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NORMA GONSALVES,
Presiding Officer

RULES COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, May 19, 2014
4:04 P.M

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2 A P P E A R A N C E S :

3

4 NORMA GONSALVES,
 Chairwoman5 RICHARD NICOLELLO,
 Vice Chairman

6

7 KEVAN ABRAHAMS,
 Ranking

8 HOWARD KOPEL (Substituted by Rose Walker)

9 DENNIS DUNNE

10 JUDITH JACOBS

11 CARRIE SOLAGES (4:06 p.m.)

12 WILLIAM J. MULLER, III
 Clerk of the Legislature

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LIST OF SPEAKERS

THOMAS C. KRUMPTER, acting commissioner,
Nassau County Police Department.....5

DAVE RICH, Deputy Director of
Nassau County Traffic and Parking
Violations Agency.....28

JUDGE JOHN MARKS, Executive Director,
Nassau County Traffic and
Parking Violations Agency.....32

CHRISTOPHER MISTRON,
Nassau County Traffic Safety Board.....35

1 Rules Committee/5-19-14

2 CHAIRWOMAN GONSALVES: I would
3 like the clerk to call the roll, please.

4 CLERK MULLER: Legislator
5 Solages?

6 (No verbal response.)

7 CLERK MULLER: Legislator Jacobs?

8 LEGISLATOR JACOBS: Here.

9 CLERK MULLER: Ranking Member
10 Abrahams?

11 LEGISLATOR ABRAHAMS: Here.

12 CLERK MULLER: Legislator Kopel?
13 Legislator Walker substituting for
14 Legislator Kopel. Legislator Dunne?

15 LEGISLATOR DUNNE: Here.

16 CLERK MULLER: Vice Chairman
17 Nicolello?

18 LEGISLATOR NICOLELLO: Here.

19 CLERK MULLER: Chairwoman

20 Gonsalves?

21 CHAIRWOMAN GONSALVES: Present.

22 CLERK MULLER: We have a quorum.

23 CHAIRWOMAN GONSALVES: We have
24 three items. We are going to begin with
25 Contract E-127, a resolution authorizing the

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2 county executive to execute a personal
3 services agreement between the County of
4 Nassau acting on behalf of the Nassau County
5 Police Department and Police Executive
6 Research Forum.

7 A motion, please.

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR NICOLELLO: Second.

10 CHAIRWOMAN GONSALVES: Moved by
11 Legislator Dunne, seconded by Legislator
12 Nicolello. Who do we have here?

13 MR. MAY: We have acting Police
14 Commissioner Thomas Krumpter.

15 COMMISSIONER KRUMPTER: Good
16 afternoon, legislators. Acting Commissioner
17 Thomas Krumpter.

18 Before you, for your
19 consideration, is a contract with Police
20 Executive Research Forum for approximately
21 \$675,000. 13 vendors approved. It was
22 selected as the best and most qualified
23 vendor.

24 The contract has three parts.
25 The first part is going to be the

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2 development of an ethics committee. Under
3 that piece, the county and the department
4 along with PERF will reach out to community
5 stakeholders including elected officials,
6 including all the legislators, as well as
7 county executive, district attorney, and
8 other elected leaders and community leaders,
9 and they will take that data that they
10 garner and they'll develop, in conjunction
11 with the police department, a new ethics
12 policy.

13 The next will be the development
14 of a training program. There will be three
15 parts of it. They'll be an inservice
16 training of approximately four hours. They
17 will train the trainer to train the people
18 in the department to carry on the training
19 after PERF is no longer here and they'll be
20 an eight hour training session for the
21 executives and key stakeholders within the
22 organization.

23 The third part of the program
24 will be the actual training. That is the
25 sum and substance in a nutshell of the

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2 contract.

3 CHAIRWOMAN GONSALVES: Legislator
4 Dunne.

5 LEGISLATOR DUNNE: I have a
6 question for you, acting commissioner.

7 COMMISSIONER KRUMPTER: Yes.

8 LEGISLATOR DUNNE: How much of
9 the information developed by the PERF, which
10 is the Police Executive Research Forum, will
11 be made available to the legislature? Will
12 we be provided with PERF's analyses and
13 recommendations?

14 COMMISSIONER KRUMPTER:
15 Absolutely, sir. This is designed and set
16 up and structured to be a transparent
17 process. As a matter of fact, based on
18 meetings that we have held, one of the major
19 concerns was not waiting until the very end
20 to have an idea of what's going on.

21 So there will be regular updates
22 every 60 days where PERF and the department
23 will forward an update to the county
24 executive and the legislators as to what has
25 actually occurred in that time period.

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2 They'll also be a final report that consists
3 of recommendations issued at the end of the
4 engagement.

5 LEGISLATOR DUNNE: Excellent.
6 That's what I wanted to hear.

7 CLERK MULLER: Legislator Solages
8 is here.

9 CHAIRWOMAN GONSALVES: Legislator
10 Nicolello.

11 LEGISLATOR NICOLELLO: Thank you.
12 Commissioner, just a general question first.
13 Why do we need an outside entity to
14 spearhead this project for the county? If
15 we are developing the ethics policies and
16 procedures, why can't it be done in-house?

17 COMMISSIONER KRUMPTER: Sir,
18 obviously we have the expertise within the
19 house to do a lot of the work that's going
20 to be done by this PERF but there are things
21 that we don't have the expertise or the
22 skills.

23 This is, by the very nature,
24 there will be polling done to establish
25 where we stand before and after the

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2 engagement so there will be actually polling
3 done as a process. PERF also has a great
4 deal of credibility. And one of the things,
5 if you look at this, PERF Truck Wexler was
6 tapped in Cambridge by the president to
7 address certain issues there with ethics.
8 So this is an organization that is not
9 political. This is an organization that is
10 probably one of the finest consulting
11 companies. It's a not for profit out of
12 Washington. They bring a whole new level to
13 this and we will be working with them. This
14 is done as a collaborative approach.

15 LEGISLATOR NICOLELLO: Tell me a
16 little bit more about this stakeholder
17 committee that will be created.

18 COMMISSIONER KRUMPTER: There
19 will be not so much a committee, per se, but
20 there will be regular meetings with
21 stakeholders. Community leaders,
22 legislators, and other elected officials,
23 PERF will actually meet with them, as well
24 as members within the department. They will
25 meet with everybody at all ranks, including

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2 police officers. They'll conduct a
3 ride-along, they'll do a poll internally
4 within the police department of police
5 officers' views of ethics. So we will take
6 a look at what's going on now in the police
7 department.

8 I think something else is
9 important to remember here. That 98 percent
10 of the cops out there, 99 percent of the
11 cops out there are doing the right thing.
12 They don't need any help with ethics, they
13 don't need any help with the moral compass.
14 What we want to do is we want to do better.
15 It's an opportunity for this organization to
16 be better. That's really what the focus of
17 this is. So that is the piece of it.

18 So the stakeholders will be
19 meeting and they'll be focus groups set up
20 with various stakeholders during the entire
21 process.

22 LEGISLATOR NICOLELLO: Now, the
23 finished product, does that come back before
24 the legislature?

25 COMMISSIONER KRUMPTER: The

1 Rules Committee/5-19-14
2 finished product will be a report that will
3 be issued. That report will be open for
4 public inspection and obviously it will be
5 forwarded to the legislature.

6 LEGISLATOR NICOLELLO: Do you
7 have current plans for involvement of
8 legislature or legislators in this process
9 and what are they?

10 COMMISSIONER KRUMPTER: The
11 legislators will be involved as part of the
12 focus groups as elected leaders. Obviously
13 we would encourage and hope that all the
14 legislators participate in this process.
15 You all have a strong grasp of what the
16 community feels and you have very strong
17 feelings. So those focus groups will
18 include legislators during that entire
19 process.

20 LEGISLATOR NICOLELLO: Thank you.

21 COMMISSIONER KRUMPTER: Thank
22 you.

23 CHAIRWOMAN GONSALVES: Legislator
24 Solages.

25 LEGISLATOR SOLAGES: Thank you,

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2 Madam Chair. Good afternoon.

3 COMMISSIONER KRUMPTER: Good
4 afternoon, legislator. Your predecessor,
5 Commissioner Dale, had to resign in light of
6 a scandal that included some partisan
7 politics.

8 What statement can you provide to
9 us today that would account for this
10 consultant's ability to help protect the
11 county from such action?

12 COMMISSIONER KRUMPTER: Obviously
13 there is a lot of different pieces and it's
14 a very complex issue.

15 We recognize that moving forward,
16 you know, we want to have an ethic's policy
17 that we're acting and we build trust. We
18 want to build trust with the community.

19 There is a direct link to when
20 you have a trust -- the more trust you have
21 with a community as a whole, the better and
22 easier it is for you to do the job.

23 Obviously we enjoy something
24 nobody else can say, we're the safest
25 largest suburban community, but that doesn't

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2 mean we can't do better. We're looking to
3 do better.

4 So the idea here is to create an
5 ethics policy in such a way that we continue
6 to build trust and continue to partner with
7 the community.

8 LEGISLATOR SOLAGES: I thank you
9 for that general answer, but, specifically,
10 as it relates to political corruption in
11 that example, how can this consulting group
12 help protect against that?

13 COMMISSIONER KRUMPTER: The
14 consulting group will take into
15 consideration federal, state, and local
16 laws. They will take into consideration
17 best practices and determine, establish a
18 policy that ensures that police officers, no
19 matter what the rank, from the police
20 officer to the commissioner, have a clear
21 direction and a clear ethics. So that's how
22 they are going to help. They are going to
23 establish a very clear policy.

24 As far as, you are talking about
25 a specific case, and I really am not in a

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2 public forum, in a position that I will get
3 into details of specific cases.

4 LEGISLATOR SOLAGES: Are they
5 aware of that particular scandal that
6 occurred?

7 COMMISSIONER KRUMPTER: Yes.
8 PERF, since PERF was selected, we started
9 negotiations. PERF has been following
10 what's been going on in Nassau County. So
11 they're very familiar with what's happening
12 and what's been ongoing.

13 LEGISLATOR SOLAGES: What has
14 been their opinion on that matter?

15 COMMISSIONER KRUMPTER: I haven't
16 really talked specifically about that with
17 them.

18 LEGISLATOR SOLAGES: Their role
19 is to issue recommendations. What real
20 teeth can we have which would protect and
21 guard us from such instances?

22 COMMISSIONER KRUMPTER: They are
23 going to issue recommendations but,
24 remember, this is all being designed as a
25 collaborative approach, and this legislature

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has a significant amount of teeth. The department is embracing this. One of the things that we just completed was use of force policy. The use of force policy is now, every single police officer in this department is being trained in the use of force policy. To be honest, and quite frank, we didn't pull any punches in that. We went through that. We went in with an open mind and we built a new force policy from the ground up.

Currently, police officers are receiving five and a half hours of training, two hours of the new use of force policy, two hours on ethics and policing and an hour on NARC-END (phonetic) and we actually had a police officer save a life that was trained on NARC-END last week. That training is going to be completed by the end of June.

So, it really comes down to anything else. They are going to issue recommendations and they are going to work with us in a collaborative approach, and work with the legislators and the county

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2 executive, and district attorney and other
3 stakeholders.

4 But, like anything else, the
5 devil is in the details and, at the end, if
6 we don't do anything with those
7 recommendations then nothing would be
8 accomplished and this would be a waste of
9 money.

10 LEGISLATOR SOLAGES: Is anyone
11 here today from PERF?

12 COMMISSIONER KRUMPTER: No.
13 Nobody is here today from PERF.

14 LEGISLATOR SOLAGES: I would like
15 to hear from them. Another question I have
16 in light of the recent incident of police
17 brutality that occurred in New Cassel,
18 which, the charges were dropped today.

19 COMMISSIONER KRUMPTER: Yes, they
20 were.

21 LEGISLATOR SOLAGES: You know, in
22 my community, I have received many
23 complaints from people who go to the Fifth
24 Precinct which is now the community center.
25 They say that they are often -- they often

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2 receive a lack of respect and courtesy and
3 professionalism from officers at the desk
4 who do not respond to their concerns in a
5 professional manner.

6 How can we include sensitivity
7 training with that particular precinct to
8 better help my constituents?

9 COMMISSIONER KRUMPTER: And the
10 very things you are bringing up, like I
11 said, I'm not going to comment on an ongoing
12 investigation. The district attorney,
13 Nassau County Police Department, are
14 currently conducting a joint investigation
15 into the issue that you raised.

16 Like anything else, part of this
17 at the end, we are right now doing two hours
18 of ethic's training, and part of this will
19 be four hours of training, in service
20 training for every single member of the
21 police department on ethics. And that's all
22 about the sensitivity and professionalism,
23 and that's what we relaying right now as we
24 speak.

25 It's an ongoing process. Like I

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2 said, we are going to get a feel. One of
3 the interesting things about this proposal,
4 before you, this contract for your
5 consideration, is that they are going to
6 pole the public, they are going to get a
7 feel through a poll of what the feeling of
8 the public is towards the Nassau County
9 Police Department on a global sense. I
10 think that's a starting point.

11 When we look at that and it comes
12 back -- I don't know what it comes back as,
13 but if it comes back that 85 percent view
14 the Nassau County Police Department
15 favorably, the objective is, to make it 100
16 percent to view the department favorably.

17 So, the very things that you are
18 bringing up are all thing that have to be
19 included in this project and it is a
20 project. We have to get your feelings. We
21 have to get your community leaders'
22 feelings, and our community, that's our
23 client. Those are the customers. What we
24 are looking to do is improve the customer
25 satisfaction.

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2 LEGISLATOR SOLAGES: In going
3 forward, I ask that if you may please
4 include me in communications and
5 opportunities between myself and community
6 leaders of my district to help with this
7 survey, I would truly appreciate that.

8 COMMISSIONER KRUMPTER: You have
9 my commitment. The survey is going to be,
10 there's going to be focus groups, there's
11 going to be a survey. The survey is going
12 to be scientific survey that is conducted
13 throughout the whole county.

14 But, as we move forward, there
15 will be focus groups and you have my
16 commitment that we will include you.

17 LEGISLATOR SOLAGES: Thank you.
18 Through the help of the PBA, which I have to
19 give them credit for, we did have a
20 community meeting in December in which well
21 over one hundred people attended to discuss
22 local law enforcement issues.

23 I would like to have that again,
24 and, again, if we can further collaborate to
25 help produce the best results for this

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2 survey, again, I would truly appreciate
3 that.

4 COMMISSIONER KRUMPTER: And, like
5 anything else, you know, I welcome the
6 opportunity to attend community meetings and
7 I put that out to all the legislators. As
8 always, the feedback I get there is
9 invaluable. You can't put a price on it.

10 So, from my perspective, any
11 opportunity that I have to participate in a
12 community meeting with any of you, I welcome
13 the opportunity and do everything I can to
14 either make myself, the chief of the
15 department, or one of the other chiefs
16 available.

17 LEGISLATOR SOLAGES: Thank you
18 very much.

19 COMMISSIONER KRUMPTER: Thank
20 you.

21 CHAIRWOMAN GONSALVES: Kevan
22 Abrahams.

23 LEGISLATOR ABRAHAMS: How are
24 you, commissioner?

25 COMMISSIONER KRUMPTER: Good.

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2 Thank you, legislator. How are you?

3 LEGISLATOR ABRAHAMS: Good. I
4 think we all are in agreement that 99.9
5 percent of our police force is hard working
6 and good public servants that are doing a
7 dangerous job and doing for the good of the
8 public.

9 However, as you probably well
10 know, as Legislator Solages started to talk
11 about, there are these cases that pop up,
12 such as former Commissioner Dale's case,
13 which, basically, not too sure if any --
14 from the public's eye, obviously, there has
15 been many ethical standards that were
16 violated, but not too sure from the police
17 or the department's level what has exactly
18 been discussed.

19 We just want to make sure that
20 any package of reforms that we plan to vote
21 for, and I'm recommending to my caucus that
22 we vote for these, but any package that we
23 vote for, we want to make sure that they're
24 going to bring real reform, that we just
25 don't do a contract today and then 12 months

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2 later there's nothing that comes from it.

3 So we want to make sure that
4 there is a timeline in place where we can
5 actually see some of the changes or some of
6 the ideas being discussed.

7 I know you had mentioned focus
8 groups as part of that equation. I think
9 that's appreciative, but I think we also
10 have to make sure that all parties involved,
11 majority as well as the minority, have a
12 stake in this from the beginning all the way
13 through to the end, until it comes back to
14 the legislature, as you mentioned, to
15 Legislator Nicoletto in regards to it coming
16 back to us in the form of a report.

17 So I don't know how you feel
18 about all those things but I would strongly
19 feel that it would be important for us to be
20 part of the initial meetings so that our
21 input, I believe Legislator Solages also
22 mentioned the fact that obviously with the
23 recent brutality case, or alleged brutality
24 case in New Cassel, from that standpoint we
25 want to make sure that we can have the

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2 confidence through our community leaders and
3 through our community that we are able to
4 address these things on a going forth basis.

5 So, that being said, how would
6 you feel about us being a part of the
7 initial meetings in regards to gaining more
8 insight in how this process would roll out?

9 COMMISSIONER KRUMPTER: Like
10 everything else, there is going to be a
11 kick-off meeting with PERF and there are
12 going to be regular updates and you are
13 going to be consulted as a legislative body
14 and individually as legislators.

15 I believe that what you're
16 looking for is actually embedded in the
17 contract where you will be a party. It's
18 very important that we work with the
19 legislators to tap those key community
20 leaders.

21 Now, obviously, in the police
22 department, we have a group of community
23 leaders that we deal with. But there are
24 other community leaders that may be under
25 the radar in our world, so it's going to be

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2 very important, in order to get the
3 stakeholders out there involved and engaged,
4 that we work with the legislators to that
5 end.

6 You know what, I certainly have
7 no interest in spending \$675,000 and not
8 having anything at the end of this. The one
9 thing that I do know about PERF based on
10 their history and based on my experience
11 with PERF that it's an organization that is
12 very structured.

13 I will tell you, already there is
14 a rough time, once we actually finalize a
15 contract, if approved by this legislative
16 body, it is based on an 18 month time line,
17 with the bulk of that work, the bulk of that
18 work occurring in the first six months.
19 So it's a very aggressive timeline.

20 In order for it to be done right
21 and in order for it to have value and be
22 worth something at the end, it serves no
23 purpose to do this in a bubble.

24 We did the use of force policy,
25 that was a technical thing. We worked with

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2 the police department and we conferred with
3 the district attorney and we conferred with
4 people that were experts in that field.
5 That was something a little bit different
6 than this. This is all about building trust
7 with the community.

8 LEGISLATOR ABRAHAMS: I agree.

9 COMMISSIONER KRUMPTER: That's
10 what this is. So I think that's important
11 to keep in mind as we move forward.

12 LEGISLATOR ABRAHAMS: So assuming
13 the contract is approved today, the initial
14 kick off meeting where I guess myself or
15 Madam Presiding Officer Gonsalves and
16 members of the legislature, when will that
17 be and when can we expect communication for
18 that?

19 COMMISSIONER KRUMPTER: Like
20 anything else, it has to go through the
21 routing process, and I can't give a timeline
22 for the routing process. It has to go to
23 the comptroller and ultimately has to be
24 approved by NIFA.

25 LEGISLATOR ABRAHAMS: Give it 30

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2 days?

3 COMMISSIONER KRUMPTER: 30 days
4 we would expect that -- we would be looking
5 to meet with the key stakeholders and
6 representatives from this body shortly
7 thereafter.

8 LEGISLATOR ABRAHAMS: So we can
9 say by the end of June?

10 COMMISSIONER KRUMPTER: I would
11 hope that by the end of June we would have
12 our first meeting with you, yes.

13 LEGISLATOR ABRAHAMS: Okay. With
14 PERF there as well?

15 COMMISSIONER KRUMPTER: That's
16 what they are being paid for, yes, sir. I
17 have to be honest with you, I'm in a meeting
18 that PERF will be at next week, and we will
19 start those discussions on the preliminary
20 timeline then, and we will keep the
21 presiding officer and yourself apprised of
22 what's going on in the timeline.

23 LEGISLATOR ABRAHAMS: Tom, do you
24 mind if we have I guess the department's
25 counsel meet with our counsel to make sure

1 Rules Committee/5-19-14
2 that's in a timely manner maybe before that
3 just to make sure we are all on the same
4 page?

5 COMMISSIONER KRUMPTER: I would
6 have no objection to the department counsel
7 talking to your counsel. I think it would
8 probably be worthwhile to have the majority
9 counsel also present.

10 LEGISLATOR ABRAHAMS: I agree.

11 CHAIRWOMAN GONSALVES: Any other
12 comments, or any other questions?

13 (No verbal response.)

14 Is there any public comment
15 regarding this contract?

16 (No verbal response.)

17 There being none, all those in
18 favor of Contract E-127 signify by saying
19 aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The contract passes unanimously.

24 COMMISSIONER KRUMPTER: Thank you
25 very much, presiding officer. The next

1 Rules Committee/5-19-14
2 contract is Contract E-128, a resolution
3 authorizing the county executive to execute
4 an amendment to a personal service agreement
5 between the County of Nassau acting on
6 behalf of the department of Traffic and
7 Violations Agency and American Traffic
8 Solutions better known as ATS.

9 A motion, please.

10 LEGISLATOR DUNNE: So moved.

11 LEGISLATOR WALKER: Second.

12 CHAIRWOMAN GONSALVES: Moved by
13 Legislator Dunne, seconded by Legislator
14 Walker. Who is here to speak on this?

15 MR. MAY: We have Mr. Christopher
16 Mistron from the Traffic Safety Board and
17 Mr. David Rich from the Traffic and Parking
18 Violations Agency.

19 MR. RICH: Good afternoon. Dave
20 Rich, Deputy Director of Nassau County
21 Traffic and Parking Violations Agency.

22 MR. MISTRON: Christopher
23 Mistron, Nassau County Traffic Safety.

24 CHAIRWOMAN GONSALVES: How about
25 giving us an update or breakdown on the

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2 contract amendment?

3 MR. RICH: We're modifying the
4 terms to decrease the amount paid to ATS
5 through the red light camera safety program
6 from 38 percent to 35 percent. In addition,
7 we're adding school zones speed safety
8 camera programs to the current contract.

9 CHAIRWOMAN GONSALVES: This is
10 connected to the present contract with the
11 red light cameras, correct?

12 MR. RICH: Yes.

13 CHAIRWOMAN GONSALVES: I would
14 like the benefit of amending that contract
15 to include the speed cameras. What is the
16 benefit to the county?

17 MR. RICH: The benefit, on one
18 side, there is a couple of points on one
19 side. Currently we pay 38 percent of fine
20 and penalty over to American Traffic
21 Solutions on every paid violation.

22 What we are going to do, starting
23 January 1st of 2016, it will be reduced to
24 35 percent. So that will be an annual
25 savings in contract just for red light

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2 alone, about \$700,000.

3 In addition, we're going to be
4 able to utilize some of the equipment that's
5 up there now that's for red light camera and
6 convert it to both red light and speed
7 camera equipment.

8 Then, finally, it's because the
9 current vendor that we're using now, it will
10 be less start up time and we're going to be
11 using the same software, same equipment to
12 be able to process the violations that come
13 through our office.

14 CHAIRWOMAN GONSALVES: How many
15 speed cameras are we talking about?

16 MR. RICH: At this time, in the
17 contract, we're looking about 56 pieces of
18 equipment, locations.

19 CHAIRWOMAN GONSALVES: Will any
20 of them be mobile?

21 MR. RICH: Yes. Approximately
22 20.

23 CHAIRWOMAN GONSALVES: In other
24 words, within the same school district, even
25 though each school district will have one

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2 speed camera; is that correct, there is a
3 possibility that that speed camera can be
4 moved to another location within the school
5 district?

6 MR. RICH: Correct.

7 CHAIRWOMAN GONSALVES: Any other
8 questions or comments? Legislator Jacobs.

9 LEGISLATOR JACOBS: I just wanted
10 to ask something. You can correct me if I'm
11 wrong in some of these things. ATS and TPVA
12 have been named in a lawsuit filing unlawful
13 conduct in connection with the red light
14 camera installation, maintenance, and
15 operation, essentially, and I'm only putting
16 that on record so I can then ask you some
17 follow-up.

18 Do we have confidence in them?
19 I'm not saying these lawsuits are correct or
20 incorrect, but do you have full confidence
21 in the company we are using to install the
22 new type lights?

23 MR. RICH: Yes, we do.

24 LEGISLATOR JACOBS: What
25 assurances do we have that the speed cameras

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2 would be -- have you discussed with them
3 what the problems might have been to create
4 a lawsuit that seems to have some legs?

5 JUDGE MARKS: John Marks, I'm the
6 executive director of Nassau County Parking
7 and Violations Agency. It is pending
8 litigation. But it's, in my opinion,
9 fruitless litigation. There's no merit to
10 the claim that's now in federal court.

11 LEGISLATOR JACOBS: Let me ask
12 you this: What risk, if any, what role, if
13 any, will ATS play in collecting fines, et
14 cetera, because there's millions of dollars
15 involved here?

16 MR. RICH: Basically all monies
17 are turned over to Nassau County and then,
18 what we do is, based on the contract rate,
19 then we pay them back based off the contract
20 expense. So we are really responsible for
21 collecting all of the monies.

22 LEGISLATOR JACOBS: I think the
23 program is a very worthy one, obviously, and
24 am just concerned about us having the proper
25 monitoring of it in-house to make certain

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2 that obviously if there are any errors made
3 in placement or whatever or maintenance,
4 that we are on top of it.

5 MR. RICH: Yes, definitely.

6 LEGISLATOR JACOBS: Thank you.

7 CHAIRWOMAN GONSALVES: Legislator
8 Nicolello.

9 LEGISLATOR NICOLELLO: One of the
10 questions I get asked most frequently with
11 respect to this is, why is the company that
12 does this out of state? There is still no
13 Long Island entity that performs this type
14 of service, is that accurate?

15 MR. RICH: That's correct.
16 Basically there are three large vendors that
17 are in this world and none of them are from
18 New York.

19 LEGISLATOR NICOLELLO: Then I
20 noted in Newsday that Suffolk, I believe, is
21 paying 42 percent of their revenues?

22 MR. RICH: Yes, that's Xerox.

23 LEGISLATOR NICOLELLO: So you
24 were able to negotiate an agreement at first
25 38 percent and now it's dropping to 35

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2 percent?

3 MR. RICH: For the red light
4 camera, yes.

5 LEGISLATOR NICOLELLO: Thank you.

6 CHAIRWOMAN GONSALVES: Legislator
7 Solages.

8 LEGISLATOR SOLAGES: Thank you,
9 Legislator Gonsalves. Good afternoon,
10 gentlemen.

11 I'm just concerned that motorists
12 deserve some notice. I understand that you
13 might have some fixed positions where you
14 will have these cameras for the speeding,
15 but as to the mobile units, what notice will
16 be provided to motorists?

17 JUDGE MARKS: School speed zone
18 speeds. Each school district is earmarked
19 with a speed.

20 LEGISLATOR SOLAGES: But, judge,
21 as for the fixed units, I understand, for
22 example, Chris put a notice for a request
23 for speed cameras for Dutch Broadway School
24 in my district, will there be a sign there
25 saying that there is a speed camera in front

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2 of it or any other location?

3 MR. MISTRON: Well, what the
4 judge -- to continue with what the judge was
5 saying, is that our speed zones, with regard
6 to the school zones, are marked.

7 It's not a secret in terms of how
8 we are going to deploy. The vehicles
9 themselves are not marked. There are no
10 signs, per se, that are in use. But, the
11 fact is, that the locations technically will
12 not be secret. They are going to be made
13 available to the body. These are well
14 traveled roadways. They are noticeable.
15 For the most part, the use of the mobile
16 allows us to go through several high
17 locations within any particular district.

18 So the fact is, they are notified
19 by virtue of the school zone itself being
20 marked and announced.

21 LEGISLATOR SOLAGES: But, as for
22 the red light cameras, you do provide notice
23 at certain intersections for that. Why is
24 it that you are not providing notice for
25 these speed cameras?

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2 MR. MISTRON: Because, in all
3 honesty, I do feel that the notice is -- the
4 difference between the red light cameras and
5 the school zones is that the school zones
6 are already marked. They are indicated as
7 to the entrance and the exit of them. So
8 it's not an unknown.

9 In the case of the red light
10 cameras, we utilize the signs as a courtesy
11 and as a warning because it goes hand in
12 hand with an educational program. We want
13 people to not get the tickets.

14 LEGISLATOR SOLAGES: Red lights
15 are clearly marked to the public as well.
16 Maybe this is my defense lawyer side coming
17 out, I'm getting a memory from being in
18 front of Judge Marks at the Traffic Safety
19 Violation Board in Hempstead on Cooper
20 Street.

21 But, again, I believe that
22 motorists deserve notice when they are
23 entering a zone, in addition to the notice
24 that they are entering a school zone.

25 So in addition to the Dutch

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2 Broadway location, what other locations did
3 you plan for in the Third District?

4 JUDGE MARKS: The legislature
5 calls for one camera, one operational camera
6 per school district. So if there is a fixed
7 camera, if there's going to be a mobile
8 camera at a different location, one has to
9 be shut off.

10 The best sign to advise people of
11 a school zone is little children walking
12 that say it's a school zone. The New York
13 State Legislature did not, contrary to red
14 light cameras, there is no mandate for a
15 warning sign.

16 If we had a mobile location,
17 let's say somebody, one of the schools in
18 your district said we are having a little
19 problem with this particular school and you
20 would like us to shut down if there was a
21 permanent, and I don't know if it's
22 permanent or not, and to put a mobile. So,
23 before we can do that, now we have to build
24 a sign. So, it's not really practical.

25 LEGISLATOR DUNNE: Carrie, can I

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2 ask your question in a different way? Same
3 question just put a different way. Through
4 the chair?

5 LEGISLATOR SOLAGES: I defer to
6 my colleague, Mr. Dunne, to ask his
7 question.

8 Right now when I go down
9 Salisbury Park Drive in Salisbury, and they
10 have a portable speed indicator, the police
11 are further down. So, you get to see, I'm
12 going fast, you slow down, by the time you
13 get by the police. Is that the warning,
14 that the speed indicator is the warning?
15 But you are going to have the cameras after
16 the indicators showing, uh-oh, you're going
17 to fast, and the guy or girl will have a
18 chance to slow down before they get
19 ticketed, and if they blow it, then they
20 blew it.

21 Is that the way they're going to
22 do it, this way? They do it now on
23 Salisbury Park Drive, the speed -- the
24 portable speed indicator, just to see how
25 fast you're going, and then, a little

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2 further down you see a bunch of police
3 officers waiting?

4 MR. MISTRON: I think it's
5 important, again, to look at the difference
6 between, say, even something like that and
7 the speed camera, is the fact that we have a
8 marked area that is announcing the entering
9 of a specific speed for a school. So I
10 think you already have the warning.

11 I think an important note,
12 remember, we're not enforcing that reduced
13 school zone. We are actually enforcing a
14 ten -- we're giving a ten mile latitude on
15 that enforcement level.

16 LEGISLATOR DUNNE: And all the
17 schools have it painted on the road also
18 already?

19 MR. MISTRON: The schools have
20 painted demarkations and so on.

21 LEGISLATOR DUNNE: All right.
22 Thank you.

23 CHAIRWOMAN GONSALVES: I have a
24 question, Mr. Mistron. What role does the
25 school district play in the selection of the

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2 school zone?

3 MR. MISTRON: Well, at the
4 present time, our selection process was
5 based on the number of vehicles within the
6 area, the locations of the schools, we have
7 a number of locations that are on dead ends
8 or in cul-de-sac areas, neighborhoods, that
9 it doesn't appear at the present time there
10 is a speed situation. We are making part of
11 our program to go out and to view the
12 approach speeds. We've done demos already
13 in the areas.

14 So the fact is that we have
15 already created a selection list that will
16 be made available and the ideal use of the
17 mobile unit is such that if a district or if
18 any of the members here do feel there might
19 be a need for another location or to look at
20 alternate sites, we have the ability to move
21 away from what we look at, say on the DPW
22 side, and the police records of maybe the
23 better locations.

24 So we have identified locations
25 within each district. We have identified in

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2 some cases multiple locations and we are
3 going to work off of those.

4 In terms of, again, further
5 input, we will accept the input from schools
6 but, for the most part, we have already
7 taken a look at what we look at as areas
8 that have high traffic, areas that have had
9 many complaints, as well as areas of crashes
10 that have occurred.

11 CHAIRWOMAN GONSALVES: I have a
12 question to follow-up there. Let's say you
13 have a permanent speed zone camera in one
14 location. How do you turn that one off and,
15 let's say, use a mobile one in another
16 location within the school district? Would
17 you do that?

18 JUDGE MARKS: We notify the
19 vendor and the vendor will shut of whatever
20 fixed camera and we will put in operation
21 the mobile camera.

22 CHAIRWOMAN GONSALVES: And, then,
23 if there is a need to go back to the fixed
24 one, you are capable of doing that?

25 MR. MISTRON: That's correct. We

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2 just cannot have two operating at the same
3 time.

4 CHAIRWOMAN GONSALVES: Right.
5 Okay. Got it. Legislator Jacobs.

6 LEGISLATOR JACOBS: I have a
7 scenario to share with you. About three
8 years ago, as part of the community
9 revitalization money, I had asked for signs,
10 because I have quite a few elementary
11 schools in my district that are on main
12 roads. I had asked for those warning signs,
13 you are going 42, speed limit 30. They are
14 in places, they're in Old Bethpage.

15 But I haven't been successful in
16 the other parts of the district. What I was
17 told at the time is that this is all part
18 within the budget of things that we can do
19 without using Community Revitalization
20 Program money. Those to me would be the
21 answer to what Legislator Solages would be
22 talking about. They are very obvious. When
23 you are coming towards that sign, it is
24 blinking at you that you are going, whatever
25 it is, 40 in a 25 mile an hour school zone.

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2 If those were put in and,
3 supposedly they are very reasonable, by the
4 way, what better sign do you need? Then
5 people know exactly what they are doing.

6 My suggestion would be, and this
7 is three years that I am waiting for it,
8 forget me, I think in any part of the
9 county, that those types of signs might be a
10 great warning signal in and of themselves
11 that, hello, you are going to be monitored
12 on this. Just a suggestion.

13 MR. MISTRON: I can tell you that
14 a few of the locations that we are looking
15 at already have those approach signs
16 present.

17 LEGISLATOR JACOBS: Those are
18 good but there are a lot of places, and we
19 can talk privately on it, which I know are
20 extremely dangerous that connect a Jericho
21 Turnpike to the Expressway and have a school
22 there. And I'm still waiting for something
23 to happen. Nothing against Public Works.
24 The transportation area there has been
25 phenomenal. But somehow it hasn't happened.

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2 I understand there's budget
3 problems. I understand all that. But that
4 would be something, it would be forever a
5 great thing for any community to have it in
6 front of their schools and, in relationship
7 to this particular item, it would be there.
8 So you can almost defy anybody to say they
9 didn't know the speed they were going. I
10 find it very hard to believe. Just a
11 suggestion.

12 CHAIRWOMAN GONSALVES: Any other
13 comments? Legislator Walker.

14 LEGISLATOR WALKER: I know that
15 you said that there would be 56 cameras, 36
16 permanent, 30 mobile. I know in the study
17 area in Hicksville you had three Hicksville
18 schools in the study area.

19 You look at the numbers over at
20 MacArthur High School that were extremely
21 high. So there might be school districts
22 perhaps that don't warrant a camera at all,
23 if they're all, say, like a little side
24 street, and people are not normally speeding
25 on those side streets, I mean, I don't know,

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2 I'm asking that question. But then you
3 would have other units that would be mobile
4 enough that you would sort of have them
5 nearby in those areas where they do have
6 schools on main roads, and people are flying
7 down those streets, that you would then
8 switch on and off, turn the main one off,
9 put another mobile unit up, is that what you
10 would do?

11 JUDGE MARKS: That's the current
12 scheme plan. Keeping in mind that only one
13 camera can be operational in a school
14 district. The reason we have 56 is that
15 there are 56 school districts. We are
16 allowed to have 56 speed cameras, however,
17 no more than one operational in any school
18 district.

19 LEGISLATOR WALKER: Can I just
20 ask, why is it that you can only have one?

21 JUDGE MARKS: It's called the New
22 York State Legislature. Also, the threshold
23 speed is 10 miles over the posted limit. So
24 I think it speaks a little bit to somebody
25 who says, I only thought it was two miles

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2 over.

3 LEGISLATOR WALKER: You are not
4 even going to get a ticket unless you are
5 over ten miles.

6 JUDGE MARKS: The law, as
7 written, says ten miles per hour over, more
8 than ten.

9 LEGISLATOR JACOBS: But if the
10 lights would be there that actually tell
11 them -- think of the expressway, the south
12 side of the expressway, the south side of
13 the expressway in Jericho, where they have a
14 long run from 106, 107 to the expressway,
15 let me tell you, you would have to be crazy
16 to be speeding. There is an overhead that
17 tells you how fast you're going, right next
18 to it is the speed limit. Those are the
19 kinds of things -- I'm not saying it has to
20 be that dramatic, but those little ones on
21 the side, I have to tell you, honestly, I
22 have caught myself being like eight miles
23 per hour over, and, boy, I slow down pretty
24 quickly.

25 JUDGE MARKS: Well, one, I'm not

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2 disputing what you are saying, but, two,
3 stay under the two miles, don't go the extra
4 two.

5 LEGISLATOR JACOBS: I'm just
6 being very honest here. That's all.

7 CHAIRWOMAN GONSALVES: I'm going
8 to give an example. There are those signs
9 that register the speed that you are going.
10 I'm going to give you one, Merrick Avenue in
11 North Merrick, which is a horrible, horrible
12 street.

13 Would those signs be in
14 conjunction with the speed camera if we had
15 one there?

16 MR. MISTRON: At the present time
17 that's not being looked at with all the
18 locations, but a number of the schools
19 already have those, those particular schools
20 that are on our list. A number of the
21 schools already have those approach warning
22 signs.

23 CHAIRWOMAN GONSALVES: But they
24 won't have the speed camera then?

25 MR. MISTRON: No. Some of them

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2 already -- we are looking at putting the
3 speed camera even in those locations.

4 CHAIRWOMAN GONSALVES: That's
5 what I'm asking.

6 MR. MISTRON: Yes. The
7 violations that we've been testing, as a
8 matter of fact, two of the test areas had
9 those numbers, or those signs there, and it
10 was astounding the number of violations and
11 at the speed the people were going even with
12 those warnings present.

13 CHAIRWOMAN GONSALVES: That's
14 right. Thank you very much, Chris. Any
15 other questions from the legislators?

16 (No verbal response.)

17 Is there any public comment?

18 (No verbal response.)

19 There being none, all those in
20 favor of Contract E-128 signify by saying
21 aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The contract passes unanimously.

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2 Thank you very much.

3 One more item. It's Item 195-14,
4 a local law to establish a demonstration
5 program imposing monetary liability on the
6 owner of a vehicle for failure of an
7 operator thereof to comply with the posted
8 maximum speed limits in a school speed zone.

9 A motion, please.

10 LEGISLATOR WALKER: So moved.

11 LEGISLATOR NICOLELLO: Second.

12 CHAIRWOMAN GONSALVES: Moved by
13 Legislator Walker, seconded by Legislator
14 Nicolello. Chris, you're it.

15 MR. MISTRON: Christopher
16 Mistron, Nassau County Traffic Safety.
17 Again, this now goes hand in hand with the
18 contracts. Last week we passed the Home
19 Rule Message to the state to enact the very
20 bill. This particular legislation is now to
21 implement the program itself within the
22 county.

23 CHAIRWOMAN GONSALVES: Any
24 questions of Mr. Mistron?

25 (No verbal response.)

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2 Is there any public comment?

3 (No verbal response.)

4 There being none, all those in
5 favor of Item Number 195-14 signify by
6 saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The item passes unanimously.

11 Thank you very much.

12 LEGISLATOR WALKER: I just wanted
13 to say to you, Chris, it's great to see you
14 back.

15 MR. MISTRON: Thank you.

16 CHAIRWOMAN GONSALVES: Motion to
17 adjourn.

18 LEGISLATOR WALKER: So moved.

19 LEGISLATOR NICOLELLO: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Walker, seconded by Legislator
22 Nicolello. All those in favor of adjourning
23 signify by saying aye.

24 (Aye.)

25 Any opposed?

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2 (No verbal response.)

3 The Rules Committee is adjourned.

4 Thank you very much.

5 (Whereupon, the Rules Committee

6 adjourned at 4:45 p.m.)

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C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby stated:

THAT I attended at the time and place above mentioned and took stenographic record of the proceedings in the above-entitled matter;

THAT the foregoing transcript is a true and accurate transcript of the same and the whole thereof, according to the best of my ability and belief.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of June, 2014.

FRANK GRAY