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**SUFFOLK COUNTY LEGISLATURE**

**SPECIAL MEETING**

**OF THE**

**SUFFOLK COUNTY LEGISLATURE**

**August 11, 2020**

**A SPECIAL MEETING OF THE SUFFOLK COUNTY LEGISLATURE**

**WAS 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:  
Diana Flesher - Court Stenographer*

**THE MEETING WAS CALLED TO ORDER AT 1:06 PM**

**P.O. CALARCO:**

Okay. Welcome, everyone, to this afternoon's Special Legislative Committee meeting to investigate the death of Thomas Valva. If we could we all please rise for the Pledge of Allegiance led by Legislator Cilmi.

**SALUTATION**

Okay. Thank you and welcome, everyone, to this afternoon's Special Legislative Committee meeting. As per the Governor's continuance of his Executive Orders on Open Meetings Law, we are conducting today's meeting in person but without being open to the public. We are live streaming this meeting so people can follow along as we go.

Today's committee is in the -- I'm going to just read the letter I issued on March 10th convening this committee. "Pursuant to the oversight authority conveyed on the Legislature pursuant to Section C 2-a of the Suffolk County Charter and Section 209 of the New York State County Law, I hereby convene a Special Legislative committee to investigate the untimely death of Thomas Valva on January 17th, 2020 and the County's involvement with the Zubka-Valva, Valva and Pollina families prior to, during and immediately after his death.

The Committee shall be comprised of the following three Legislators: Presiding Officer Calarco", myself, "who shall serve as the Chairman; Deputy Presiding Officer Hahn and Minority Leader Cilmi. The purpose of the committee shall be to conduct a thorough fact-finding of the circumstances regarding this tragedy, the County's involvement with these families and develop recommendations to ensure that such an incident does not occur in the future. The members of the committee shall determine its rules and procedures with respect to its operations separate and apart from the standing rules of the Legislature.

The County Department of Social Services is bound by New York State Social Services Law. Generally, the Department is limited in what it can discuss pursuant to Social Services Law Section 422. However, notwithstanding other inconsistent provisions of law, State Social Services Law Section 422-a allows for the Commissioner of a local Department of Social Services to provide additional information on Child Protective Services cases in certain circumstances, including cases where a child fatality occurs.

I look forward to working with my fellow Legislators to obtain as much information as possible to fully understand what occurred in this case and develop solutions to prevent a tragedy from happening again in Suffolk County.

So, under such -- the creating of the committee we have an agenda for today, and please note that today's agenda we will be adopting our rules for operation, appointing our Special Counsel to lead us on this operation and to considerate any and other relevant matters.

1 And before we begin I'd like to read a statement that I prepared  
2 and then I'm going to offer to my two colleagues to make a  
3 statement and then we will take up our first resolution, which is  
4 the rules of the Special Committee.

5  
6 So before we start today's meeting, I'd like to read this  
7 statement. "The untimely and horrific death of Thomas Valva at the  
8 hands of his father shook us all. As a father of three young  
9 children, I cannot fathom how a father can so carelessly and  
10 indifferently inflict such cruelty on anyone, let alone his own  
11 child and children.

12  
13 Let me be very clear that the actions that lead to the suffering of  
14 Thomas and his brothers, Anthony and Andrew, and the untimely death  
15 of Thomas were committed by Michael Valva and Angela Pollina. And  
16 I'm confident that the District Attorney will prosecute them to the  
17 fullest. However, it falls to us, the County, to try to protect  
18 the most vulnerable in our society. We have a moral and legal  
19 responsibility to act when alerted to protect children from harm,  
20 and as in this case illustrates so gruesomely that harm sometimes  
21 is caused by the very people responsible for providing those  
22 children with a safe and loving home.

23  
24 We know that the mother, Justyne Zubko, was crying out for help for  
25 the boys to anyone and everyone she could think of. It is no  
26 secret that there were multiple reports filed with the child abuse  
27 hotline to many parties, including from the mother and school  
28 officials, indicating abuse was occurring in this home. Generally  
29 some of these reports specifically cited the exact actions that led  
30 to Thomas' death.

31  
32 In addition, Suffolk County Police Department responded to multiple  
33 occasions to calls at the particular residence of the Valva family  
34 and despite all these pleas for help, no action was ever taken to  
35 remove either of the three boys or the three girls of Angelina  
36 Pollina from the home.

37  
38 Our mission here is to commit to a thorough fact-finding to  
39 establish a timeline of events starting from the time of divorce  
40 when Miss Zubko first obtained primary custody of the boys, through  
41 and until Thomas' death. It is to detail each incident in which  
42 the children, Miss Zubko, Mr. Valva or Miss Pollina had a contact  
43 with a government agency or entity, including the Supreme Court,  
44 Family Court, Child Protective Services and the Suffolk County  
45 Police Department. And it is to document the responses and the  
46 actions taken in each of those encounters and any results from  
47 those actions.

48  
49 And, finally, to issue a report that lays clear the facts of this  
50 case and to make recommendations for changes in policy, procedure  
51 or the law to address any deficiencies that prevented or hindered  
52 appropriate action from being taken.

53  
54 Let me be clear, while New York State Law provides confidentiality  
55 of events involving Child Protective Services, and rightly so,  
56 under New York State Social Services Law Section 422-a, a public

1 accounting of the death of a child, especially in the case such as  
2 this, is permissible and in my opinion appropriate. Only by  
3 conducting this fact-finding can we understand any systemic policy  
4 or procedural issues that led to decisions made that resulted in a  
5 failure to protect young Thomas and his siblings. And only through  
6 an honest and public report can we restore confidence to the public  
7 that the County plans to do everything in our power to prevent  
8 another tragedy.

9  
10 I want to thank my colleagues, Deputy Presiding Officer Hahn and  
11 Minority Leader Cilmi, for their willingness to undertake this  
12 difficult task. I want to thank my colleagues who've already  
13 proposed amendments that we have adopted, including actions  
14 proposed by the County Executive. I also want to thank our  
15 prospective Counsel, Mr. Kevin Werner, for his willingness to serve  
16 and provide us with guidance and counsel as we navigate the  
17 complicated systems that make up the actions of the Supreme Court,  
18 Family Court, and Social Services Law as it applies to this case."

19  
20 And with that, if either of my colleagues would like to say  
21 anything I'll open up the floor to them before we take up.  
22 Minority Leader Cilmi, go ahead.

23  
24 **MINORITY LEADER CILMI:**

25 I will just very briefly say that I'm perfectly happy to ascribe my  
26 name to those same opening remarks, Presiding Officer, and to  
27 simply add that as we all know, this is one of multiple efforts to  
28 change our system for the better so that hopefully Thomas' death,  
29 while tragic, creates change that prevents a similar occasion from  
30 happening in the future. So, thank you for convening the  
31 committee. I won't say that I'm happy to be a part of it, but I'm  
32 certainly willing to be a part of it in furtherance of that change.  
33 So thank you.

34  
35 **P.O. CALARCO:**

36 Thank you, Legislator Cilmi. Thank you for your willingness to  
37 serve. Legislator Hahn? Deputy Presiding Officer?

38  
39 **D.P.O. HAHN:**

40 Yes, I, too, Mr. Presiding Officer, I'm so thankful for the words  
41 that you spoke. They are very meaningful. We intend to get to the  
42 bottom of what happened and I agree, Legislator Cilmi -- excuse me  
43 -- Minority Leader Cilmi, so many of us are here to make change and  
44 to make a difference and we owe it to the memory of Thomas Valva,  
45 to his siblings, to his mother, his family and friends that we do  
46 what we can to help the system to help the children who are in  
47 great need. It's unfortunate the delay here, but we intend to do  
48 all we can to get to the bottom of this. So, thank you.

49  
50 **P.O. CALARCO:**

51 Thank you, Deputy Presiding Officer Hahn. Okay. Now we're going  
52 to move into our agenda. And the first item on our agenda is to  
53 consider and vote on **Special Legislative Committee Resolution**  
54 **Number 1 of 2020, Establishing rules governing the operation of the**  
55 **Special Committee investigating the death of Thomas Valva.** To my  
56 colleagues, you should have received a copy of these. I'll

1 entertain any motions.

2  
3 **D.P.O. HAHN:**

4 A motion to approve and then I'm going to have a quick question.

5  
6 **P.O. CALARCO:**

7 Sure. Motion to approve by Legislator Hahn.

8  
9 **MINORITY LEADER CILMI:**

10 I'll second.

11  
12 **P.O. CALARCO:**

13 Second by Legislator Cilmi.

14  
15 **D.P.O. HAHN:**

16 I'm just wondering, to the Clerk, where will those watching at home  
17 be able to find these documents, the rules that are for this  
18 Special Committee? Is there a new search function available?

19  
20 **MR. DUBOIS:**

21 I don't have an answer for you right now but I will look into that.

22  
23 **P.O. CALARCO:**

24 To answer that, we've created a link on the page for the Special  
25 Committee. And all documents related to the Special Committee that  
26 are public will be published there.

27  
28 **D.P.O. HAHN:**

29 And the link is on our home page or on the Clerk's page?

30  
31 **P.O. CALARCO:**

32 I believe if you go to our home page, there'll be on the home page  
33 at the moment. And then there is a link for committees and it will  
34 be there where all the other committees and commissions are.

35  
36 **D.P.O. HAHN:**

37 I think that's important that those who may be listening from home,  
38 you know, know how to find these documents that we are -- because  
39 this is a new committee and know how to find these that we're  
40 voting on today.

41  
42 **P.O. CALARCO:**

43 Great. Thank you. Okay? I have a motion and a second to approve  
44 Special Committee Resolution Number 1 of 2020. All those in favor?  
45 Opposed? Abstentions?

46  
47 **MR. DUBOIS:**

48 Three.

49  
50 **P.O. CALARCO:**

51 It is approved. Okay, please note that as per the special rules  
52 that we just adopted, all further actions taken by this committee  
53 requires a unanimous approval of the committee to move forward.

54  
55 Our next item on the agenda is **Special Resolution Number 2 of 2020,**  
56 **A Special Committee resolution appointing Kevin J. Werner, Esquire,**

1 as Counsel to the Special Committee.

2  
3 **MINORITY LEADER CILMI:**

4 I'll make a motion.

5  
6 **P.O. CALARCO:**

7 Motion from Legislator Cilmi.

8  
9 **D.P.O. HAHN:**

10 Second.

11  
12 **P.O. CALARCO:**

13 Seconded by Deputy Presiding Officer Hahn. Anybody on the motion?

14 We do have Mr. Werner here.

15  
16 **MINORITY LEADER CILMI:**

17 Yeah, I'll just briefly on the motion, just for those who are  
18 watching, note that the three of us went through an exhaustive  
19 process, underscore the word exhaustive, in trying to decide who is  
20 best suited to help the committee in our endeavor. We interviewed  
21 at least four different attorneys, I think, in the process?

22  
23 **P.O. CALARCO:**

24 I think six.

25  
26 **MINORITY LEADER CILMI:**

27 Six. I said at least four. And, you know, through that process we  
28 were able to, I think, develop, you know, a better -- I guess a  
29 better way of vetting the attorneys as we went, because as we went  
30 through, we realized there were additional questions that needed to  
31 be asked and etcetera. And I'm happy that we've finally come to  
32 this conclusion and look forward to working with Mr. Werner moving  
33 forward. And I think he's got the expertise and the connections  
34 and the passion for seeing this through. So I'm happy to support.

35  
36 **P.O. CALARCO:**

37 Thank you, Legislator Cilmi. Legislator Hahn? No?

38  
39 **D.P.O. HAHN:**

40 No, I'm good.

41  
42 **P.O. CALARCO:**

43 Okay, and let me just say the need for Special Counsel in this case  
44 is highlighted by the simple fact that Social Services Law applies  
45 in CPS cases, the laws that applies in Family Court and Supreme  
46 Court in custodial cases is quite complicated. It is something  
47 that none of the three of us are experts on; and even our Counsel  
48 here, Miss Simpson is wonderful, but it is not her area of  
49 expertise. And to have somebody with Mr. Werner's extensive  
50 history and experience will be vital for us to be able to make sure  
51 we're asking the right questions of the right people. So with  
52 that, we have a motion and a second. All those in favor? Opposed?  
53 Abstentions?

54  
55 **MR. DUBOIS:**

56 Three.

1 **P.O. CALARCO:**

2 It is approved. Thank you, Mr. Werner, again, for your willingness  
3 to serve. Did you want to say anything?  
4

5 **MR. WERNER:**

6 No, thank you.  
7

8 **P.O. CALARCO:**

9 Okay. Okay, next on the agenda is to consider any and other  
10 relevant matters, and so at this point in time what I'd like to do  
11 is actually make a motion to direct our Special Counsel to draft  
12 letters requesting a variety of documents that will help us do the  
13 initial search and formulate our next steps. So I would like to  
14 ask that he put together letters requesting the Child Protective  
15 Services handbook or standard operating procedures; the Child  
16 Protective Services case files, notes and any other relevant  
17 documents as it relates to Thomas Valva, Anthony Valva, Andrew  
18 Valva or any of the Pollina children as it pertains to in Suffolk  
19 County and/or Nassau County as we can obtain them; any CPS case  
20 review -- excuse me -- the CPS case review that was required under  
21 the New York State Law as a result of a child fatality; any and all  
22 Suffolk County Police Department incident reports involving the  
23 Valva family, the Zubko or Miss Pollina and any of their children;  
24 the Supreme Court and Family Court filings, hearings, minutes and  
25 other -- any other relevant documents that we might be able to  
26 obtain; any and all relevant school records that we might be able  
27 to obtain; any relevant medical records that we might be able to  
28 obtain and any other records or reports that are -- that you deem  
29 relevant that we don't have on the current list that we might be  
30 able to obtain. And in doing so we will also -- I'll make the  
31 commitment we will reach out to Miss Zubko to see if we can't get  
32 her authorization if that makes it easier to obtain any of these  
33 documents. Legislator Hahn.  
34

35 **D.P.O. HAHN:**

36 And I also want to just make sure that that would include all calls  
37 to the statewide 800 number and to 911 with regard to the address  
38 and/or the children.  
39

40 **P.O. CALARCO:**

41 Okay. So we have a motion. Do I have a second? Seconded by  
42 Legislator Cilmi. Anybody on the issue? Roll call.  
43

44 *ROLL CALL BY MR. DUBOIS, CHIEF DEPUTY CLERK OF THE LEGISLATURE*  
45

46 **P.O. CALARCO:**

47 Yes.  
48

49 **MINORITY LEADER CILMI:**

50 Yes.  
51

52 **D.P.O. HAHN:**

53 Yes.  
54

55 **MR. DUBOIS:**

56 Three.

8/11/20 Special Legislative Committee meeting

1 **P.O. CALARCO:**

2 Okay. I have no other items on the agenda. Is there anything else  
3 that either Legislator Cilmi or Legislator Hahn would like to make  
4 a motion on at this time?

5  
6 **MINORITY LEADER CILMI:**

7 Not at this time.

8  
9 **D.P.O. HAHN:**

10 (Indicating no).

11  
12 **P.O. CALARCO:**

13 Okay.

14  
15 **D.P.O. HAHN:**

16 Have we set the next meeting?

17  
18 **P.O. CALARCO:**

19 No, we have not set the next meeting. I will set the next meeting  
20 date once we have an opportunity to obtain those materials, review  
21 them and then we will reconvene to develop a strategy moving  
22 forward with Mr. Werner. Okay. So we that, we have no other items  
23 on the agenda this afternoon and we are adjourned. Thank you,  
24 everyone.

25  
26 **D.P.O. HAHN:**

27 Thank you.

28  
29 **THE MEETING CONCLUDED AT 1:22 PM**



## DATE

<p style="text-align: center;"><b>1</b></p> <hr/> <p>1 [2] - 4:54, 5:44  <b>10th</b> [1] - 2:19  <b>11</b> [1] - 1:19  <b>17th</b> [1] - 2:23  <b>1:06</b> [1] - 2:1  <b>1:22</b> [1] - 8:29</p> <hr/> <p style="text-align: center;"><b>2</b></p> <hr/> <p>2 [1] - 5:55  <b>2-a</b> [1] - 2:21  <b>2020</b> [5] - 1:19, 2:24,  4:54, 5:44, 5:55  <b>209</b> [1] - 2:21</p> <hr/> <p style="text-align: center;"><b>4</b></p> <hr/> <p><b>422</b> [1] - 2:40  <b>422-a</b> [2] - 2:42, 3:56</p> <hr/> <p style="text-align: center;"><b>7</b></p> <hr/> <p><b>725</b> [1] - 1:33</p> <hr/> <p style="text-align: center;"><b>8</b></p> <hr/> <p><b>800</b> [1] - 7:37</p> <hr/> <p style="text-align: center;"><b>9</b></p> <hr/> <p><b>911</b> [1] - 7:37</p> <hr/> <p style="text-align: center;"><b>A</b></p> <hr/> <p><b>A</b> [1] - 5:56  <b>a</b> [47] - 1:25, 2:22,  2:30, 2:43, 2:45, 2:49,  3:1, 3:2, 3:8, 3:9,  3:18, 3:22, 3:38, 3:39,  3:42, 3:43, 3:49, 3:56,  4:1, 4:4, 4:29, 4:31,  4:32, 4:44, 4:56, 5:4,  5:18, 5:24, 5:33, 5:39,  5:43, 5:53, 6:4, 6:28,  6:52, 7:11, 7:12, 7:21,  7:41, 8:4, 8:21  <b>able</b> [7] - 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