

**Public Safety Committee**  
**April 20, 2007**  
**3:00 p.m.**  
**Scott Heyman Conference Room**

*Approved 5-18-07*

Present: L. McBean-Clairborne, M. Hattery, R. Booth, M. Robertson  
Excused: M. Koplinka-Loehr  
Legislators: T. Joseph, G. Stevenson  
Staff: S. Whicher, M. Lynch, P. Younger, County Administration; P. Meskill, Sheriff; K. Leinthall, Director of Probation and Community Justice; J. Wood, L. Shurtleff, Department of Emergency Response; County Attorney; M. Pottorff, Legislature Office; J. Hughes, Assigned Counsel Program; S. Cook, Criminal Justice Advisory/Alternatives-to-Incarceration Board  
Guests: W. Furniss, C. Shaw, local attorneys; WHCU; J.R. Clairborne, City of Ithaca Common Council Member; L. Signor, J. Barber, E. Vallely, City of Ithaca Police; M. Schnurle, T. Dorman, Ithaca Fire Department; D. Barber, Council of Government

**Called to Order**

Mrs. McBean-Clairborne called the meeting to order at 3:05 p.m.

**Changes to the Agenda**

A report from the Assigned Counsel Program was added to the agenda.

The following items were withdrawn from the agenda:

- Departmental Overview – District Attorney (deferred to the May meeting)
- Discussion: Preliminary Contingent Fund request for Re-entry initiative (OAR)

**Public Comment**

No member of the public wished speak.

**Approval of Minutes of March 16, 2007**

It was MOVED Mr. Booth, seconded by Mr. Hattery, and unanimously adopted by voice vote by members present, to approve the minutes of March 16, 2007 as corrected. MINUTES APPROVED.

**Assigned Counsel**

Ms. Hughes reported the Assigned Counsel Program received \$377,000 in fee revenue from the State, which was more than the budgeted amount of \$300,000. She also reported she and Shawn Martel-Moore met with a committee and Judge Judith Kaye in Albany on March 25. Judge Kaye would like to have a plan in place within twenty months (when her term ends) to turn assigned counsel into a State-run program. Ms. Hughes said she does not think this is something can be done effectively in such a short time-frame. Ms. Hughes was asked to bring this item back to the Committee in May for an update. Mrs. McBean-Clairborne said that if Committee members have questions they should contact Ms. Hughes in advance of that meeting to allow her time to prepare responses in advance of the meeting.

**Sheriff's Office**

Mrs. McBean-Clairborne asked if members had questions about the Jail statistics that were distributed with the agenda. Ms. Robertson asked the Sheriff if he thought the extra funds injected into

the Bail Fund last year were helping. Mr. Meskill distributed information and noted the number of bails done by OAR in 2006 was 43 (12%) and the number of bails for January thru March, 2007 was 16 (16%). Mr. Meskill also distributed the 2006 Sheriff's Office Annual Report.

**Department of Probation and Community Justice**

**RESOLUTION NO.      – APPROPRIATION FROM CONTINGENT FUND – TERMINAL PAY  
                                  – DEPARTMENT OF PROBATION AND COMMUNITY JUSTICE**

It was MOVED by Mr. Booth, seconded by Mr. Hattery, and unanimously adopted by voice vote by members present, to approve the following resolution and submit to the full Legislature:

WHEREAS, the Department of Probation and Community Justice had a Probation Officer retire effective March 3, 2007, and

WHEREAS, the Fiscal Policy of Tompkins County allows for terminal pay reimbursement from the Contingent Fund, now therefore be it

RESOLVED, on recommendation of the Public Safety and Budget and Capital Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation:

FROM:	A1990.54440	Contingent Fund	\$4,973
TO:	A3142.51000585	Probation Officer	\$3,578
	A3142.58800	Fringes	\$1,395

**SEQR ACTION:** TYPE II-20

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**Criminal Justice Advisory/Alternatives-to-Incarceration Board**

**RESOLUTION NO.   - ACCEPTANCE OF ANNUAL ALTERNATIVES TO INCARCERATION  
                                  CONSOLIDATED SERVICE PLAN**

MOVED by Ms. Robertson, seconded by Mr. Booth. Ms. Cook explained the Probation Department would not be using the funding (\$26,800) from this as they have in the past. Ms. Carey, Commissioner of DSS, will be using these funds towards an ATI substance abuse counselor position that will be doing drug and alcohol screening in the Jail. Mr. Hattery said he could not support this resolution at this time because he had not reviewed the Plan. It was agreed that in the future when the Committee accepts a plan a notation will be made on the agenda stating that a copy is on file in Legislature Office.

A voice vote resulted as follows: Ayes – 3, Noes – 1 (Hattery); Excused – 1 (Koplinka-Loehr).  
**MOTION CARRIED.**

WHEREAS, the Criminal Justice Advisory/Alternatives to Incarceration Board at its April 16, 2007, meeting approved the 2007 Annual Alternatives to Incarceration Consolidated Service Plan, and

WHEREAS, it is a requirement that the approval of the legislative/governing body accompany the Plan upon submission to the New York State Division of Probation and Correctional Alternatives, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the Tompkins County Legislature approves the 2007 Alternatives to Incarceration Consolidated Service Plan for Tompkins County,

RESOLVED, further, That a copy of the Plan will be kept on file at the office of the County Administrator, the office of the Chair of CJATI, and office of the Tompkins County Legislature.

**SEQR ACTION:** TYPE II-20

### **Committee Goals**

Mrs. McBean-Clairborne said the draft goals included in the agenda packet are the result of her meeting with Ms. Younger, Deputy County Administrator. She said a lot of the action items this Committee discussed previously are incorporated into the goals listed on the document. She provided Goal No. 2 as an example: “Develop a plan for conducting a needs assessment study of the Jail – including operations, staffing, program and service delivery systems – to determine short-term and long-term space needs, formulate options, and if needed, alternatives sites to meet future operational requirements.”

Ms. Robertson spoke to Goal No. 2 and said she feels this is premature before going all the way through a process of investigating ways to improve alternative-to-incarceration services to reduce overcrowding in the Jail. Mrs. McBean-Clairborne disagreed, and stated because Tompkins County had a \$700,000+ bill for boarding prisoners to other facilities she thinks that Goal No. 2 needs to be undertaken. She said the continued exploration of alternative-to-incarceration services should be looked at as well. Ms. Robertson asked if Goal No. 2 implies that the County will be hiring a consultant and was told it did not. Mr. Hattery agreed with Mrs. McBean-Clairborne that Goal No. 2 needs to be undertaken by this Committee.

Mr. Booth identified areas that are not included in the draft goals but are important goals for the Committee, such as “promote the health and safety of the residents of Tompkins County”, and “public safety and planning preparation for a disaster”. He would also like Goal No. 3 to include much more detailed language. Ms. Younger said this goal was developed in early March and may not be as imperative today as it was then, given the work that the Criminal Justice Advisory/Alternatives-to-Incarceration Board is working on.

There were concerns over the language presented in Goal No. 4. Ms. Robertson said she supports the data-sharing project the Information and Technology Services Department has been working on, and would support a goal of “monitoring and supporting inter-agency data-sharing project with the courts and law enforcement agencies”. She said she is concerned with phrases in the proposed goal: “intelligence sharing” and “information exchange paradigm that includes a process for turning intelligence into actionable knowledge”.

Ms. Robertson said she would like Goal No. 3 to be more specific and focus on what the causes of the incarceration rate are and also solutions.

Mr. Joseph said as he has watched goals emerge from standing committees there has been a lot of what had been goals in the past – monitoring and keeping track of things. He appreciates the goals presented in the document presented because they outline what areas the Committee feels is important and wants to accomplish during the year.

Mrs. McBean-Clairborne said she and Ms. Younger will present the Committee with a revised set of goals at the next meeting that will take all comments into consideration.

### **Department of Emergency Response**

#### **Communications Project**

Mr. Shurtleff stated there have been no changes with Communications project since this Committee met last month and said the project is moving forward.

#### **Subscriber Equipment**

Mrs. McBean-Clairborne thanked Mr. Shurtleff for providing the Committee with the following letter dated April 17 2007. At this time Mr. Shurtleff explained the contents of the letter with regard to subscriber equipment, which is one of the last pieces of the system that needs to be decided-upon.

“Dear Legislators:

At Friday’s PSC Meeting, I’ve been asked to bring forward proposals for equipping first responders utilizing the new communications systems. In advance of the meeting, I am providing a detail of actions and recommendations to date, a capital fund status, and potential options for your consideration. I hope that you will excuse the length of this message, as I think a short “history” and detailed description of the process that has been employed to get to these recommendations is critical to your decision-making.

**Proposal:** I am recommending that a projected balance of \$ 2,000,000 in the Communications Capital Project Account be applied toward the purchase of a basic and standardized amount of equipment (mobile radios, handheld devices, and local control stations) to be distributed to those agencies and departments that provide day-to-day first emergency response (Fire, Emergency Medical Services, Law Enforcement) throughout the County. These agencies and departments substantially comprise the County Mutual Aid System, all have primary responsibilities within municipally-defined jurisdictions, are directly dispatched through the County Communications/E-911 System, and, in the case of law enforcement, participate in a closest car agreement for emergencies.

**Rationale:** The multiple adopted goals of the Public Safety Communications Project (PSCS) cannot be fully achieved unless the primary first response agencies are equipped with a basic amount of compatible radio subscriber apparatus. Those goals include:

- thorough and reliable radio coverage, designed to a portable radio standard
- interoperability of disciplines, achieved through a single trunked radio platform
- streamlining/elimination of multiple, incompatible, and obsolete radio systems.

By providing for an initial and basic equipment allotment, we can assure full system functionality at the outset, and avert a potentially lengthy and expensive period of transition by subscriber agencies. Although many of the agencies have been able to budget and isolate funding for anticipated equipment replacement, **none** are currently in a financial position to bear the full cost of an initial changeover.

Realizing these inherent fiscal constraints, County Administration and the Department of Emergency Response, at the direction of COMCAP (Communications Capital Project Committee 2000-2004), negotiated with Motorola (system vendor) to secure a standard offering of equipment and accessories to be made available to participating agencies at substantially discounted prices, and pursued a variety of potential outside funding sources (grants, state & federal legislative earmarks, reimbursements) to off-set these projected obligations. These efforts were successful, and project costs have been tightly managed to allow for a county contribution toward radio replacements.

**Historical Notes:** Since approximately 1959, Tompkins County has equipped the department-owned fire apparatus and ambulances with fixed mobile radio equipment to effectuate the purposes of the mutual aid system. When advanced life support was established in the 1970s, requiring regional medical radio control and linkage to area hospitals, **and** when a move was necessitated to UHF frequencies for EMS in the 1980s, Tompkins County secured funding and provided both initial, basic radio and telemetry equipment to all the first response agencies, including commercial providers, to ensure a consistent level of service and capability county-wide. In a sense, the County practiced the principles of inter-operability decades before it was mandated! While the County assisted in a basic distribution of this equipment, future replacement and product enhancements for all but the mobile radios and for the commercial agencies was assumed by those entities.

The County embarked on a capital project in 1986, which coincided with the completion of the Public Safety Building, and extended radio coverage for law enforcement VHF frequencies. Again, the County secured outside funding through sources, including the NYS Traffic Safety Program, and allocated radio and other equipment among the entire law enforcement community. In 1995, the County established a Mobile Data Program, funded through the Enhanced 911 Surcharge, that provided initial mobile radio equipment, data terminals, and software into all the patrol cars utilized in primary emergency response, including the Sheriff's Office, New York State Police, Villages, and the City of Ithaca. The purpose in doing so was to ensure assignment of the closest car during emergencies, regardless of jurisdiction, and provide basic system capabilities. Non-county agencies assumed the costs for enhancements and added units as budgets allowed.

In employing these past practices, the County provided for the development of single countywide systems and distributed very basic equipment to all primary first response agencies, regardless of jurisdiction, and ensured a total system capability that minimized fragmentation of communications.

It is my desire to move these responders to the new system simultaneously, continue these practices, and in so doing, streamline and ease the extensive system management challenges, headaches and costs that we now encounter in maintaining multiple, duplicating systems and workarounds to achieve limited interoperability and capacity.

**Determining Equipment Needs - Process:** There is no magic or simple formula that takes into account all of the particular needs and nuances of nearly thirty agencies. An attempt has been made throughout the process to ensure a distribution of equipment to all the primary first response agencies in an equitable and logical manner. Additionally, I have examined this from a system management perspective, and attempted to ensure a level of uniformity in the equipment outlay to facilitate programming, training, maintenance, and operations costs and effort.

Employing departmental staff, consulting resources (SSI), and vendor representatives (technicians, engineers, service staff and sales personnel from Motorola and MidState Communications), we have met multiple times with the primary system users (fire, EMS, law enforcement) in a variety of settings to define users needs, establish channel assignments, and develop system operational procedures. The Emergency Communications Review & Oversight Committee (ECROC, formerly E911 Committee), chaired by Chief Brian Wilbur, assigned a Subscriber Equipment Committee to review all aspects of the radio equipment offerings, and coordinate a recommendation to the full body, pending and encouraging in-depth reviews with the ECROC sub-committees for Law Enforcement (LEO) and Fire/EMS. Additionally, multiple presentations and demonstrations were given to the County Fire & EMS Chiefs Association and to the LEO leaders. The Department of Emergency Response crafted a formal recommendation, based on these discussions and research, and the recommendation was refined and amended to include input and deliberation from these various committees, subcommittees, and individuals. ECROC has endorsed this proposal, as has the Tompkins County Council of Governments.

**Formal Equipment Recommendation-** To ensure immediate participation by all primary first response agencies, establish interoperability among the public safety community, minimize initial financial impact to the individual agencies and municipalities, and access specified features and functions provided by the system, the following is recommended:

**Fire/EMS Mobile Radios:** Replace current county inventories with Model 2500 mobiles so that status functions and remote capabilities are available. Place in department/agency owned apparatus that comprise primary and automatic response plans. Ambulances will be outfitted with "dual head" capability for patient compartments. Retain County ownership/maintenance.

**Fire/EMS Portables:** The County will purchase and distribute an initial allotment of portable, hand-held radios to meet basic operating needs, Model 1500 XTS 1.5; base amount to be provided per department/agency, additional apportionment allocated by apparatus type & number. Spreadsheets detail

specifics. Visuals display, priority scanning capability, intrinsically safe batteries included; remote speakers & vehicular chargers available, but not included (option). A department may opt to upgrade to 2500 series at their own additional expense. The units will be county issued and inventoried, but future replacement will revert to an agency/departmental responsibility.

**Police Mobiles:** With explicit assurance that a **mobile data system** will be spec'd and installed in law enforcement vehicles in a reasonable timeframe, (and for the purposes of restoring functions no longer supported by the current malfunctioning radio system), law enforcement agencies will use a Model 1500, low-tier mobile radio. Encryption capability (for secure transmissions) is available at all levels of mobile radios. A jurisdiction may choose and fund an upgrade to 2500 if desired. These mobile radios will be supplied to governmental-based police agencies participating in the closest car plan. The police agencies have offered to assume future mobile replacement, but the County may wish to hold ownership to ensure standardization and compatibility with dispatching operations and needs.

**Police Portables:** Model 2500 XTS portable radios will be issued on a per-agency FTE allotment; minimum per agency of ten portables. The recommendation for 2500 Models is necessary to assure encryption/secure radio transmissions. These will initially be County- issued, but future replacement and maintenance will revert to the agencies.

**Mobile Data System:** These recommendations cannot be made immediately because of changing Federal Communications Policies and technology changes on the horizon. I am recommending that we continue to reserve the \$ 1 million that was placed in the capital program when the system was approved by the Legislature in 2005.

**Paging:** This will remain a departmental cost and responsibility for end users. The County is providing the basic infrastructure and capability, and can transition to the new system over a longer period of time.

**Additional Radios & Accessories:** Many departments deliver non-emergency services and equip vehicles that are not primarily assigned to emergency incidents. Accessories such as spare batteries, battery bank chargers, belt holder, clips, etc... are often desired by individuals. These purchases will remain an agency obligation.

**Control (Base) Stations:** A higher-powered desk top radio is common to each agency headquarters and is used to coordinate response both within the agencies and with dispatch. Communications with, and use of these stations and devices factor into the County Comprehensive Emergency Management Plan (CEMP) and provide for basic communications capabilities in the event of a system failure. It is recommended that the County purchase and install these radios. The agencies will be responsible for any costs associated with upgrade or extension of remote functions within their individual facilities.

**Spare Radios, Department of Emergency Response, Emergency Operations Center, Back-up Dispatching Sites:** The Department of Emergency Response will secure other funding and use departmental resources for these purposes (see Attachment 3). I have separated these expenses and worked to fund these separately so as not to reduce available capital funds.

Attachments to this memorandum (not included in these minutes) detail extensively the formulas and costs projected. Included are the recommended county funded radio allotments (Att. 1), comparison of agencies (Att. 2), Estimated costs to be incurred and borne by the agencies and municipalities in addition to the proposed county funding (Att. 4 & 5), a projection of capital funds available (Att. 6), potential funding scenarios and impact on the agencies- if used (Att. 7 & 8).

I want to assure you that significant thought has been given this proposal, and that the public safety community has been given thorough opportunity to review, comment and contribute. It is my strong recommendation that we employ this plan to ensure basic and efficient system functioning.”

Respectfully,

Lee Shurtleff, Director  
Department of Emergency Response

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Mr. Shurtleff said this has been the most complicated and potentially problematic area because it requires a complete change-out of the equipment being used by the emergency medical services and law enforcement personnel in the field and potentially has a very high impact to those agencies and the localities that fund their budgets. He said what they have attempted to do is come up with a basic plan that will allow system functionality to get enough equipment out in the responders' vehicles and hands that when the system goes operational late this summer that equipment is there. He said they have all been working from a perspective of trying to anticipate what needs are going to be out there, what features the system may have, what they need to remain operational, and some idea of what cost may be involved. He also stated that they focused entirely on the agencies that constitute the emergency first-response community who have jurisdictional responsibilities and who are dispatched directly through the 911 Center. This does not include Cornell Public Safety, Ithaca College, and Airport, etc.

Mr. Shurtleff distributed pros and cons for each of the various proposals explored and presented the following for the Recommended Proposal: Projected \$2,000,000 capital funding balance be applied toward the purchase of a base amount of mobile, portable and control station equipment. Agencies responsible for pagers, additional equipment, accessories, enhancements, and future maintenance/replacement of portable radios.

Cost to County: \$1,938,990 (plus installation cost of \$59,140)  
Cost to Others: \$822,000

Pro:

- System functionality assured and immediate
- Funding comes from existing capital accounts; applies grant monies
- Subscription equipment standardized, tight system control
- No additional funding needed to make operational; need to finance others unlikely
- Departments and local governments have indicated support, affordability
- Legacy systems can be retired quickly; rapid transition assured
- Interoperability established – goals met
- Municipalities can concentrate available funds to other department needs
- Outside contribution fully applied toward intended purpose (users)
- Ensures level of equity: everyone pays
- Fragmentation gone

Con:

- Limited initial investment by local governments; County bears initial investment
- Need to refine replacement plans (will need to build long-term plans)

Mr. Shurtleff provided the Committee with a summary of where the County stands with the project capital account. He said there are three main contracts: civil (construction), overall radio communications system (microwave and 800 mhz trunking system), and equipment. He said there is approximately \$2 million that he estimates will be the resulting balance in the capital account. He attributes three factors to getting to that result: grant funding (\$1 million), reimbursement for 911-related equipment, (\$240,000), and balance from phase I construction.

Ms. Robertson spoke of future replacement and stated she does not want conversations to include any type of promises for the future. She said that while she is not opposed to funding from grants and other sources being applied to this, she is concerned the Committee was not involved in what member-items to ask the State Legislature for.

Mr. Shurtleff said he was directed by the Legislature to seek whatever additional funding he could for this project which was identified by resolution as the Legislature's number one priority.

Mr. Whicher commended staff working on this project and said they have done an incredible job managing this capital project which has had no cost overruns. He stated he is fully supportive of the recommended proposal.

Mr. Hattery said he supports the plan as presented.

Mr. Booth identified the following issues that need to be resolved:

- *Replacement of units;*
- *Insurance/liability; and*
- *Ownership*

Mr. Booth asked if the State Police would be receiving radios as well. Mr. Shurtleff said the State Police and Bangs Ambulance would be included because they constitute a part of the first response that is directly-dispatched through the 911 enter. Those agencies are part of the mutual aid agreement as well as the closest-car concept. Cornell University receives calls directly on campus and does their own dispatch within the confines of the campus. He said Cornell has committed to purchasing compatible radios and the price is being extended to them on opening day. He expects Ithaca College to do the same.

While the financial burden on municipalities, fire departments, etc. is significant, it is not as compelling as the argument for the need to get this system operational comprehensively. He stressed the value in doing this quickly and all at once.

Don Barber, Chair of the Council of GovernmentS, read the following resolution that was unanimously adopted by the Council on April 17, 2007:

“Resolved, The Tompkins County Council of Governments hereby endorses the Emergency Communications System Radio Procurement Plan presented to us on April 17, 2007 by Director Lee Shurtleff which we understand is necessary in order to make the system operational and thereby retire the old system and we understand has been endorsed by the Emergency Service providers and would commit the County spending approximately \$1,9989,930 for portable and mobile radios and control stations and would commit other municipal governments to collectively spend approximately \$822,000 for pagers and accessories”.

Mr. Stevenson said he supports the recommended proposal, however, questioned the appropriateness of including Bangs Ambulance in receiving funding. He said he thinks it would be inappropriate to provide public funding to a private for-profit entity. *Mr. Wood said this does raise legal issues and said he would look into this prior to the Committee taking action on this proposal.*

Mayor Carolyn Peterson spoke in support of the recommended proposal. Mr. Joseph said it was his assumption that the County was going to purchase the radios and then give them to the users. Mr. Hattery said this was also his assumption.

The Committee directed Mr. Shurtleff to draft a detailed resolution along with a recommendation and breakdown of costs, to be acted upon by the Committee at a special meeting at 4:30 p.m. prior to the

May 15 Legislature meeting. Prior to that date Mr. Shurtleff will see that areas to be addressed will include: replacement, ownership, maintenance, and the issue raised relating to the private entity.

**Appointment**

It was MOVED by Ms. Robertson, seconded by Mr. Booth, to approve the appointment of William Sczesny to the Traffic Safety Committee as the Highway Division representative for a term expiring December 31, 2009.

**Liaison Report**

Ms. Robertson, liaison to the Family Court Advisory Council, reported on the out-of-school suspension program and stated it is working well with most schools with the exception of Ithaca High School. She said it is not clear there is administrative support there and they will continue to work on this. She also reported news articles that have appeared lately regarding people complaining about custody decisions in family court. The Council discussed this with Diane Withiam, Law Guardian Coordinator. They also hope to meet with the two family court judges to obtain their perspective on this.

**Adjournment**

The meeting adjourned at 5:03 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office