

**Public Safety Committee
September 5, 2002
12:30 p.m.
Scott Heyman Conference Room**

Present: N. Schuler, B. Blanchard, K. Herrera, G. Totman, L. McBean
Board Members: T. Joseph, P. Penniman
Staff: J. Wood, S. Robinson, W. Skinner, B. Richmond, D. Rogers, J. Hughes, L. Shurtleff, W. Skinner,
K. Smithers, J. Beach, P. Meskill, R. Stolp
Agencies: O. Mack

Called to Order

Mrs. Schuler, Chair, called the meeting to order at 12:30 p.m.

Changes to the Agenda

The following items were added to the agenda:

Resolution - Authorizing a Public Hearing and Adoption of Local Law No. __ of 2002 -
Establishing a Surcharge for Wireless Communications
Budget Adjustment - Sheriff's Department

Approval of Minutes of August 1 and 20, 2002

It was MOVED by Mr. Totman, seconded by Ms. Herrera, and unanimously adopted by voice vote, to approve the minutes of August 1 and 20, 2002 as submitted. MINUTES APPROVED.

Chair's Report

Mrs. Schuler announced on September 19 the Committee will begin discussing the STOP-DWI program and information on the Charter and the State's DWI programs will be distributed to all Committee members. It was agreed that efforts would be made to reschedule this meeting as some members stated they may not be able to attend.

County Attorney/Department of Emergency Response

**RESOLUTION NO. ADOPTING A LOCAL LAW ESTABLISHING A SURCHARGE
FOR WIRELESS COMMUNICATIONS**

MOVED by Mr. Totman, seconded by Ms. McBean.

Mr. Wood said it was recently reported in the news that the State Legislature and Governor adopted legislation that allows counties to adopt a local law establishing a surcharge for wireless communications. He stated carriers need 45 days notice to get the information on their books; therefore, the sooner Tompkins County takes action on this, the sooner the County will receive the money.

Mr. Shurtleff commented this is part of the ongoing "carving" of the surcharge and an effort for counties to get some of those funds. He said \$20 million is going to be allocated this financial year with no strings attached. Those funds will be coming to Tompkins County in the next few months and in the future counties may be apply for additional funding for equipment purchases. Mr. Shurtleff said at this

time there is no way to calculate how much revenue this surcharge will generate and there may be some standards that are required to be met in order to continue to receive funding out of this surcharge.

A voice vote on authorizing a public hearing and the adoption of this local law resulted as follows: Ayes - 5, Noes - 0. MOTION CARRIED.

WHEREAS, the State legislature adopted a bill authorizing Tompkins County to impose a surcharge in an amount not to exceed 30 cents per month on wireless communications service in the County, and

WHEREAS, funds from such surcharge would be used to improve emergency communication services in the County, now therefore be it

RESOLVED, upon recommendation of the Public Safety Committee, Local Law No. j of 2002 establishing a surcharge of 30 cents for wireless communication service in the County is hereby adopted.

SEQR ACTION: TYPE II-20

County of Tompkins

Local Law No.j of the year 2002

Section 1. This Local Law adds a new section to the County Code which poses a surcharge on wireless communications service in the County of Tompkins.

Section 2. A new Chapter 111 is added to the Tompkins County Code which shall read as follows:

§111-1. Findings.

The Tompkins County Board of Representatives in order to provide for the protection of the health, safety and welfare persons in the County, finds it in the public interest for there to be a surcharge on wireless communication services operating in Tompkins County.

§111-2. Surcharge on Wireless Communications.

Pursuant to the authority granted to the Tompkins County Board of Representatives by County Law §308-a there is hereby imposed a surcharge of 30 cents per month on wireless communications service in the County of Tompkins. The surcharge shall be imposed on each wireless communications device and shall be reflected and made payable on bills rendered for wireless communications service that is provided to a customer whose place of primary use is within the County.

For purposes of this section, the term "place of primary use" shall mean the street address that is representative of where the customer's use of the wireless communications service primarily occurs, which address must be: (a) a residential street address or the primary business street address of the customer, and (b) within the licensed service area of the wireless communications service supplier. Provided, however, that a wireless service supplier may treat the address used by such supplier for any wireless communications customer under a service contract or agreement in effect on July 28, 2002, as that wireless communications customer's place of primary use for the remaining term of such service contract or agreement, excluding any extension or renewal of such service contract or agreement, for purposes of determining the taxing jurisdiction with respect to taxes on wireless communications service.

§111-3. Commencement.

The wireless communications service supplier shall begin to add such surcharge to the billings of its customers on January 2, 2003.

§111-4. Collection.

- (A) Each wireless communications service supplier serving the County of Tompkins shall act as collection agent for the County and shall remit the funds collected pursuant to the surcharge imposed under the provisions of this law to the chief fiscal officer of the County of Tompkins every month. Such funds shall be remitted no later than thirty days after the last business day of the month.
- (B) Each wireless communications service supplier shall be entitled to retain, as an administrative fee, an amount equal to two percent of its collections of the surcharge imposed under the provisions of this law.
- (C) The surcharge required to be collected by a wireless communications service supplier shall be added to and stated separately in its billings to customers.
- (D) Each wireless communications service customer who is subject to the provisions of this law shall be liable to Tompkins County for the surcharge until it has been paid to the County except that payment to a wireless communications service supplier is sufficient to relieve the customer from further liability for such surcharge.
- (E) No wireless communications service supplier shall have a legal obligation to enforce the collection of any surcharge imposed under the provisions of this law, provided, however, that whenever the wireless communications service supplier remits the funds collected to the County of Tompkins, it shall also provide the County of Tompkins with the name and address of any customer refusing or failing to pay the surcharge imposed under the provisions of this law and shall state the amount of such surcharge remaining unpaid.
- (F) Each wireless communications service supplier shall annually provide to the County of Tompkins an accounting of the surcharge amounts billed and collected in the time and manner provided by the County Director of Finance.

§111-5. Use of Surcharge.

All surcharge monies remitted to the County of Tompkins by a wireless communication service supplier shall be expended only as provided in Section 308-a of the County Law.

Section 3. This Local Law shall take effect upon filing with the Secretary of State.

Probation Department

Drug Court

Ms. Rogers reported on sobriety testing and stated officers have found this to require a lot of work, therefore, they are now only using them in the Felony Drug Court where the risk is the greatest. She also reported on the recent Drug Court graduation ceremony at which there were five graduates. She said it was a very inspirational ceremony.

Ms. Blanchard asked if there was any way for the Department to know whether an individual has re-entered the program. Ms. Leinthall said when an individual graduates from the Drug Court Program this does not mean they have completed their Probation program. She also stated it is very difficult to track successes, the only ability they have to track individuals is if they get into trouble again in Tompkins County.

Mr. Totman said people want to know if people have gone back into the system and if the County is trying to prove the program is effective there is more information that is needed on its outcomes.

Mr. Joseph said the questions raised by Representatives Blanchard and Totman are good questions and deserve the best answers that are available. He said they should receive the information that can be obtained, such as the number of individuals who have re-offended.

Domestic Violence Prevention

Ms. Robinson announced she has submitted a STOP Grant Proposal for 2002-2003 in the amount of \$59,302 and will place the application on file in the Board Office.

She announced an event that will take place on October 1 at the Forum at Tompkins Cortland Community College entitled "Addressing Domestic Violence and Violence in the Workplace". She also reported on September 9-11 the State Police and all village police department will wrap up the domestic violence training on the special needs of the people who are elderly or disabled. Ms. Robinson said Ezra Sherman attended a Domestic Fatality Review Conference in Phoenix, Arizona, and she will be following up on this with him and the District Attorney's Office.

Ms. Robinson distributed a document she prepared and submitted to the County Administrator in regard to the budget for the Domestic Violence Prevention program.

Department of Emergency Response

**RESOLUTION NO. - APPROPRIATION FROM CONTINGENT FUND FOR
TERMINAL PAY AT THE FIRE/EMS OFFICE**

MOVED by Ms. Blanchard, seconded by Mr. Totman, and unanimously adopted by voice vote.

WHEREAS, the Fire/EMS Office had an employee, John Miller, retire effective April 6, 2002 at a cost of \$15,517, for terminal pay and

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

RESOLVED, on recommendation of the Public Safety Committee and the Budget and Capital Committees, that the Director of Finance appropriate a total of \$19,551 for terminal pay for John Miller, and further

RESOLVED, that the money be distributed to the following accounts:

FROM:	A1990.54440		\$19,551
TO:	A3410.51200551	Overtime	\$15,517
	A3410.58800	Fringes	4,034

SEQR ACTION: TYPE II-20

Sheriff's Department

Budget Adjustment

It was MOVED by Ms. Herrera, seconded by Mr. Totman, and unanimously adopted by voice vote to approve the following budget adjustment and submit to the full Board:

Revenue:	3113.42801	Interfund Revenue	\$165,200
Appropriation:	51000419	Deputy Sheriff Salary	\$129,459
	51200419	Deputy Sheriff Shift	\$ 1,652
	5800	Fringes	\$ 34,089

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Note: Airport Security is covered by Various Positions within the Sheriff's Department. A transfer of funds between payroll lines will occur at the end of 2002.

Mrs. Smithers assured the Sheriff that it will not appear the Sheriff overspent his CID account.

Community Justice Center

Ms. Richmond distributed statistics for August, 2002.

Announcement

Mrs. Schuler announced a mock disaster drill will be held on September 21 at 8 a.m. at the Ithaca Tompkins Regional Airport.

OAR

Mr. Mack reported they have had staff turnover and they are working on refilling position and dealing with reduced hours that have occurred as a result of budgetary shortfalls. He said he has been working with the Sheriff on the new Transition Program and delivery of OAR services at the Jail.

Adjournment

The meeting adjourned at 1:18 p.m.

Respectfully submitted by Michelle Pottorff, Board of Representatives Office