TO:     RFP Waiver Committee Members:
        Lora Gellerstein, Suffolk County Legislature
        Barry Paul, Director of Performance Management
FROM:  Peter A. Scully, Deputy County Executive & Chair of the Waiver Committee
DATE:  September 28, 2018
RE:     Waiver Committee Meeting Minutes of September 19, 2018

1. **Call to Order:** The meeting was called to order at 11:02 AM.

2. **Public Comment:**
   
   Legislator Trotta addressed the committee regarding the Red Light Safety Program and the pending review of the program. He raised a concern regarding question #3 in the waiver request and read a ruling from the Department of Education. Legislator Trotta stated the program is a public safety nightmare, and that the cameras are not certified.

   Resident Hector Gavilla recommended termination of the program and read a statement (attached).

   Resident Pam Farino has never received a ticket but recently read the Office of the State Comptroller Procurement Policy and argues that this committee does not act in accordance with the Policy. The Red Light Safety Program is controversial and deserves a vote from the full Legislature.

   Legislator Kennedy inquired if the Chair received a letter from several Legislators regarding the Red Light Safety Program. Peter Scully responded yes. In addition, she requested that the Red Light Safety waiver be taken out of order due to the amount of people attending for this particular matter.

   Legislator Anker submitted a written statement to the Waiver Committee prior to the meeting (attached).

3. **Meeting Minutes:** The minutes from the August 8, 2018 meeting were adopted, on a motion by Lora Gellerstein, seconded by Barry Paul.

4. **Waiver Requests:** On a motion by Lora Gellerstein, seconded by Barry Paul, Waiver 66-2018 was taken out of order.
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<th>#</th>
<th>Waiver Number</th>
<th>Dept.</th>
<th>Description</th>
<th>Motion</th>
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<td>7</td>
<td>66-2018</td>
<td>DPW</td>
<td>Red Light Safety Program</td>
<td>Paul</td>
<td>Gellerstein</td>
<td>Approved with condition</td>
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Peter Scully read a letter from the Legislative minority (attached) into the record and reminded those in attendance that the role of the waiver committee is to review procurement issues, not to make policy. Gil Anderson requested an extension to the existing contract because of timing issues related to the potential extension of the legislation on December 1, 2019. Barry Paul stated that because the original procurement was done in 2012 a new procurement should be undertaken, regardless of the need for state legislation to extend the program. He suggested that the waiver request be granted with the following conditions: an extension for only one year and the Department should be directed to issue a new RFP asap. Lora Gellerstein added that the ongoing study will yield results in 2019. Legislator Trotta stated that more accidents are occurring each year and asked that a diagram be entered into the record (attached).

| 1 | 60-2018       | Police | Veterinarian Services | Gellerstein | Paul | Approved: |
|   |               |        |                      |            |      | 1. Scully |
|   |               |        |                      |            |      | 2. Gellerstein |
|   |               |        |                      |            |      | 3. Paul |

Doria Smith explained that the existing contract expired in June 2018. The Department had proactively issued an RFP and only received one response from Dr. Greco, who currently performs the services. After re-advertising and only receiving one response again from Dr. Greco, the Department is required to submit a resolution to the Legislature for approval to enter into another contract with him. This waiver request is for six months, to allow the Department to follow the necessary steps within the Legislative process.

|   |               |        |                                   |            |      | 1. Scully |
|   |               |        |                                   |            |      | 2. Gellerstein |
|   |               |        |                                   |            |      | 3. Paul |

Dennis Brown stated that this firm has an extensive history with the County and inadvertently did not respond to the RFP due to an administrative error. He would like to contract with the firm, under the same terms and conditions as the existing contract. Barry Paul asked if Dennis the firm has performed satisfactorily to which Dennis replied yes. Lora Gellerstein argued that allowing this would be unfair, and not the appropriate use of the waiver committee. The Committee agreed to table this waiver pending further clarification.

| 3 | 62-2018       | Probation | Project DOVE | Gellerstein | Paul | Approved |
|   |               |           |              |            |      | 1. Scully |
|   |               |           |              |            |      | 2. Gellerstein |
|   |               |           |              |            |      | 3. Paul |

Project DOVE is a 100% grant funded victim services program administered by Long Island Against Domestic Violence ("LIADV"), who has partnered with the County since 2015. Together, the Probation Department and LIADV applied for and recently received additional funding from the Department of Justice. Andrea Neubauer stated that the Department is seeking approval to contact with LIADV to continue performing the current services and to hire two additional High Risk Precinct Advocates and one High Risk Court Advocate. Lora Gellerstein asked if the Department looked at other agencies before choosing LIADV. Andrea Neubauer explained that this agency is the only one that provides precinct advocates, and in order to apply for the grant funding, the County had to partner with an agency in order to submit the application.
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<th>Brentwood High School - Nitrogen/Marsh Ecosystems Research Project</th>
<th>Gellerstein</th>
<th>Paul</th>
<th>Approved</th>
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| 4 | 63-2018 | EDP | The original waiver for this project was approved in 2015, however, the project was slow to start and did not finish on time. Frank Castelli explained that the Department wishes to extend this existing waiver to June 30, 2019 to allow for Dr. Grella and the Brentwood School District to complete the project and use unexpended funds in the amount of $31,473. This project originally received grant funding in the amount of $125,000 and aims to provide an educational and outreach pathway to address the need for skilled local personnel to monitor and study nitrogen loading and to be the source of solutions. | Gellerstein | Paul | 1. Scully  
2. Gellerstein  
3. Paul |
| 5 | 64-2018 | DPW | Energy Conservation Projects at various County facilities | Paul | Gellerstein | Approved |
|    |   |   | Gil Anderson explained that the DPW wishes to issue an RFP to a pre-approved specialized list of local firms to provide design services associated with specialty energy conservation and related mechanical/electrical projects at various County facilities. When evaluating the RFPs, the consultant with the lowest fee (at or below $75,000) will be awarded the project. DPW stated that new firms can become qualified and added to the pre-approved list at any time. The waiver would be for two years. |   |   | 1. Scully  
2. Gellerstein  
3. Paul |
| 6 | 65-2018 | DPW | Design Services for Improvements at CR 83 & CR 16 | Gellerstein | Paul | Approved with condition |
|    |   |   | Gil Anderson explained that the DPW wishes to issue an RFP to a pre-approved specialized list of local firms to provide design services for road improvements at CR 83 & CR 16. The project design will include capacity and safety improvements at the intersection with the installation of concrete curb and sidewalk, replacement and addition of drainage facilities, traffic signal upgrades, full depth pavement rehabilitation and asphalt resurfacing. The estimated cost for the services is $250,000. Funding for the project has been identified under CP 5548 and will require Legislative approval in the future. Peter Scully suggested to approve the waiver contingent on approval of the funding by the Legislature. | Gellerstein | Paul | 1. Scully  
2. Gellerstein  
3. Paul |

5. Other Business:

6. Adjournment: The meeting adjourned at 11:50 AM.

In addition to Committee Members Scully, Gellerstein & Paul, the following individuals were also in attendance at the meeting:

1. Rob Trotta, Legislator
2. Rick Brand, Newsday
3. Frank Castelli, Chief Environmental Analyst, EDP
4. Dennis Brown, County Attorney
5. Andrea Neubauer, Acting Director, Probation
6. Doria Smith, Paralegal, SCPD
7. Pam Farino, resident
8. Michael Monaghan, Chief Engineer, DPW
10. Damian McAlini, resident
11. Anthony Picciello, Legislative Aide
12. Rudy Sunderman, Legislator
13. Tim Rothang, Legislative Aide
14. Hector Gavilla, resident
15. Leslie Kennedy, Legislator
16. Gil Anderson, Commissioner, DPW
17. Ed Marsh, resident
18. Robert Bittencourt, resident
19. Matt Cudahy, Reporter, Smithtown News
20. Susan Eckert, Legislative Aide
21. Ali Nazir, Legislative Aide
22. Fran Evans, Legislative Aide
23. Rob Trotta, Legislator
24. Erin Lipani, Sr. Executive Analyst, County Executive
Statement read by Hector Gavilla at the RFP Waiver Committee meeting:

The Suffolk County Red Light Camera Program is a criminal enterprise between NY State, Suffolk County, and Xerox. New York State Vehicle Traffic law mandates a $50 fee with a one-time $25 late fee. Suffolk County illegally added a $30 bogus admin fee. The contract with Xerox stated there would be no cost to Suffolk County. Suffolk County allows Xerox to operate this illegal operation. In return, Xerox shares the revenue by depositing money into a Suffolk County bank account.

The County allows Xerox to choose the location for new cameras based on a ticket quota that is explained in their contract. If the County were to choose locations that did not meet this quota, the county would have to reimburse Xerox for financial losses. Xerox has also moved more than 30 unprofitable cameras to new locations without requiring permission from the County. Cameras are installed in high traffic locations such as in front of a supermarket with no history of accidents. However, in many red light camera locations there were increases of accidents by 100% where accidents did not occur before. Rear End Collisions at these red light camera locations increased by more than 35% after cameras were installed. The County is okay with this as long as the program generates revenue.

For an intersection to qualify for a red light camera, Xerox installs a temporary video camera that records the traffic on a business day between the hours of 6am and 10pm. If the camera records what they believe would issue 25 tickets during that time, the intersection is approved for a camera. There is absolutely no mention of choosing an intersection based on accident data in the contract. The only criteria for Xerox is the camera must be profitable. They will lie to us saying that an unprofitable camera proves the intersection is now safe and they can move the cameras to another location. There were no studies to determine if accidents decreased or increased at locations where Xerox removed the cameras. They do not really care.
The adjudication process is corrupt. When you enter the RLC courtroom, you are greeted by a gatekeeper who shows you a video of your car passing a red light. He tries to discourage you from fighting the ticket. The judge gives you a ten minute dissertation on the merits of the program. Instead of being impartial, he defends the program. A sign reads that they do not want you to record anything because they don’t want the public to know. You are not allowed to face your accuser. You are handed a paper with a name of a person who watched your video.

NYS Law requires all traffic control devices must be certified by licensed traffic engineers. However they are not signing their names to these cameras because the entire operation is under the control of Xerox. This includes the timing of the green, red and yellow lights. We do not know if the equipment works properly or if it has been calibrated.

Many fatal accidents continue to occur at the red light camera locations even after they were installed. The county ignores the real problem – engineering defects. The County does nothing because the program is profitable.
September 19, 2018

Peter Scully  
Chair, Suffolk County RFP Waiver Committee  
725 Veterans Memorial Highway  
Smithtown, NY 11787

Dear Chairman Scully and Members of the RFP Waiver Committee,

I am writing today to request the denial of RFP Waiver number 66-2018 authorizing the county to enter into a two year extension of the existing contract with Conduent Inc. for the development, deployment, and maintenance of a photo enforcement system for Suffolk County’s red light camera program.

Suffolk County is currently conducting a full review of the red light camera program, as authorized in Resolution 820-2018, which will be completed in 2019. At this time, I believe it would be imprudent to move forward with a two year extension prior to the completion of this study. Instead, I would urge the committee to consider a one year extension to allow time for the study to be finalized and permit the full Legislature time to thoroughly review the results.

Thank you for your consideration in this matter. If you have any questions or concerns, please do not hesitate to reach out to me at 631-854-1600.

Sincerely,

Sarah S. Anker  
Suffolk County Legislator  
Sixth Legislative District
September 18, 2018

Peter Scully, Deputy County Executive  
Chair, RFP Waiver Committee  
H. Lee Dennison Building  
Hauppauge, NY 11788

Dear Mr. Scully:

It has come to my attention that the RFP Waiver Committee will be presented this Wednesday, September 19, 2018 with a request (Waiver No. 66-2018) to waive RFP requirements for the extension of a contract with Conduent, Inc. for the County’s Red Light Camera program. We, the undersigned, urge the Committee to reject this request.

While there’s no debate that the Red Light Camera Program has proven to be a financial windfall for Suffolk County, the intent of the program has allegedly been to improve road safety. In this regard, there are a number of factors which we believe raise serious questions regarding the efficacy of the program.

First, we have seen significant increases in accidents at some intersections in Suffolk County where red light cameras have been installed. In support of proposed legislation we often hear the phrase, “If it can save one life…” Well not only is there no proof that the RLC Program is saving lives, there is proof that accidents in some locations have increased, therefore putting lives in danger. Additionally, proposals to engineer intersections in such a way as to reduce dangerous right-angle crashes, have been rejected as speculative and contrary to engineering protocols. We believe intersections could be made much safer without the threat of “gotcha-law enforcement.”

Second, regarding engineering, we have heard testimony that seems to indicate that formal plans regarding the design of intersections must be approved by a duly licensed engineer who, through a certification printed on such plans, would indicate the same. We have seen no such certifications. We wonder why. Perhaps no engineer wants to sign his or her name to an engineering plan which is potentially increasing the potential for accidents?

Third, it has been alleged, despite testimony to the contrary, that amber light timings have been adjusted downward at RLC intersections in an effort to maximize revenue. We are not satisfied that this is not occurring.

Fourth, we continue to be concerned that the vast majority of RLC tickets seem to be generated by rolling right-on-red infractions, many if not most of which involve driving behavior which, to anyone, would appear safe. Drivers often slow down to nearly a complete stop while approaching a red light for the purpose of making a right turn, but perhaps in an effort to see what could not be seen if the driver stopped
at the marked line, do not come to a complete stop. Despite their caution, these drivers are given a
ticket...a ticket which, in most cases, would never be written by a police officer on the scene.

Fifth, under proper scrutiny, similar RLC programs have been discontinued in other areas. A thorough
investigation as to the circumstances associated with these programs should be undertaken prior to any
extension here in Suffolk County.

Sixth, regardless of whether or not one sympathizes with the concerns enumerated above, there can be no
debate that this is a VERY lucrative program for both Suffolk County AND Conduent, our vendor. Any
contract that involves tens of millions of dollars in revenue, as this program does, should at every
juncture, be fully re-evaluated in the context of competition in an open and transparent way. Why would
we waive a process that is designed to prevent corruption and deliver the best value for our taxpayers? In
and of itself, THAT is a question which demands answers.

In conclusion, we believe that, given the questions raised and given the sheer financial magnitude of this
contract, Waiver Request No. 66-2018 is wholly inappropriate and should be rejected. Further, we
recommend that an exhaustive, independent review of the concerns enumerated herein commence
immediately and that a proper Request for Proposals be published so that, should a new contract be
authorized by the Legislature, taxpayers can be reassured that THEIR County government entered into an
agreement which is truly in THEIR best interests and that we did so with due transparency.

Sincerely,

Legislator Tom Cilmi, Minority Leader
LD #10

Legislator Rudy Sunderman
LD #3

Legislator Tom Muratore
LD #4

Legislator Steven J. Flotteron
LD #11

Legislator Leslie Kennedy
LD #12

Legislator Robert Trotta
LD #13

Legislator Kevin J. McCaffrey
LD #14