

Public Safety Committee
Regular Meeting Minutes
Thursday, January 14, 2010 3:30 PM
Scott Heyman Conference Room

Approved 2-1-10

Call to Order

Ms. Robertson called the meeting to order at 3:30 p.m.

<u>Attendee Name</u>	<u>Organization</u>	<u>Title</u>	<u>Status</u>
Carol Chock	Tompkins County Legislature	Member	Present
James Dennis	Tompkins County Legislature	Member	Present
Martha Robertson	Tompkins County Legislature	Chair	Present
Peter Stein	Tompkins County Legislature	Member	Present

Staff: P. Buechel, Department of Probation and Community Justice; J. Mareane, M. Lynch, County Administration; L. Shurtleff, Department of Emergency Response; P. Meskill, Sheriff; S. Martel-Moore, Human Rights Department; S. Cook, Criminal Justice Advisory/Alternatives-to-Incarceration Board; J. Hughes, Assigned Counsel Program; M. Pottorff, Legislature Office
Guests: W. Furniss, K. Damm, Advisory Board on Indigent Representation; S. Shackford, Ithaca Journal

Remembrance of Robert Stolp

The Committee spoke of the recent death of Robert Stolp, Supervising Attorney for the Assigned Counsel Program. Mr. Stolp had been in this position since the Program was created over thirty years ago. Members expressed sadness in Mr. Stolp's passing and offered kind words in his memory.

Changes to the Agenda

A discussion of an appointment of interim Supervising Attorney for the Assigned Counsel Program was added to the agenda.

Chair's Report

Ms. Robertson updated the Committee on items that were expected to be discussed at this meeting but have been delayed.

- Deanna Bodnar's report on the ATI (Alternatives-to-Incarceration) programs has been deferred to the February meeting due to a delay in receiving information from the courts;
- Implications of gas drilling on public safety – Mr. Shurtleff is waiting to hear what comments are submitted to the DEC on the draft Supplemental Generic Environmental Impact Statement;
- Dialogue with the Magistrates – Ms. Robertson said Ms. Buechel is planning an outreach to the Magistrates and will begin contacting members of that group after their organizational meeting is held. The meeting is scheduled for tomorrow. Ms. Robertson said she expects the Public Safety Committee will work with Ms. Buechel on this.

Sheriff's Office

Mr. Meskill said the Office has been very busy. Currently, there are 84 in the Jail and approximately five inmates boarded out. He said the overall amount of money being expended for boardouts and medical expenses is lower than last year (2008) and attributes some of the savings to continuing "handshake agreements" between the Sheriff's Office and a few other counties. Other counties have agreed to transport inmates to their facility when there is more than one inmate being boarded into their jail. This saves on gas and vehicle maintenance and also on overtime expenses.

There was a brief discussion on staffing at the Jail and the financial incentive to counties for boarding in prisoners. Mr. Meskill said the Commission of Correction dictates the minimum number of staffing required at jails based on the physical layout of a facility.

**RESOLUTION (DOC ID: 1720): APPROPRIATION FROM CONTINGENT FUND -
REPLACEMENT PAY - SHERIFF'S OFFICE - ROAD
PATROL**

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	James Dennis, Member
SECONDER:	Carol Chock, Member
AYES:	Carol Chock, James Dennis, Martha Robertson, Peter Stein

WHEREAS, the Sheriff's Office had one (1) employee out on medical leave for greater than two months, and

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

RESOLVED, on recommendation of the Public Safety and Budget, Capital, and Finance Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation for 2009:

FROM: A1990.54440	Contingent Fund	\$14,382
TO: A3110.51000425	Secretary	\$14,382

SEQR ACTION: TYPE II-20

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**Resolution (DOC ID: 1722): Appropriation from Contingent Fund - Replacement Pay - Sheriff's
Office - Jail**

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	James Dennis, Member
SECONDER:	Carol Chock, Member
AYES:	Carol Chock, James Dennis, Martha Robertson, Peter Stein

WHEREAS, the Sheriff's Office had two (2) employees out on medical leave and one (1) employee out on Military Leave for greater than two months in the Jail, and

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

RESOLVED, on recommendation of the Public Safety and Budget, Capital, and Finance Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation for 2009:

FROM: A1990.54440	Contingent Fund	\$64,723
TO: A3150.51000406	Corrections Officer	\$27,961
A3150.51000411	Corrections Sergeant	\$36,762

SEQR ACTION: TYPE II-20

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Resolution (DOC ID: 1721): Appropriation from Contingent Fund - Terminal-Pay Reimbursement - Sheriff's Office - Jail

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Carol Chock, Member
SECONDER:	James Dennis, Member
AYES:	Carol Chock, James Dennis, Martha Robertson, Peter Stein

WHEREAS, the Sheriff's Office had one (1) Head Cook, Jail, retired effective December 30, 2009, and

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

RESOLVED, on recommendation of the Public Safety and Budget, Capital, and Finance Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation for 2009:

FROM:	A1990.54440	Contingent Fund	\$189
TO:	A3150.51000421	Head Cook	\$189

SEQR ACTION: TYPE II-20

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Automatic External Defibrillator (AED) Program Update

Ms. Martel-Moore reviewed the AED program implementation plan for 2010 and noted the County will be working with Brian Brooks of Phillips Heart Start in Dryden. The total budget for the program is \$72,000; this will cover the cost for 42 onsite defibrillators with cases, battery packs, and AED/CPR training equipment and costs. Mr. Stein asked how common these units are throughout the County. Mr. Shurtleff said there 80 registered units that are located throughout sites in Tompkins County with a majority of them in schools. It was clarified that Annex C does not include the Old Jail or Old Courthouse and the Committee asked that these buildings be added. It was also requested that the total number of units be included in the document. Ms. Martel-Moore said there are planning to have 60 staff members trained to use this equipment; they are presently trying to identify how many County staff are already certified to use these devices to determine the total number of staff that need to be trained.

Department of Emergency Response

Resolution (DOC ID: 1732): Approval of Amended Bylaws - Emergency Communications Review and Oversight Committee

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	James Dennis, Member
SECONDER:	Carol Chock, Member
AYES:	Carol Chock, James Dennis, Martha Robertson, Peter Stein

WHEREAS, the County Legislature reorganized the 911 Advisory Board and established the Emergency Communications Review and Oversight Committee by Resolution No. 318 of 2002, and then approved the Committee's Bylaws, and

WHEREAS, the Emergency Communications Review and Oversight Committee at its regular meeting on December 16, 2009, unanimously approved amending those bylaws to revise Article III Membership, Item 2 to read: "one volunteer countywide fire and EMS representative, recommended by the Fire, Disaster and EMS Advisory Board," and Item 3 to read: "one volunteer countywide fire and EMS representative recommended by the Fire, Disaster and EMS Advisory Board," Item 13 to read: "one countywide fire and EMS representative recommended by the Tompkins County Fire/EMS Chiefs

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Association,” and Item 14 to read: “one citizen position”; Article V Standing Committees is amended under Police to further include “TC3 operations,” and also under Fire/EMS to read: “three countywide fire and EMS representatives.” Article VII Meetings to read: “the committee shall meet a minimum of six times per year and determine the schedule of its meetings.”, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the Tompkins County Legislature approve the said amendments to the Emergency Communications Review and Oversight Committee.

SEQR ACTION: TYPE II-20

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Assigned Counsel/Public Defender Task Force

The Committee discussed the list of follow-up actions that were prepared by Ms. Hughes. Mr. Stein asked that a list of acronyms be prepared for Mr. Stein and other new Legislators. Ms. Robertson spoke of recovery of costs from responsible persons (e.g. parents) for the representation of youth, and said she will follow-up with the three local colleges on this. Ms. Chock said this is an issue she is interested in and would like to be kept informed as this moves forward.

Mr. Mareane provided an update on where the State stands with the Assigned Counsel Maintenance of Effort mandate. He said there have been discussions with NYSAC (New York State Association of Counties) and the Governor’s Office about bringing together a number of things that have been discussed with respect to representation of the indigent. He explained for the last several years there has been a hard push by the New York State Public Defender’s Association to have the State takeover indigent defense and some elements of that proposal has been very dangerous for counties. He explained over the last few years there has been outrage over a State aid formula for programs such as Assigned Counsel. The formula has a “maintenance of effort” component that requires counties to spend at least as much as was spent the year before. If one dollar is spent less than that amount the County loses all State funding. He said it is very difficult to meet this requirement, particularly in small counties that may experience a very large case in one year and not in the next.

Mr. Mareane explained NYSAC has been working with the Governor’s Office on this but has had to yield to the State on some of the oversight issues. Although he believes Tompkins County has a very well-run program, this is not true in all counties in New York State and the State would like to exercise oversight. There is talk in Albany about the creation of some type of advisory committee to look at how counties run their legal aid for indigent programs. In exchange, the State would eliminate the maintenance of effort requirement.

Mr. Mareane said he will provide additional information to the Committee.

Ms. Hughes reported she is expecting to receive funding for 2009 in the amount of \$367,000 and had been expecting \$415,000.

It was MOVED by Ms. Chock, seconded by Mr. Dennis, and unanimously adopted by voice vote, to approve the following appointments:

Advisory Board on Indigent Representation

Kristine Shaw – term expires December 31, 2012

Criminal Justice Advisory/Alternatives-to-Incarceration Board

Richard C. Bennett - Individual Who Provides State-certified Substance Abuse Treatment Programs or Services; term expires December 31, 2012

Emergency Communications Review and Oversight Committee

Douglas E. Cotterill – Volunteer Fire and EMS Services representative; term expires December 31, 2010
Thomas L. Boyce – Village Police Chief – term expires December 31, 2011

Minutes Approval (DOC ID: 1737): 12-10-09

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Carol Chock, Member
SECONDER:	James Dennis, Member
AYES:	Carol Chock, James Dennis, Martha Robertson, Peter Stein

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Department of Probation and Community Justice

Ms. Buechel, Director, updated the Committee on staffing changes in the Department that have occurred following the retirement of a long-time employee. She also reported on the SCRAM unit (ankle bracelet device worn by DWI offenders that monitors alcohol consumption) and said they have experienced problems with modems functioning with various different types of phone systems. Readings are currently being downloaded directly into the Probation Officer's laptop; she noted they have not had any positive readings in clients who have been using devices. She also noted Judge Rowley is interested in getting use of the units extended beyond DWI convictions.

Criminal Justice Advisory/Alternatives-to-Incarceration Board

Ms. Cook, Chair, reported the Committee did not meet in December but will meet again this month.

Interim Supervising Attorney Appointment – Assigned Counsel Program

At this time there was discussion of the appointing an interim Supervising Attorney for the Assigned Counsel Program until the position can be filled on a permanent basis. Mr. Mareane said there are very qualified candidates for this part-time position that has a salary of 32% of \$79,000.

Executive Session

Motion to enter into executive session at 4:52 p.m. to discuss a personnel matter.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Peter Stein, Member
SECONDER:	James Dennis, Member
AYES:	Carol Chock, James Dennis, Martha Robertson, Peter Stein

The meeting returned to open session at 5:05 p.m..

Appointment of Interim Supervising Attorney

At this time the
MOTION TO: accept the recommendation of ABIR and County Administrator to appoint Wesley McDermott, Interim Supervising Attorney for the Assigned Counsel Program for a period not to exceed 120 days

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Peter Stein, Member
SECONDER:	James Dennis, Member
AYES:	Carol Chock, James Dennis, Martha Robertson, Peter Stein

Mr. Mareane will present this appointment at the January 19th Legislature meeting. There was a brief discussion of which body has the authority to appoint a permanent Supervising Attorney for the Assigned Counsel Program, as there is conflicting language between the County Code and the ABIR bylaws. The ABIR and County Administrator agreed to work together to in an expeditious manner and to resolve this prior to the appointment of a permanent replacement.

Adjournment

The meeting adjourned at 5:21 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office