at this problem, we realize that there's a relatively straightforward solution to this and that is, if you had the ability to -- if we had the ability in our morgue cooler to modify it so that we could place bodies in a sort of a system that would allow us to organize them through levels or rows or tiers, that would allow us to store additional decedents' bodies in these situations, you know, without having to continually use the FRES refrigerated truck. It would just -- it would allow us to have more flexibility, especially in times where, you know, we're getting a larger capacity in our office.

MS. WRIGHT:

It's also not as safe to store bodies in the truck or the --

DR. CAPLAN:

Yeah. Liza Wright makes another good point. The other liability about storing bodies in a refrigerated truck is, number one, it's really not -- it's -- you know, it's -- technically, it's outside of the office, and it's mechanically difficult, especially with -- you know, with bodies that are of significant weight, to actually place the bodies in there and to remove them, and I have witnessed -- you know, been a party to that myself. So that can be a challenge as well.

LEG. CILMI:

Okay. And all of that is from 1343, correct?

DR. CAPLAN:

That's correct.

LEG. CILMI:

Okay. So what are we -- talk to us about 1344. What's the need here?

DR. CAPLAN:

Okay. So 1344, what we're talking about now is there are several items that we are requesting. First of all, with the Crime Laboratory, we're requesting actually two gas chromatographs. So these are instruments that are used to analyze for various types of evidence. So, basically, gas chromatograph is where you take a substance and then you turn it into a gas and then that's detected on an instrument, and it's detected by -- that these gases at various times that they flow through the column. I'm oversimplifying it, because I only understand it to a limited degree myself. But the point is it's a critical piece of evidence that we use for forensic science.

So what we're requesting for is there's actually two different gas chromatographs. One is for fire debris analysis and trace evidence, okay? And this is important. Any type of fire or arson where you're looking for specific substances that could be related to the cause of the fire, and possibly, you know, indirectly relating to, you know, who may have been responsible for that. So, right now, the computers that are interfacing with this system are obsolete and they're not supported, so we're looking for a replacement of this 2004 unit.

The other gas chromatograph that we're looking to replace is in the Chemistry Section, which is for controlled substance analysis. This is one of four instruments used in the chemistry section. Also, the computers are obsolete and are no longer supported. So here we're talking about just the ability to analyze for controlled substances. And so we have different, actually, chromatographs for

the different kinds of evidence, and these are two different sections in the Crime Laboratory.

In the Toxicology Laboratory, one of the biggest innovations that has gone on is going from gas chromatography to a new method that we call LCMS, which is Liquid Chromatograph Mass Spectrography, okay? And, basically, what that does is that in order to take these -- and here we're talking about now, you know, in the Toxicology Lab we're actually taking chemicals, you know, in body fluids, whether it be blood, or urine, or bile, or tissues, and you're trying to take that and remove all the matrix, all the fats, and all the proteins, and all the things, so that you're looking specifically for the drug.

So it turns out that being able to use this new methodology, this Liquid Chromatograph Mass Spectrography is a much easier and a cleaner way to analyze for these substances than the traditional GCMS. It also gives us much greater sensitivity for detecting drugs that in the past would be much more difficult to find, and these include a whole range of things, illicit drugs, opiates, Fentanyl, all of the synthetic ones we're talking about, as well as therapeutic drugs. And so, right now, the LCMS that we have is over nine years old and is going off of guaranteed service. So this is -- again, it's an essential staple for what we feel is necessary, you know, for our Toxicology Lab.

LEG. CILMI:

Let me just get --

DR. CAPLAN:

Sure.

LEG. CILMI:

Before we move off of that point, because I know that particular piece of equipment, of the \$427,000 that this capital project or this resolution would appropriate, that particular piece of equipment \$175,000, so it's significant.

DR. CAPLAN:

Correct.

LEG. CILMI:

Is that absolutely necessary at this point? I mean, the way you described it, it almost sounds like it's kind of a nice thing to have, but --

DR. CAPLAN:

No. In my opinion, it's absolutely necessary. I mean, this is -- right now, this -- basically, this machine right now, the lives of these machines, unfortunately, are short. And right now, this actually -- we don't have an actual service contract right now because of the fact that the software is antiquated and the replacement parts are no longer available.

LEG. CILMI:

So we have one of these now, but it dates back to two thousand and -- did you say 2004?

DR. CAPLAN:

Four.

LEG. CILMI:

Four?

DR. CAPLAN:

Correct, yeah. So it's 12 years old, essentially, so, yes. So I -- this, in my opinion, and in consultation with -- you know, after talking with the Toxicologist and our laboratory, yes, I do feel that this is an essential item.

LEG. CILMI:

Okay. Go ahead, continue. I'm sorry I interrupted.

DR. CAPLAN:

Yes.

LEG. CILMI:

The other items are relatively insignificant, I think, in this.

DR. CAPLAN:

Right, right. Liza does point out one thing, too, is that all of these -- all of these items are replacement items, these are not new items.

LEG. CILMI:

Okay.

DR. CAPLAN:

Yeah. The other items are smaller in expense. I will mention just briefly about the pathology, the security system with the cameras, you know, which is -- which is a \$30,000 item. You know, as you know, you know, the Medical Examiner's Office is a potentially 24-hour operation. And more importantly, though, we -- off hours, you know, we have people that come into the office, funeral directors, families, students. And so it is -- you know, I feel it's an important initiative to make sure that people feel safe in that environment.

LEG. CILMI:

So this is not a replacement. We don't have a security camera system now?

DR. CAPLAN:

We have -- it is a replacement. The original camera system was installed in 1989, okay?

*(*Laughter*)*

And so, you know, for many reasons, this is --

MS. WRIGHT:

This is really a camera in the morgue door.

DR. CAPLAN:

Yeah, it's essentially a camera to the morgue door, which doesn't, you know, address, you know, the front door, you know, the back door where the funeral directors come in. It's -- yeah. So, yeah, it's pretty old.

MS. WRIGHT:

It's not recordable, it's just imaging time.

LEG. CILMI:

Have there been any -- have there been any breaches to our security at the lab?

DR. CAPLAN:

No, not -- as far as I'm aware of, there have not been any breaches of security at the lab. But what I will say is that there have been situations where emotions can get sufficiently high, and family members, enough where there have -- there have been some potential concerns for safety.

LEG. CILMI:

Right. Well, the cameras are just going to -- the cameras really are not -- when emotions get high like that, somebody is -- I mean, I suppose somebody might look at a camera and go, "Maybe I better cool down." But, in large part, I would suspect that those cameras would be more reactive than proactive in terms of dealing with those types of issues.

DR. CAPLAN:

Yeah. I just --

LEG. CILMI:

You know, the reason I asked the question, and the reason I wanted to get into some depth with you as to the necessity for all of these items is, obviously, the County is in tremendous fiscal problems, and in many, many ways, we are balancing a budget by borrowing money. And we're not even successfully balancing the budget, you know, at that. So our debt has increased so substantially over the past several years, and we keep adding onto it, and we add onto it for necessary items. We have to repair roads, you have to make sure that our buildings and -- you know, are safe. And, certainly, you have to make sure that equipment such as the equipment you've described is in working order, so that we can provide the services that we are required to provide. I mean, yours is a necessary service.

So I just want to make absolutely sure that every penny is being spent -- that every penny that's being spent is being spent wisely and out of necessity, rather than out of just simply desire.

DR. CAPLAN:

Yeah, and I understand completely.

LEG. CILMI:

This would only -- almost be a -- \$30,000 would be what an 8 or 9% is -- you know, 8 or 9% or so of the -- of the total of this appropriation. And, you know, we have to save where we can. But, if you say it's necessary, we'll have to -- we'll have to trust your opinion.

DR. CAPLAN:

You know, I certainly would be willing to -- you know, we've researched this, but I certainly would be willing to look into the possibility of, you know, a comparable system, you know, that might be cheaper.

LEG. FLEMING:

Some of what, the cameras?

LEG. KENNEDY:

The cameras?

LEG. CILMI:

Security, security system, yeah.

DR. CAPLAN:

Security system, specifically.

LEG. CILMI:

Do we have -- I mean, we must have security, these types of systems in other places in the County.

DR. CAPLAN:

Yeah, I assume we do. I don't know too much about those other systems.

LEG. CILMI:

Where does this number come from? Where does the \$30,000 number come from?

MR. FREAS:

This is actually a cost reduction from previously requested. When I spoke to Ms. Wright and Dr. Caplan in the course of our review this year -- this system has been in the hopper, so to speak, for several years, because, obviously, it's from 19 -- the current system is from 1989. This is part of a -- like a buy that -- with other agencies. We're not just -- it's, you know, going to have a --

LEG. CILMI:

Okay. So it's a larger -- it's a larger purchase, and this is the appropriate portion of it.

MR. FREAS:

This is their piece of the action, and it's part of what we -- it's part of what we would buy. It will allow the desk person --

MS. WRIGHT:

The front door.

MR. FREAS:

And the front door. Go ahead.

MS. WRIGHT:

It's mostly for the front door.

LEG. CILMI:

A little louder. I'm sorry.

MS. WRIGHT:

It's mostly for the front door. We have, like I said, a closed circuit TV camera that monitors the morgue door, so if anybody comes in and out of the morgue, the person at the front desk can see it. But there's nothing really protecting the person at the front desk.

The hallway where the door is is pretty far. I mean, you can see somebody walking in, they have to be buzzed in. But if they're wearing a hoodie or something, you know, you really can't see the person. And the camera would provide a better visual for the only person sitting at that front desk, who really doesn't have anybody around at 11:00 at night, except maybe somebody back in the morgue, to really be able to identify who's coming into the building. And with security, you know, it's a big issue now.

DR. CAPLAN:

And if I could add to what Liza said also, is that, you know, so we have front desk clerks that are -- you know, man the front desk, you know, from 7 a.m. to 11 p.m. every day, with the exception of Saturday nights, in which one person is actually on throughout the evening, throughout the night from 11 p.m. to 7 a.m. And so, as Liza said, you know, during the day, you know, there's a, you know, pretty good bunch of people that are around that area. But once you -- you know, after 4 or 5 o'clock at night, especially when the investigators are out at scenes, then it's not

unusual for that front desk clerk to be the only person, you know, or one of the very few people in the office, you know, during those off hours.

LEG. CILMI:

So -- and I'm sorry to belabor this, but, you know, I think it's important. I appreciate you speaking in simplistic terms with some of the previous stuff that you discussed, because, you know, that's what I understand, and I may speak in simplistic terms now. But what you described to me as a camera for the front door, why \$30,000?

DR. CAPLAN:

Yeah. Well, it's not -- okay. It's not just for the front door. That's a big part of it. But it's also, you know, we store evidence. You know, we have evidence.

LEG. CILMI:

So how many cameras are we -- how many cameras are we buying here?

DR. CAPLAN:

Well, the whole system -- the whole system is several cameras. I don't know exactly, you know, how many exactly, I can't. That I can -- I can --

LEG. CILMI:

If I could have -- I'll support this, but if I could have, before our General Meeting, a more detailed explanation of exactly what we're getting for the \$30,000, I would appreciate that.

DR. CAPLAN:

Absolutely, that's reasonable.

LEG. CILMI:

Thanks, Doc.

DR. CAPLAN:

Thank you.

CHAIRPERSON BROWNING:

Okay. Thank you. Any other questions? Did you have a -- I thought you did, right?

LEG. FLEMING:

Yeah.

CHAIRPERSON BROWNING:

So Bridget.

LEG. FLEMING:

Yeah. I'm glad to hear that Legislator Cilmi is satisfied to the importance of this. But just as a former criminal prosecutor, having visited the New York County Morgue at, you know, off hours, I appreciate your concern for safety. And I just wanted to ask you to what extent, and I think you started to answer it with your evidence answer, but to what extent this impacts homicide investigations or other criminal investigations?

DR. CAPLAN:

Yeah. Thank you, Legislator Fleming. Yeah, to the extent -- so we have a situation, in our laboratory, we have -- when you walk in, there's a separate entrance to the crime laboratory. So, you know, that's basically protected. But what's not sealed off is the actual morgue facility, which

has decedents, as well as potential clothing, or any other evidence that could be related to a homicide. So you could potentially have a situation where you have a homicide victim, you know, where evidence -- before the autopsy is performed, where evidence could be altered.

LEG. FLEMING:

Thank you.

CHAIRPERSON BROWNING:

Thank you. So I believe we had a motion and a second. All in favor? Opposed? Abstentions? It's approved. **(Vote: Approved 8-0-0-0-0)**

1345 - Appropriating funds for the purchase of replacement Vehicles for Medical, Legal Investigations and Forensic Sciences in accordance with Section(b)(6) of the Suffolk County Code and in accordance with the County Vehicle Standard Law (CP 1138) (Co. Exec.). I'll make a motion to approve. Second?

D.P.O. CALARCO:

Second.

CHAIRPERSON BROWNING:

Legislator Calarco. All in favor? Opposed? Abstentions? It's approved. **(Vote: Approved 8-0-0-0-0)**

1370 - Adopting a Local Law, a Local Law to further regulate synthetic cannabinoids and synthetic cocaine in Suffolk County (Spencer). It has to be tabled for public hearing, so I'll make that motion. Second Legislator -- oh, sorry, Spencer. All in favor? Opposed? Abstentions? It is tabled for public hearing. **(Vote: Tabled for Public Hearing 8-0-0-0-0)**

1395 - Adopting a Local Law, a Local Law suspending the red light camera program (Trotta). I make a motion to table for public hearing; second, Legislator Calarco. All in favor? Opposed? Abstentions? It is tabled for public hearing. **(Vote: Tabled for Public Hearing 8-0-0-0-0)**

I do apologize, Patrice, that you are here. I did receive the information, the GPS request I made, but I'm not going to get into it. I want to make sure I share it with my colleagues. And we'll be reaching out to you also on the recent letter that you received from the Presiding Officer. I believe Joe Williams left. I don't think there was any issues. Do you have anything, Patrice, that you need to --

DIRECTOR DLHOPOLSKY:

No.

CHAIRPERSON BROWNING:

Okay. I don't think I see the Sheriff's Department. I'm sorry, Mike.

CHIEF SHARKEY:

(Shook head no.)

CHAIRPERSON BROWNING:

Nothing? Okay. I appreciate it. Thank you. And motion to adjourn; second, Legislator Calarco. We're adjourned.

(*The meeting was adjourned at 11:08 a.m. *)