

SUFFOLK COUNTY LEGISLATURE

SPECIAL MEETING

SIXTH DAY

APRIL 1, 2009

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING
IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM
725 VETERANS MEMORIAL HIGHWAY
SMITHTOWN, NEW YORK**

**MINUTES TAKEN BY
LUCIA BRAATEN, COURT STENOGRAPHER**

[THE MEETING WAS CALLED TO ORDER AT 1:05 P.M.]

P.O. LINDSAY:

Okay. Mr. Clerk, would you call the roll, please?

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

(Not Present)

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. BEEDENBENDER:

Here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

(Not Present)

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Sixteen. (Not Present at Roll Call: Leg. Romaine and Leg. Alden)

P.O. LINDSAY:

Okay. Would this crowd of thousands rise for the Pledge of Allegiance, led by Legislator Beedenbender?

(*Salutation*)

Before we start, let me just apologize to my colleagues for having to call this meeting. I really didn't have any choice in the matter. I was contacted by Assemblywoman Eddington, who has carried the Red Light Camera bill in the Assembly for the last eight years, and she said that the Speakers decided to vote on it this next week, so we had to do this. I know, with the holidays coming up, a lot of you are away next week. I didn't want to put it off until the last minute, I wanted to get this done.

And we have a companion bill from the Senate that matches the Assembly bill, which is the first time -- guys, could I just -- the first time that that's happened. We've had bills in both Houses, but they weren't matching bills in the past, so this time they're matching bills. And the Governor, I believe it's still on his Legislative agenda to do this. So, for the first time in the eight years that we've been doing this, I'm optimistic that it might really get done this time.

D.P.O. VILORIA-FISHER:

Hooray.

P.O. LINDSAY:

So, with that, I don't -- do we have any cards? Do we have a public portion; right? Yes.

MS. ALLONCIUS:

Mr. Lindsay, I wanted to speak, but there were no cards up there. I'd just like a minute to address the --

P.O. LINDSAY:

Come forward, Debbie, and just recognize yourself. Do we have any other cards, Clerks?

MR. LAUBE:

No.

P.O. LINDSAY:

No? Okay.

MR. LAUBE:

There were people out there waiting, though.

MS. ALLONCIUS:

Good morning, Members of the -- good afternoon.

LEG. LOSQUADRO:

Your mike's not on, Deb.

MS. ALLONCIUS:

Good morning, Members -- afternoon, Members of the Legislature. I would like to speak on behalf of Cheryl Felice and the Association of Municipal Employees. And we're just kind of curious, you know, about clarification with regard to calling this Special Meeting. It doesn't seem that the notice provision requiring the 48 hours notice for you guys was timely, but we can certainly understand why, and we certainly feel for the Legislature to be put on such short notice.

AME would like to also go on the record stating we're very much in support of the Red Light Home Rule Message that you are here to address today. We have lobbied our entire State Delegation in the past for this valuable revenue source and will continue to do so. We will be up in Albany this Tuesday doing our part, letting it be known that the membership of AME wants their entire State Legislation to pass S2704 and A7333, passed as soon as possible to try to give us a hand.

And I welcome Brian Beedenbender's statement, that he would like to follow through with us when we do go up to Albany, because we do know that the Legislature is entirely behind, you know, trying to get some -- you know, anything to stave off any further deterioration in the economy. We are totally behind you 100%, and will be up there Tuesday looking for the surcharge, the Red Light Camera, you know, doing anything that will possibly alleviate some of the burden that you're faced with at this point.

And if there is anything else that we can take on your behalf, to please advise me and we will do whatever we possibly can for you.

P.O. LINDSAY:

Thank you.

MS. ALLONCIUS:

Thank you.

P.O. LINDSAY:

Is there anyone else in the audience that would like to address us? Seeing none, I'm going to make a motion to close the public portion.

D.P.O. VILORIA-FISHER:

Second.

LEG. COOPER:

Second.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen -- oh, sixteen. (Not Present: Legs. Romaine and Alden)

P.O. LINDSAY:

In your packet is two distinct bills, and I'm going to ask Counsel to explain the reason for that.

MR. NOLAN:

Basically, what is happening in Albany is that there are two Assembly bills and two Senate bills, identical, that accomplish the red light cameras in Suffolk County, and the terms are basically the same, but the format is different. So what we've decided to do is Home Rule both sets of bills to

cover ourselves, to make sure that we're supporting any Red Light Camera bill that might be enacted up in Albany within the next week or so.

Home Rule Number 5 is Senate Bill 2704 and Assembly Bill 3608. Home Rule 6 is Senate Bill 3748 and Assembly Bill 7333. They're similar, they accomplish the same things, but they are not identical, the bills in 5 and the ones in 6. So we are being extra careful and cautious and doing Home Rules for both sets to make sure we're covered.

P.O. LINDSAY:

And I'm going to recognize you in a minute, Legislator Losquadro, but just -- I have no idea why there's two different versions, but I think it's the same sponsors, but I don't want to take any chances on something going astray.

I also want the Body to know that staff has contacted a number of our Legislators this week to see if there was anything else in the hopper that we would need a Home Rule Message for as well, because, if you remember last year, I think we had a couple of Special Meetings to approve Home Rule Messages, and one of them we sent the driver up, if you remember, we had that meeting in Riverhead, and nothing came of it. So we're trying everything we can to make sure that we're -- our procedure is intact. Legislator Losquadro.

LEG. LOSQUADRO:

Yes, Mr. Chairman. Thank you. I just wanted to check with you. I mean, you've been our very own personal Gunga Din carrying the water on this issue for a long time now, and I want to thank you for that, and see it, hopefully, come to fruition, something I think that we're all looking forward to. I just wanted to make sure that the two different versions of the bills are both agreeable to us and give us what we're looking for. I know they're slightly different. What exactly are the differences in the two, and how would those differences affect us here in Suffolk County?

P.O. LINDSAY:

Again, I'm going to ask Counsel.

LEG. LOSQUADRO:

Please, thank you.

MR. NOLAN:

They really accomplish -- they do the same thing. They authorize us by Local Law to set up a demonstration Red Light Camera Project. They both say that maximum 50 intersections, maximum fine, \$50. All of the major substandard provisions are the same, but they amend different sections. One amends Section 11, 11A of the VTL, the other one establishes a new Subsection B to accomplish the purposes. So it's -- they are practically the same and identical in what they accomplish, they just do it in slightly different ways.

LEG. LOSQUADRO:

It's just how the State will actually go about themselves granting that authority to us.

MR. NOLAN:

Right. They're going -- God willing, they're going to adopt --

LEG. LOSQUADRO:

Yeah.

MR. NOLAN:

-- one set of these bills, but we just don't know which one it's likely to be. I will just also indicate that I did talk to the County Executive's Intergovernmental people about this today. They concur, that the best approach is to do both sets.

LEG. LOSQUADRO:

Thank you very much.

P.O. LINDSAY:

Having said that, Legislator Kennedy just pointed out something to me that I hope can be treated as a scrivener's error, otherwise we're going to have to break for a few minutes and change it. On Home Rule Message 5, it lists the New York State Senate Joseph L. Bruno.

LEG. ROMAINE:

Yes.

MR. NOLAN:

That's an error, Mr. Presiding Officer.

P.O. LINDSAY:

I know it is.

MR. NOLAN:

What I would suggest is take a five-minute break, so we can fix that and make sure that it's all clean.

LEG. ROMAINE:

Motion to recess.

P.O. LINDSAY:

Motion by Legislator Romaine to recess, I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Alden)

[THE MEETING WAS RECESSED AT 1:15 P.M. AND RESUMED AT 1:23 P.M.]

P.O. LINDSAY:

Okay. Mr. Clerk, would you take the roll so we can go back into session?

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. BEEDENBENDER:

Here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

(Not Present)

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Seventeen. (Not Present: Leg. Alden)

P.O. LINDSAY:

Okay. Could we go back in session, please? Could everybody take their seats? Quiet down. Let's go. Okay. Everybody should have a new copy that's been distributed with the correct name on the Senate leadership. If you could take the old copy of Home Rule Message 5, rip it off the top, put the new copy on and we're set to go again. All right? When this was discovered, we were having a discussion about why the two bills, the two different types of bills, and I believe Mr. Neil Toomb from the Executive's Office might have an answer to that. If you would come forward, Mr. Toomb, and enlighten us. Mr. Toomb is the County Executive's representative that goes to Albany frequently to track State legislation.

MR. TOOMB:

Or lack thereof.

LEG. ROMAINE:

Or lack thereof.

MR. TOOMB:

Thank you. Just to explain the difference between the bills in the -- in Home Rule 6, the -- Home Rule 6 makes changes to various other areas of the V & T Law besides the -- adding the Red Light Camera. You'll see there's a Crime Victims surcharge there for violating various other traffic violations of \$5. Naturally, that goes to the State, not to the County. On Page 7, there's a violation, an additional surcharge for violation of a toll, so that's in there. There's also wording to ensure that people, when they have a vehicle that's for hire, that it cannot be operated without local approval. So there's various other changes to the Traffic and -- Traffic Violation Section of State Law in the Home Rule 6.

P.O. LINDSAY:

In one of the bills it makes reference to a Traffic Violations Bureau, or something, that's going to do the collection on this. That's going to be the existing State Courts here?

MR. TOOMB:

It will be our Courts, yeah. In Nassau, they have to put wording to give the authority to the Nassau County Traffic Parking Violations Bureau to collect the Red Light Camera money.

P.O. LINDSAY:

But this is the State Courts over in the State Office Building, right?

MR. TOOMB:

It will be the State Court or there's still -- whether or not it's going to be the tribunal that's set up now. There's a Traffic Parking Violations Tribunal that's set up for Suffolk County in the area of the District Court for the western towns.

P.O. LINDSAY:

That's operational?

MR. TOOMB:

It's State-administered.

P.O. LINDSAY:

Oh.

MR. TOOMB:

Yeah.

P.O. LINDSAY:

Okay, okay. Thank you for clarifying that. And I know we have some other questions, maybe if you'd just stay there. Legislator Viloría-Fisher, you had some questions?

D.P.O. VILORIA-FISHER:

Yes. Thank you for being here, Mr. Toomb. Just a quick question. When I was quickly reading the two versions, demonstration projects seemed more prominent in the -- in the Home Rule Message 5 in A3608, it didn't seem as prominent in the other one. Are they both demonstration?

MR. TOOMB:

They're both demonstrations. The idea is that, to prove the validity to it, that you can add additional cameras in future years. Originally, what was in the Governor's budget was 100 cameras at unlimited locations. This has been reduced to 50 cameras at 50 locations, with the idea being that as people become more aware of them, you're going to move them around the County. It gives the flexibility to move them around the County, but it does not cease as a demonstration that has to stop at a certain amount of time.

D.P.O. VILORIA-FISHER:

How much time?

MR. TOOMB:

There is no time limitation on it.

D.P.O. VILORIA-FISHER:

Okay.

P.O. LINDSAY:

And, if I'm not mistaken, that's how the City program has been dealt with, it's always been called a demonstration --

MR. TOOMB:

That's correct.

P.O. LINDSAY:

-- program in there as well. Legislator Kennedy.

LEG. KENNEDY:

Thank you. Hi, Neil.

MR. TOOMB:

Hi.

LEG. KENNEDY:

Is there any limitation as to where these cameras go based on the type of road? I mean, it can be a County road, a Town road, a State road, it's just an intersection?

MR. TOOMB:

It can go at any County location. The -- we haven't gotten an explanation of whether or not they can go on State roads.

LEG. KENNEDY:

So, right now, we're targeting 50 --

MR. TOOMB:

Right now, we're targeting --

LEG. KENNEDY:

-- intersections on County roads.

MR. TOOMB:

We're targeting the County roads, and we've gotten a report from DPW on those roads which have the highest traffic incidents and rear-ending type of incidents, and that's where they'll go.

LEG. KENNEDY:

And are these fees or fines on top of -- right now, if you run a red light and you're caught, you're issued a ticket and there's a fine associated with it. So is this something that goes on top of that or it's in lieu of?

MR. TOOMB:

No, these are if you're not caught. These are after you get a picture taken that you ran the red light. The camera installed on that.

P.O. LINDSAY:

This isn't a moving violation, John.

MR. TOOMB:

Right.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

This is --

LEG. MONTANO:

There are no points on the license.

P.O. LINDSAY:

Huh?

LEG. MONTANO:

There are no points on the license.

P.O. LINDSAY:

Right. It's not considered a moving violation.

LEG. MONTANO:

Right. You just pay the fine.

P.O. LINDSAY:

It's like a parking ticket, really.

LEG. KENNEDY:

Okay. Thank you.

P.O. LINDSAY:

Anybody else? Yeah, Legislator Horsley.

LEG. HORSLEY:

Curious to who picks out the locations where these cameras are going to be? Are they Towns, or how does that work?

P.O. LINDSAY:

No. I'm sure it will be County, I don't know, DPW or PD, one of them, but it certainly would correlate to the most dangerous intersections in the County.

LEG. HORSLEY:

Okay. They just prioritize it by that type of --

P.O. LINDSAY:

You know, Legislator Viloría-Fisher just pulled the front page of Newsday off the wall out in our hallway. It was August 2001 that -- when the original legislation passed here. And, at the time, you know, I was the sponsor at that time and it had nothing to do with economics at the time. This was never envisioned as a money generator, which has taken on the whole tone in the economic crisis, it was a safety issue. I had a very dear friend of mine, Donna Velasquez, and her husband, Hector, she was hit in a T-bone accident, almost died, of someone running a red light. And with the research that we did, what I found out was our roads are some of the most dangerous in the state, and a high percentage of the fatalities in auto accidents come from these T-bone accidents, where one car broadsides the other, and many, many times it's because of red light running. And it was done to improve the safety of our highway system. And, yes, Legislator Nowick.

LEG. NOWICK:

Just a quick question. I kind of remember years ago when we spoke about the red lights and what each one of those cameras cost to put in, and I don't know if we did put in cameras, or if we are going to put in cameras, not us, in 50 different locations. Would that be the State doing that? Not that -- certainly, the safety to me is worth more than the money at this point, but I'm just curious how that works.

P.O. LINDSAY:

My numbers aren't updated anymore. At one time, when we started this, it was about \$50,000 an intersection.

LEG. NOWICK:

I remember it was a lot of money.

P.O. LINDSAY:

And the money, they estimated at that time, within six months, the fines would pay for the installation at the location.

LEG. NOWICK:

So, would the State initially put out the money?

P.O. LINDSAY:

No, it's a County obligation.

LEG. NOWICK:

Okay.

P.O. LINDSAY:

At one point, again, over the years we even had money in our Capital Budget to do the demonstration project. I had a half a million dollars in the Capital Budget and we never got the money from the State, so that appropriation died a long time ago. But when we researched this initially, there are companies that will come in and really do the whole system for you. They'll install the equipment, they'll monitor the results of that, they'll send out the fines, and, of course, they take a big percentage for operating the system. We went into New York City to see their operation during this time frame, too, about how they run it, and it was -- it was a big operation. They had a number of people, you know, that did all the clerical work to follow up on these things, you know, as well as a crew that maintained the cameras, they did everything in-house in the city. But there are companies that will do this for you at a cost, you know.

LEG. NOWICK:

Well, again, sometimes the safety is worth more than the --

P.O. LINDSAY:

Which in this economic crisis, I don't know what the Executive Branch is planning, but I'm sure that they, in our -- you know, with our personnel, the reduced number of personnel on the County payroll, and with the proposed even further reduction, I would think that we'd probably go to a company like that initially to see how it works, but I don't know. You know, I would be open either way to, you know --

LEG. BARRAGA:

Can I just ask a question?

P.O. LINDSAY:

Sure, go ahead, Legislator Barraga.

LEG. BARRAGA:

With two sets of bills, do you have any sense of where Assemblywoman Eddington is pushing, what bill, what group of bills?

MR. TOOMB:

It looks as if Home Rule 6 is taking the major effect up there, because -- naturally, because of the additional State surcharges for the State, the additional revenue for the State, I would think that's the one that's probably going to go through.

And in answer to the Presiding Officer's question or thoughts is that we are preparing an RFP through DPW, which will look for a full service solution for a company to actually come in and install the cameras, monitor the film. They have to change the film every couple of weeks, and that will be included in taking off the top.

LEG. BARRAGA:

So you feel comfortable, it's Home Rule Number 6, not Number 5?

MR. TOOMB:

As of this moment. As we've said, there's been four, five, six different bills, some with "same as".

LEG. BARRAGA:

The only reason I ask is that I noticed on Home Rule Number 5, the Assemblywoman put this bill in January 27th, the Senator put it in February 26th. On Home Rule Number 6, both put them in March 30th. The question is, you know, who has the right per House to pass the bill first? And whoever passes first, the sponsor gets the pen certificate indicating that that person was the one who passed this bill in the State of New York. With Home Rule Number 5, if my name was there instead of Eddington, I think I'd be pushing Home Rule Number 5. Number 6 is debatable, because they both put it in at the same time, where the Senate could pass before the Assembly and then the Senator gets the credit and not the Assemblyperson. It's all politics, but that's the way they play it up there. That's why I'm surprised you're saying Home Rule 6. I would think Patricia Eddington would be pushing Home Rule Number 5.

MR. TOOMB:

Our discussions have led us to believe it's going to be Home Rule Number 6.

LEG. BARRAGA:

Okay. Thank you.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. Since the actions described if this home rule passes and we're empowered to move forward with this project, why would we do an RFP and not a simple bid? A bid simply -- it's a pretty well-defined project. We just have a tendency in this County to do a lot of RFP's. A bid is -- it acts differently from an RFP, particularly in a pretty well-described project. Why not a bid as opposed to an RFP?

MR. TOOMB:

I don't know. Gail, do we have to do an RFP?

MS. VIZZINI:

I think our own laws regarding purchasing would require that anything over \$10,000 would require the RFP.

LEG. ROMAINE:

As opposed to a bid?

MS. VIZZINI:

Well, are you talking about a bid where you get three quotes that's 10,000 or less?

LEG. ROMAINE:

No. I'm talking about a bid where you put it out to bid, you have a described project, and, at the end, you do a bid opening, because an RFP is a much looser way of doing things. First of all --

MS. VIZZINI:

I'm not sure if we're talking about the same thing. When I'm thinking RFP --

LEG. ROMAINE:

When you go to bid --

MS. VIZZINI:

Right.

LEG. ROMAINE:

-- you have a described project and you put it out to the world, and you accept bids, apples to apples, and you get -- open that bid and you award it to the lowest responsible bidder.

MS. VIZZINI:

That is very similar to the -- what I know as the RFP process. The Request for Proposal is we -- you know, it's going to be on the internet at the purchasing website. The County is looking for a vendor to provide this service and then people have to respond by a particular date. So then we, you know, open up the responses, and if they qualify, we then open up the bids. So I'm not sure we're talking about something different.

LEG. ROMAINE:

Yeah, we are, because RFP's tend to be far different, because they have a way of having a description that differs from the bid, they have a way of having the RFP, an evaluation committee make decisions as opposed to price and lowest responsible bidder. I'm looking at an RFP now for a bus company that no one else can meet and it seems like it's described for a simple vendor. And I'm not going to draw the connection between that vendor and other things that happen in County government, or even outside of County government. But, clearly, it raises a lot of inquiries about RFP's, as opposed to bids, and I'll leave it at that. Thank you.

MR. TOOMB:

If I could just add on that. I believe that one of the primary differences in the bid and the RFP process is that when we're doing bids and it's for something specific such as pencils or buses, when there's no real outcome, where in the case of technology, there's various technologies that are available, there's various solutions, some would be a full-service solution, some would be a partial service where, for instance, they may do the development and installation of the cameras, but we would actually send out the notices, so the prices could be different. It's not something that's so cut in stone that it could be bid with just three people.

LEG. ROMAINE:

Okay.

D.P.O. VILORIA-FISHER:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Mr. Toomb, you had mentioned in the bill that was most likely to pass there was some money for the

State as well as the County. Do you know what the -- first, do you know what the split is in that?

MR. TOOMB:

There is no split, it's State money. Surcharges come off the top.

LEG. SCHNEIDERMAN:

Separate surcharge on the top of -- so now the money, how does it flow back, does it flow through the Suffolk County P.D., does it flow through the County's General Fund. Where is the money going, because, you know, obviously, I have a concern representing an area that's largely outside of Suffolk County P.D. If this is to go through, I want to make sure that a portion of those cameras would also be eligible for my region outside of the Suffolk County P.D.

MR. TOOMB:

I mean, the money's -- the money's going to come to the County Treasurer to go to the General Fund. I mean, it's not appropriated by Town. It's really a policy decision that's after the fact.

LEG. SCHNEIDERMAN:

You know, other speeding tickets, running red lights normally would -- the money, currently, how does it flow? And is this different in terms of how it flows? If Suffolk County P.D. pulls somebody over for running a red light, that money goes where, into the General Fund or into the Police Department?

MR. TOOMB:

In the five western Towns, the money gets paid to us to go to a specific revenue code for the tickets from our share of the tickets from the State for certain violations. In the eastern Towns, they have their own courts.

LEG. SCHNEIDERMAN:

Right. So the money stays within those Towns.

MR. TOOMB:

Money stays in the eastern courts.

LEG. SCHNEIDERMAN:

So, with these red light cameras, would we have the ability -- because I have to ask this question because of the whole revenue sharing issue where, you know, the Senate passes a bill that doesn't specifically give us the language we need to -- you know, to have the fairness. Gail, do you have an answer on this?

MS. VIZZINI:

Based on consultation with Mr. Zwirn, the revenue is targeted to go to the General Fund.

LEG. SCHNEIDERMAN:

To the General Fund, okay. So, potentially, even if the red light camera were in Hauppauge, the whole County would get the money for its purpose, the general purposes.

MS. VIZZINI:

Correct.

LEG. ROMAINE:

(Raising Hand)

D.P.O. VILORIA-FISHER:

I have you on the list.

LEG. ROMAINE:

Okay.

D.P.O. VILORIA-FISHER:

Montano, Legislator Montano.

LEG. MONTANO:

Thank you. You may have answered this question before. What is the revenue that we are anticipating getting from this proposal, if it goes through?

MR. TOOMB:

After cost and expenses, we estimated between 3.5 and 4.5 million annually.

LEG. MONTANO:

That's net to the County.

MR. TOOMB:

That's net.

LEG. MONTANO:

All right. And in terms of -- what's that based on, what's the gross figure?

MR. TOOMB:

It's based on -- we took estimates and made them based upon a Comptroller's report for the City of New York based upon valid -- on 50 cameras, that's about 20 captures per day. Seventy-five percent of those are initially valid and just paid. Twenty-five percent, people claim that they -- the cameras are at fault, it wasn't really them, you got the wrong number. Valid captures per year ends up to be about 273,000. The revenue for the tickets comes out to approximately -- our estimate is 13.6 million. The percent to pay outright is 8.2.

LEG. MONTANO:

I'm sorry. What was that figure, 8.2?

MR. TOOMB:

8.2 is the percent who pay outright on first notice.

LEG. MONTANO:

Oh, okay.

MR. TOOMB:

Those who pay upon second notice, after they've been told or shown proof, or they've gone to the websites to see it's a valid picture, is an additional 2.7; brings revenue estimates to approximately 10.9 million. Of that, the monthly cost per cameras on a lease basis is forty-five hundred dollars, which comes to about 2.7 million a year, and then there's additional other expenses. For instance, the revenue sharing of the vendor, the cost of the film, etcetera, gets charged back, which is 3.8. So total expenses is around 6.5 to 7.5 million dollars, which brings revenue to 3.5 to 4.5.

LEG. MONTANO:

I want to make sure I got the math. So the total revenue, the gross revenue is about thirteen-six, based on your estimates.

MR. TOOMB:

Total revenue estimate is about ten-nine, eleven million.

LEG. MONTANO:

Ten-nine. And then the 6.7 goes for expenses to the operator of the equipment and we get the balance?

MR. TOOMB:

And the lease, the lease of the cameras, the lease of the equipment, monthly lease of equipment and cost of contract.

LEG. MONTANO:

So we're getting essentially a third of the revenues that are generated by this program, is that --

MR. TOOMB:

Well, more of a --

LEG. MONTANO:

A little more than a third, 3.7?

MR. TOOMB:

We're getting about 4 million out of 10, so 40% of the revenue.

LEG. MONTANO:

All right. Thank you.

MS. VIZZINI:

If I could just add --

LEG. MONTANO:

Go ahead.

MS. VIZZINI:

-- those are analyzed numbers.

LEG. MONTANO:

What do you mean by "analyzed", you mean every year?

MS. VIZZINI:

Over a period of a year.

LEG. MONTANO:

Right, exactly.

MS. VIZZINI:

So neither Budget Office anticipates much in the way of revenue for '09. You know --

LEG. MONTANO:

Because it's going to take us time to set up --

MS. VIZZINI:

Exactly.

LEG. MONTANO:

And get everything moving.

MS. VIZZINI:

Yes.

LEG. MONTANO:

So this is really -- once the cameras are in, that annual income should be about 10 million, you figure, based on your estimates, and then we're going to get about 4 million or 3.7.

MS. VIZZINI:

Well, the revenue is being used to offset the annual costs.

LEG. MONTANO:

Right.

MS. VIZZINI:

You know, so the program is --

LEG. MONTANO:

To set up the camera, to lease the -- I got it.

MS. VIZZINI:

Okay, good.

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

Yeah, but I just wanted to add something to the discussion. Is the New York City system -- they would send you the citation in the mail, along with the photos, and the photos were irrefutable. I mean --

LEG. MONTANO:

I got one, yes.

P.O. LINDSAY:

Yeah. There's no way of challenging.

LEG. MONTANO:

I know the program.

P.O. LINDSAY:

Yeah. It showed your vehicle entering the intersection, the light, the time it changed, and then leaving the intersection.

LEG. MONTANO:

Actually, this was many, many years ago. They actually showed a close-up of the license plate, and it's very clear. And even though I dispute it -- I didn't dispute it, because it wasn't worth the time and effort, but I don't know how it registered the car. I didn't think I took the red light, I know where it happened, but it is very clear. And there are no points on the license, so the incentive is pay the ticket immediately, rather than fight it, because I think if you fight it, you could wind up getting points for taking --

MR. TOOMB:

Anything that's adjudicated in the court they could usually assign points to, so --

LEG. MONTANO:

Right, and I think there's -- what's the point structure for taking a red light, two points on your license?

MR. TOOMB:

I don't know, I've never gotten a ticket. Maybe you could answer it.

*(*Laughter*)*

LEG. MONTANO:

Okay. Wait, we're off the record.

P.O. LINDSAY:

The fine is \$50?

MR. TOOMB:

The fine is \$50.

P.O. LINDSAY:

That hasn't changed in eight years either.

LEG. MONTANO:

And then there's -- is there a surcharge?

MR. TOOMB:

There's no surcharge on it. What there is is if -- there's a late fee of \$25.

LEG. MONTANO:

Right, okay.

MR. TOOMB:

That really becomes negligible income revenue, because most of the time that's waived as part of the process in the adjudication.

P.O. LINDSAY:

I realize the fiscal shape we're in, but if we were to expand the program in the future and it worked, I would advocate that we eliminate the middleman and do it ourselves, because --

LEG. NOWICK:

Absolutely.

P.O. LINDSAY:

-- there's -- you know, they get the bulk of it and it's ongoing. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. Just back briefly to what Legislator Romaine -- his point about a bid versus an RFP, I would be open to having providers have a little more flexibility in what they could provide to us, because I'm listening to what you're saying and I certainly hope that we research this much better, because just based on my preliminary research, there's certainly no film involved. This is all digital, and all the information is transmitted wirelessly, based on the best available technology currently. So maybe we could even provide -- find a provider that, given the reduced labor involvement, might come up with a better percentage rate for us, because, you know, there is -- there's a lot of improvements that have taken place since the inception of this technology, and it certainly -- that's something we may want to take up with the providers based on the technology they're offering us, because this is -- if they're -- if they're offering the same percentage rates, this has become far more lucrative for them, because there's a lot less labor involved, given the current available technology. So it's just something I want to put on everybody's radar screen.

MR. TOOMB:

No, it's understood. We have -- we have the vendors that have been solicited for Nassau, we have the vendors that have been solicited and used by New York. There are some that still use film, they'll be entitled to respond. I mean, if they can prove it to be cheaper, then that would be hard to do with digital, we agree, but the idea is not to omit any possible respondent from providing a cost-effective proposal to the County.

P.O. LINDSAY:

And, Legislator Losquadro, all in the same lines, since we first proposed this, the technology has improved dramatically. And it's probably still a couple of years old, but we were looking at one system a couple of years ago that sensed if someone was running the red light. It wouldn't change the light on the other side to avoid the accident, which I still don't know how they do that, but that's what they were advertising. Legislator Eddington. Legislator Eddington?

LEG. EDDINGTON:

No, I don't have anything.

P.O. LINDSAY:

Okay. Legislator Gregory.

LEG. GREGORY:

I just really just had a comment, based on Legislator Romaine's questions, about the RFP and the bid process, but I think he's probably got his answer, right? So I don't have a question or a statement.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Well, I have an answer, not my answer, but I have an answer, and, obviously, I'm going to follow that with great interest. I'm very interested in the RFPs that are being issued, and their correlation to things outside of government, but that's another point.

I will join with Legislator Schneiderman. I represent three Eastern Towns, Shelter Island, Southold and Riverhead. Those roads are patrolled by separate police forces. If a red camera -- a red light camera is installed, for example, on County Road 105, or County Road 48, clearly outside of the Police District's jurisdiction, tell me how that would work and why those Town governments, in which those lights would be installed, would not be entitled to share in whatever revenue was collected from this.

MR. TOOMB:

Well, it's not my decision to say that they're not entitled to it, it's -- basically, it would be a decision of policy, I would assume, by the Legislature to decide where the cameras go and how that revenue is distributed, if there is any offset.

LEG. ROMAINE:

Could I ask for an answer from Counsel? Since we're sending a Home Rule Message, I may not want to vote for a Home Rule Message that may not have any benefit for the East End in the sense of revenue.

P.O. LINDSAY:

Could I -- I mean, just to carry on a dialogue, I'll let Counsel answer that in a minute, but if a citation is issued via the mail and the payment is made --

LEG. ROMAINE:

Right.

P.O. LINDSAY:

-- and there is no court involvement.

LEG. ROMAINE:

Right.

P.O. LINDSAY:

-- the money clearly goes to the County.

LEG. ROMAINE:

Okay.

P.O. LINDSAY:

All right? If somebody challenges it, whether they're on the East End or the West End --

LEG. ROMAINE:

Right.

P.O. LINDSAY:

-- whether they go to the State Courts or to the local Villages --

LEG. ROMAINE:

Town Justices, right.

P.O. LINDSAY:

-- I would think that jurisdiction is entitled to that money; no?

MR. TOOMB:

Well, again, it's a policy decision. My concern, from the Executive Budget side, would be that if the County is incurring the cost of the technology, and the cost of the lease, and the cost of the camera, then the County would get the offset revenue. If the Towns wanted to pay for the cameras to be in their areas, then it's really another area to go.

P.O. LINDSAY:

But --

LEG. ROMAINE:

And this Home Rule Message would cover that, if the Towns wanted to cover the expense?

MR. TOOMB:

No.

LEG. ROMAINE:

Oh, okay. Thank you.

MR. TOOMB:

It allows the County to put them wherever we want in County roads.

P.O. LINDSAY:

But it --

LEG. ROMAINE:

I know this is only a Home Rule Message, so I won't debate it any further. That debate will come at the time when we're empowered to do that, then we can have a discussion about that. Thank you.

P.O. LINDSAY:

Legislator Montano wants to add something to it.

LEG. MONTANO:

Yeah. He brought up a point, and I just want to make sure I understand it now. If you get the

ticket and you pay it, the revenue goes to the County, but if you decide to adjudicate it, we don't have a County Traffic Court, so I would imagine, correct me if I'm wrong, that the adjudication would take place at the State Office Building, their Traffic Court there.

P.O. LINDSAY:

Or the Villages.

LEG. MONTANO:

Well, that's what I was going to ask. Do the Villages have their own Traffic Court for just that kind of a moving violation?

MR. TOOMB:

Well, the Towns and Villages have their own Traffic Courts. Typically, it's on the ticket, it tells you where to go to adjudicate it, so --

LEG. MONTANO:

So, if you get the ticket out on the East End and you decide to adjudicate it, would you adjudicate it in the Village Court?

MR. TOOMB:

If the instructions on the ticket tell you to go to the local authority.

LEG. MONTANO:

And that revenue -- so, really, you don't know, we don't where it's going to be adjudicated.

MR. TOOMB:

We don't know at this point. I mean, we haven't considered the local towns yet.

LEG. MONTANO:

All right. And that revenue --

MR. TOOMB:

The instructions will be -- whether they adjudicate it, the instructions now are, according to the State -- the way the State Law is written, is to pay it through the County Treasurer. Whichever Court collects it pays it to the County Treasurer within ten days.

LEG. MONTANO:

That's after you get the ticket. But, if you decide -- is that after the adjudication?

MR. TOOMB:

If you go to Southampton Court and it's adjudicated, and in that local court where the jurisdiction is, then that local court has to send the money to the County Treasurer's Office.

LEG. MONTANO:

Right. Well, that presupposes that you get the ticket from the police officer, but we don't know how this is going to work in terms of whether or not the -- since the State is administering or collecting, we don't know if it's going to be adjudicated in the village Court out there or at the Traffic Court at the State, is --

MR. TOOMB:

It could be adjudicated, whoever has local authority over those -- over traffic and parking violations.

LEG. MONTANO:

All right.

P.O. LINDSAY:

Truthfully, I think some kind of arrangement has to be made with the State Courts, Village and Town Courts, that if they go through the adjudication process, if there's nothing in it for them, they're just going to dismiss it, I mean, so something -- there has to be some dialogue there, which is down the line.

LEG. MONTANO:

If they adjudicate it, they'll get the money.

P.O. LINDSAY:

That's not what he's saying, he's --

MR. TOOMB:

Not the way it's written now. If they adjudicate it in a local court, we would get it.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Yeah. I often find myself wondering why we're having this discussion, and I find myself again sitting here. Right now, in the Village of Patchogue, if you go through a stop sign, which I guess would be like a red light, you get a ticket from New York State and you have to appear at the New York State Building across the way. Why wouldn't that be how this is done, just like it's always done? Why is Villages and East End -- why are we having a debate about that?

P.O. LINDSAY:

Well, if, like in the Town of Southampton, and correct me, Legislator Schneiderman, if you are stopped by Southampton Police and you're given a moving violation, you adjudicate that in the Town Court, not the State Court.

LEG. EDDINGTON:

Oh, you do? Okay, okay. It's different then, okay. Okay, because the Village just has the constables that don't give tickets.

P.O. LINDSAY:

Right.

LEG. EDDINGTON:

Okay, I got it.

LEG. SCHNEIDERMAN:

There may be a way, though, to have this moved forward the way it's written, and later, through a Local Law, give some of that money back to those Villages.

P.O. LINDSAY:

Oh, absolutely. I don't think there's anything wrong with the Home Rule Messages the way they are now for the State to give us the authority. Obviously, the details, everything from who's going to install and how's it going to be collected to what happens in the adjudication process has to be worked out.

LEG. SCHNEIDERMAN:

And I agree with you. If we don't have some system in place to share this revenue with those courts when they're challenged, then there's no incentive for them to move forward, they'll just dismiss it. And so it's in our interest, I think, to work on some kind of deal.

P.O. LINDSAY:

And you know what a fan I am of sharing revenue with the East End Towns, you know.

LEG. SCHNEIDERMAN:

Yes, exactly. I look forward to the debate.

P.O. LINDSAY:

Does anybody else have any questions?

("No" Said in Unison)

Okay. I'm going to make a motion to approve Home Rule Message Number 5.

LEG. LOSQUADRO:

Second, Mr. Chairman.

P.O. LINDSAY:

Seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Alden)

LEG. BROWNING:

Cosponsor. Are we all cosponsors on this?

LEG. LOSQUADRO:

Who's missing?

MR. LAUBE:

Legislator Alden.

P.O. LINDSAY:

And -- all right. Same motion, same second on Home Rule Message 6, in the interest of time?

D.P.O. VILORIA-FISHER:

Yes, good idea.

MR. LAUBE:

Seventeen. (Not Present: Leg. Alden)

P.O. LINDSAY:

Okay. Motion to adjourn by Legislator Eddington, seconded by Legislator Romaine. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Alden)

[THE MEETING WAS ADJOURNED AT 1:56 P.M.]