

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES

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May 27, 2010
Start: 01:04 pm
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HELD AT: Council Chambers
City Hall

B E F O R E: ELIZABETH S. CROWLEY
Chairperson

COUNCIL MEMBERS:
Elizabeth S. Crowley
Mathieu Eugene
Vincent J. Gentile
Peter F. Vallone, Jr.
Ydanis A. Rodriguez
Rosie Mendez

A P P E A R A N C E S

Don Shacknai
First Deputy Commissioner
FDNY

Caroline Kretz
Association Commissioner
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Administrator
Uniformed Fire Alarm Dispatchers

Edward Boles
Treasurer/Legislative Chair
Uniformed Fire Officers Association

Josefina Sanfeliu

2 CHAIRPERSON CROWLEY: Good

3 afternoon, my name is Elizabeth Crowley and I am
4 the chair of the Fire and Criminal Justice
5 Services Committee. Today, we are hearing two
6 bills that are part of the administration's budget
7 proposals that were introduced at the request of
8 the mayor.

9 I want to make it clear that just
10 because I've introduced these bills at the request
11 of the mayor, it does not mean that I support
12 them. I look forward to hearing today's testimony
13 so we can have a better understanding of the
14 potential impact of these bills, as well as their
15 merit, or lack of merit.

16 The first bill before us today is
17 Intro 209, which will give the mayor the
18 discretion to remove or deactivate fire alarm
19 boxes throughout the city. Some of you may recall
20 that the Giuliani administration tried to
21 eliminate these boxes in the mid 1990s, but were
22 only able to remove a few thousand of them after
23 the passage of several City Council bills that,
24 among other things, limited the scope of the
25 removal and gave the Council the authority to

1 reject future removals.

2
3 Those efforts were also derailed by
4 litigation, including a federal class action
5 lawsuit that resulted in an injunction, which is
6 still in effect today, that bars the removal of
7 alarm boxes absent the city's ability to
8 demonstrate that an accessible notification
9 alternative would be provided to people who are
10 hearing impaired or deaf.

11 My understanding is that there are
12 currently about 15,000 alarm boxes in the city,
13 most of which can alert police or fire officials
14 to an emergency and allow the user to communicate
15 with those officials. The rest of the alarm boxes
16 have a lever. The user pulls down the lever to
17 alert the first responder of an emergency but does
18 not allow communication.

19 This committee previously heard
20 testimony at our preliminary budget hearing
21 regarding the fire department's motivation for
22 removing these alarms, which includes their belief
23 that they are rarely used, expensive to maintain
24 and are often used to send false alarms. We look
25 forward to discussing those issues with the

2 department today as well as why the department
3 believes the technology has improved to the point
4 that hearing impaired and deaf people will not be
5 adversely impacted by the removal of these alarms.

6 We also look forward to hearing
7 from advocates for the hearing impaired and deaf,
8 as well as from individuals who may find
9 themselves to be directly impacted should the
10 department move forward with its plan to eliminate
11 these alarms.

12 I am very concerned with the
13 prospect that the Council would give up its
14 discretion regarding the removal of these alarms
15 and the adverse impact that removing these alarms
16 might have on New Yorkers, especially those who
17 are hearing impaired or deaf, and especially in an
18 event traditional means of contacting emergency
19 responders are unavailable for any reason, such as
20 was the case when cell phones were not working on
21 9/11.

22 I'd like to point out that we've
23 been joined by several sign language interpreters
24 who will be interpreting these proceedings, as
25 well as assisting anyone who is going to testimony

2 who requests their assistance, which can be done
3 by letting our sergeant-at-arms know, or indicate
4 on the slip that you are given when you sign up to
5 testify that you would like an interpreter.

6 The second bill before us is Intro
7 210. This bill would require that any person
8 currently serving or who is sentenced to a period
9 of probation, upon conviction of any crime under
10 Article 31 of the state vehicle and traffic law,
11 which includes convictions for operating a motor
12 vehicle while under the influence of alcohol or
13 drugs or for underage individuals operating a
14 motor vehicle after having consumed alcohol shall
15 pay an administrative fee of \$30 per month to the
16 Department of Probation. The fee could be waived
17 if the defendant is indigent and would not be a
18 condition of the probation.

19 Intro 210 would also require that
20 if a court orders investigation of child custody
21 or visitation case pursuant to Section 653 of the
22 State Family Court Act, the Department of
23 Probation will be entitled to receive an
24 investigation fee of not less than \$50 and not
25 more than \$500 for such an investigation. Once

2 again, the fee would be waived if the parties are
3 indigent. We look forward to hearing more about
4 this bill.

5 We have been joined by
6 representatives of both the fire department and
7 the Department of Probation. I want to thank them
8 for being here today. I will ask you to identify
9 yourselves for the record and start your opening
10 remarks.

11 DON SHACKNAI: Thank you, Chair
12 Crowley. I'm Don Shacknai, First Deputy
13 Commissioner at the FDNY. I'm joined by
14 Association Commissioner Caroline Kretz and Jon
15 Pines, who's an Assistant Corporation Counsel.

16 Thank you for the opportunity to
17 speak with you today about Intro 209, which
18 authorizes the New York City Fire Department to
19 remove, deactivate or otherwise render unusable
20 any FDNY alarm box at the mayor's discretion. We
21 support this bill.

22 The Mayor's Fiscal 2011 preliminary
23 budget called for the deactivation and eventual
24 removal of the fire alarm box system across the
25 city, for a savings of \$6.2 million in fiscal

2011. As you may know, the FDNY, and you do know since you just read some of the background, the FDNY developed a plan to deactivate street alarm boxes in the mid 1990s. Pursuant to that plan, the department commenced the deactivation of some alarm boxes, however, members of an organization representing deaf and hard of hearing persons opposed the plan.

These parties claimed that the loss of the call boxes would deprive them of their ability to call in emergencies. After litigating the matter, the court issued an injunction in 1996 prohibiting the department from deactivating additional boxes, but did not require the department to reactivate the boxes that were already deactivated.

With the passage of nearly 15 years, and the introduction of changes in communications technology, we are confident that additional call boxes can be deactivated without jeopardizing public safety. Our statistics show that these call boxes are no longer the important fire safety tool they once may have been.

Back in 1993, 15,380 calls received

1 from call boxes provided the only alarm for a fire
2 or other emergency. By contrast, in 2009, there
3 were only 140 calls from call boxes reporting
4 structural fires out of a total of 26,666
5 structural fires reported. That means that fully
6 99.55% of calls reporting structural fires came
7 from sources other than alarm boxes, and that less
8 than half of 1% of structural fire calls came from
9 alarm boxes.
10

11 In addition, of that small fraction
12 of 1% of alarm box calls reporting structural
13 fires, 56% of these incidents were also reported
14 from another source, typically a phone call that
15 often preceded the alarm box source.

16 Of even greater concern is that
17 10,997 calls originating from call boxes in 2009,
18 that's 85% of the 12,931 calls from call boxes
19 were false alarms. Virtually every one of those
20 calls represents a case in which FDNY initiated an
21 emergency response where it was not needed.

22 While difficult to cost out in
23 dollars, false alarms are a clear threat to public
24 and firefighter safety. They divert our first
25 responders and make them unavailable for real

2 emergencies while needlessly putting our members
3 in harm's way as they speed to nonexistent
4 emergencies. These unnecessary responses are a
5 tremendous and avoidable waste of critical city
6 resources.

7 Because of the federal court
8 injunction, we have to make a motion to the court
9 to seek to vacate or modify the prohibition on
10 alarm box removal before we can take any steps to
11 deactivate any existing alarm boxes. The law
12 department is currently preparing that motion for
13 filing in the near future.

14 However, City Council action is
15 also needed to amend the previously enacted
16 legislation. This bill would accomplish this
17 latter step, but its passage will not trigger any
18 deactivation or removal of the alarm boxes unless
19 and until the federal court issues a new order
20 permitting us to go forward with such deactivation
21 or removal.

22 I want to make the committee aware
23 that because of these prerequisite measures, the
24 fiscal impact of the alarm box deactivation cannot
25 be achieved until these legal hurdles are cleared.

2 In order to realize the benefit of these projected
3 savings as soon as possible, we must pursue both
4 court and Council relief now. But, because of the
5 procedural and implementation issues, the
6 executive budget calls for the savings to begin in
7 fiscal 2012.

8 We feel strongly that this measure
9 will save money without jeopardizing public
10 safety. We do not foresee that the deactivation
11 of the call boxes will result in layoffs since the
12 projected savings would be achieved through
13 attrition and reduction of contractual spending in
14 overtime. Thank you for conducting this hearing
15 today. I would be happy to take your questions at
16 this time.

17 CHAIRPERSON CROWLEY: Thank you.
18 I'd like to mention that we've been joined by
19 Council Member Peter Vallone, Jr. If we were to
20 put a system in place today such as this hardware
21 throughout the city of New York, could you let us
22 know a figure of how much that would approximately
23 cost?

24 DON SHACKNAI: If we were to put in
25 this kind of technology today? I really can't

2 estimate that. I think the short answer is we
3 wouldn't put in this kind of technology today.

4 CHAIRPERSON CROWLEY: But couldn't
5 it be considered a resource being worth, I would
6 imagine, over a billion plus dollars of
7 infrastructure that helps report emergencies and
8 keeps our city safe.

9 DON SHACKNAI: Our statistics show
10 over the last few years people are not using this
11 system to report emergencies the way they used to.
12 As I just mentioned in my testimony, 85% of the
13 calls we received through the alarm boxes are
14 false alarms. So that means only 15% of the calls
15 we receive there are for real emergencies. And of
16 those, the vast majority is reported by other
17 sources. People are using phones, they're using
18 cell phones and they're just not using these
19 boxes.

20 CHAIRPERSON CROWLEY: But 15% of
21 those may not have been reported as quickly.
22 Those 15% of calls may not have come in had those
23 boxes not been there. Is there a way to make the
24 boxes more efficient, maybe a camera so you would
25 be able to determine whether it's a false alarm?

2 DON SHACKNAI: No, I don't believe
3 so. I mean, there are 15,000 boxes throughout the
4 city. They require constant maintenance.

5 Installing that kind of system would cost millions
6 more dollars. The system in capital expenses has
7 also cost the department some \$40 million plus
8 dollars over the last ten years.

9 So it's enormously expensive, and
10 if we had a system that was actually one people
11 were using to report emergencies and was a primary
12 method, we would be here supporting this bill and
13 you wouldn't have the bill in front of you.

14 That's just not the case anymore. We're finding
15 an enormous number of false alarms, and in other
16 cases we're getting those calls from other
17 sources.

18 CHAIRPERSON CROWLEY: Since there
19 are so many false alarms, wouldn't the department
20 think of a way to try to prevent those false
21 alarms from coming in?

22 DON SHACKNAI: Yes, and there may
23 be measures that can be taken, but the number is
24 so enormous. We're talking about 10,000 false
25 alarms a year.

2 CHAIRPERSON CROWLEY: You have two
3 different types of boxes, right? One requires
4 communication and the other doesn't. Can you go
5 into detail about boxes again?

6 DON SHACKNAI: Yes, you stated it
7 correctly. One is a manual pull box and the other
8 is a push button box where you then have live
9 communication with a dispatcher.

10 CHAIRPERSON CROWLEY: Are all of
11 the boxes working right now?

12 DON SHACKNAI: Approximately 9% of
13 the boxes require maintenance at any given time.
14 That's one of the reasons the system costs so much
15 to maintain.

16 CHAIRPERSON CROWLEY: I have a
17 question as to why you're moving forward with the
18 plan before the federal court issues an order
19 permitting you to do so.

20 DON SHACKNAI: The bill is before
21 you now. The sequence is not critical certainly
22 to the department. We know two things have to be
23 accomplished for this to go forward, federal court
24 approval and a City Council bill similar to the
25 one we have in front of us today. Whether this

2 comes first or the federal court decision comes
3 first, we need to accomplish both. So if the bill
4 passes now, then only the federal court issue
5 remains. If the bill does not pass now and the
6 federal court does rule in our favor later, then
7 we would be back urging the Council to do the same
8 thing.

9 CHAIRPERSON CROWLEY: I'd like to
10 recognize Council Member Peter Vallone for
11 questions.

12 COUNCIL MEMBER VALLONE: Thank you,
13 Chair Crowley. I'm a little confused as to the
14 numbers. On page 2, you say in 2009 there were on
15 140 calls from call boxes reporting structural
16 fires. But then in the next paragraph you say
17 that of even greater concern are the 10,997 calls
18 originating from call boxes in 2009. I must be
19 missing something, but why the discrepancy?

20 DON SHACKNAI: There's no
21 discrepancy. What we're saying in that paragraph
22 at the top of the page is for structural fires
23 only, 140 calls from the call boxes were reporting
24 structural fires. So it's a tiny, tiny fraction
25 of the times people were using these boxes that

2 they were calling in a structural fire. The
3 paragraph below tells us that regardless of what
4 was being called in, 85% of the time it was a
5 false alarm

6 COUNCIL MEMBER VALLONE: That's
7 important. But before we get to that, 140 calls
8 for structural fires out of 12,931 calls, what
9 were the rest about?

10 DON SHACKNAI: The rest of them
11 would be other kinds of emergencies.

12 COUNCIL MEMBER VALLONE: What are
13 they using fire alarm boxes for, what kind of
14 emergencies?

15 DON SHACKNAI: Non-structural
16 fires, medical emergencies, non-medical
17 emergencies, all of the other kind of emergencies
18 that people call the fire department for.

19 COUNCIL MEMBER VALLONE: I did not
20 realize that they were using these call boxes for
21 non-structural fires. Break it down for me,
22 what's the main type of call you get from a call
23 box?

24 DON SHACKNAI: I believe they're
25 non-medical emergencies. People may be calling in

2 a car fire or a disabled vehicle, things that the
3 fire department would respond. If you give me one
4 second, I can see if I can find some statistics.

5 COUNCIL MEMBER VALLONE: Sure.

6 DON SHACKNAI: The main category is
7 non-medical emergencies. The vast majority are
8 false alarms. The next biggest category is non-
9 medical emergencies, a much smaller number.

10 COUNCIL MEMBER VALLONE: I did not
11 realize that. That's a huge percentage of false
12 alarms. What is the percentage of false alarms
13 that don't come from alarm boxes?

14 DON SHACKNAI: I don't think I know
15 the answer to that because when we receive phone
16 calls, I guess the person either will identify or
17 not identify themselves. I'm not sure we keep
18 statistics on non-alarm box false alarms.

19 COUNCIL MEMBER VALLONE: I think
20 that might be an important statistic to keep.
21 What is the follow-up that's done when someone
22 calls in a fire that doesn't exist and gives their
23 information? Is an arrest immediately made? What
24 happens?

25 DON SHACKNAI: I'm not certain

2 about that. I agree that's a serious consequence.
3 What we do know though is for the call boxes, we
4 have 85% of them as false alarms.

5 COUNCIL MEMBER VALLONE: That's
6 unacceptable. But for all I know 85% of the other
7 calls are false alarms too. I just don't know.

8 DON SHACKNAI: I'm quite certain
9 that's not true.

10 COUNCIL MEMBER VALLONE: I'm sure
11 it isn't either, but we need to know this
12 information as we make these decisions. I have
13 not take a position on this matter yet so I'm just
14 trying to get information. You mentioned all of
15 these other types of emergencies. Do these call
16 boxes also connect to the police department?

17 DON SHACKNAI: Yes. The ERS boxes
18 have a separate button. One button for police and
19 one button for fire.

20 COUNCIL MEMBER VALLONE: Are you
21 including police calls in that 12,900?

22 DON SHACKNAI: No.

23 COUNCIL MEMBER VALLONE: Okay.

24 DON SHACKNAI: By the way, we've
25 had high level discussions with the NYPD and they

2 have no objection to the passage of the bill.

3 COUNCIL MEMBER VALLONE: It seems
4 with the amount of calls that don't involve
5 structural fires; it seems that they're at least
6 as involved in this matter as the fire department
7 is. We just don't know what types of calls are
8 coming through. The police department supports
9 this you just said.

10 DON SHACKNAI: I didn't say
11 supports. They have no objection. I'm not
12 speaking directly for them. I have had the
13 discussions and they, again, presumably as was the
14 case 15 years ago, do not object to the removal of
15 the alarm boxes.

16 COUNCIL MEMBER VALLONE: Do you
17 have any idea how many calls go into the police
18 department from these boxes?

19 DON SHACKNAI: I don't.

20 COUNCIL MEMBER VALLONE: That's
21 more information that we'll be requiring. On a
22 different topic, but since I am an attorney this
23 is interesting. There's an injunction. It's a
24 permanent injunction I guess and not a temporary
25 injunction since it was from 1996.

2 DON SHACKNAI: Correct.

3 COUNCIL MEMBER VALLONE: You
4 obviously have some hope that you're now going to
5 be successful in getting that removed. What is
6 the new technology? What is the legal reason that
7 you think you'll be successful on that end?

8 DON SHACKNAI: I think it's two
9 things. One, I think we can demonstrate that the
10 alarm boxes are simply not being used by anybody
11 in significant numbers and there's an enormous
12 cost attached to it. I'm not aware of any
13 evidence that hearing impaired or deaf people are
14 significantly using the boxes, although that's
15 been asserted.

16 COUNCIL MEMBER VALLONE: How has
17 that changed from 1996 whether or not deaf people
18 are using the boxes?

19 DON SHACKNAI: I'm sorry?

20 COUNCIL MEMBER VALLONE: Well they
21 obviously made that claim back in 1996 and it was
22 found valid, that they would be denied their
23 right. I'm no expert in this case, but that they
24 would be unfairly hurt by this.

25 DON SHACKNAI: Right. As the

2 testimony points out, we have numbers suggesting
3 back in 1993, 15,000 calls received from the call
4 boxes provided the only alarm. That's no longer
5 the case. People are using cell phones and
6 they're using land lines to communicate their
7 emergencies.

8 COUNCIL MEMBER VALLONE: That's for
9 structural fires, but we've got that other
10 situation that the vast majority of these calls
11 are no longer structural fires, so that's going to
12 hurt your legal case.

13 DON SHACKNAI: The vast majority of
14 all calls do not come in through call boxes.

15 COUNCIL MEMBER VALLONE: But 12,900
16 calls came in and only 140 of those were for
17 structural fires.

18 DON SHACKNAI: But that number is
19 greatly reduced by the 85% false alarms. We're
20 only talking around 2,000 calls that had any
21 validity at all. And then again, within those,
22 the biggest category by far was non-medical
23 emergencies. So we're already in the category
24 where we're basically out of life and death
25 situations. We're not in a medical emergency and

2 we're not in a structural fire. We're not even in
3 a non-structural fire. We're in a non-medical
4 emergency and those could be any number of things
5 from a gas leak to an odor to anything else. But
6 we're in a category that's not a life and death
7 matter in most instances.

8 COUNCIL MEMBER VALLONE: I don't
9 want to belabor the point but false alarms are a
10 huge concern, as Public Safety Chair obviously.
11 With 85% of these being false alarms, that's
12 something that we need to look into. We need that
13 other information that you're going to be
14 providing to us. We need to know, obviously, the
15 amount of false alarms that come in that don't
16 involve these boxes. That is one of the major
17 things we will be looking at as a committee.

18 Clearly, it's not something we
19 would even be looking at if we weren't in the
20 situation we're in. It's not something anybody
21 wants to do. But when it comes down to boxes or a
22 fifth man on the rig or a fire company, no one
23 wants to see any of these things cut, but that's
24 the only reason we're only contemplating this
25 action. It's not something any of us want to do.

2 I have not taken a position on it, but I will need
3 this information regarding false alarms and the
4 other information we requested. Thank you.

5 DON SHACKNAI: Absolutely.

6 CHAIRPERSON CROWLEY: Thank you,
7 Council Member Vallone. I'd like to acknowledge
8 that we've been joined by Council Member Rosie
9 Mendez. I have a question now. Through the
10 statistics that you have provided, have you traced
11 back how many of the people who made those
12 emergency calls through the boxes were actually
13 hearing impaired or deaf?

14 DON SHACKNAI: I'm not aware that
15 we would have that information.

16 CHAIRPERSON CROWLEY: Is there a
17 new way for somebody who is hearing impaired or
18 deaf to communicate an emergency, provided the
19 call boxes are removed?

20 DON SHACKNAI: Yes, the NYPD has
21 advised us that their call takers are equipped
22 with telecommunications device for the deaf. When
23 a hearing or speech impaired person calls 911,
24 they can use a tapping protocol and then the call
25 will come in with a tone alert from the caller's

2 TTY and the NYPD automatically engages the TDD to
3 respond. There is also a relay service that
4 hearing and speech impaired people can use in
5 which they call the relay and their operators act
6 as an intermediary with the 911 call taker.

7 CHAIRPERSON CROWLEY: Now, I
8 imagine if you're hearing impaired, you would
9 likely have that type of a phone or a phone system
10 with that technology in your home. But what
11 happens when you're out on the street and there's
12 an emergency? How do you communicate the
13 emergency?

14 DON SHACKNAI: Again, I don't know
15 specifically the answer to that question. But
16 what is clear from the statistics is that the
17 alarm boxes are no longer a means of reporting
18 real emergencies, and that's for all people
19 equally. They're not getting used for the
20 purposes they were originally intended.

21 CHAIRPERSON CROWLEY: The
22 injunction was put in place specifically because
23 of the hearing impaired and the deaf people who
24 have no way of communicating. I understand with
25 more people having cell phones, the department

2 believes that ways of communicating have become
3 more accessible. But that still doesn't prevent
4 people who have disabilities and need to
5 communicate through the alarm boxes from having
6 the ability to do so.

7 DON SHACKNAI: That's correct.

8 Obviously, we want everyone to have access to call
9 in their emergencies. We want to get to everybody
10 as quickly as possible. We have no intention of
11 slowing down anything. We believe there are
12 adequate methods that the hearing impaired can use
13 to call in their emergencies and that they are
14 availing themselves of those devices now.

15 Council Member Vallone's point is I
16 think critically important, which is we have such
17 an extraordinarily difficult budget situation. We
18 have 20 fire company closures ahead of us. This
19 is something we have to look at in terms of
20 whether it's worth the cost. It's \$6 million a
21 year to maintain a system that's, for the most
22 part, having the fire department and the police
23 departments have to run to emergencies that don't
24 exist, with all of the diversion of resources that
25 entails, with all of the danger and risk that

2 entails to our members and the EMS and police
3 officers as well.

4 CHAIRPERSON CROWLEY: Is there a
5 penalty right now for a false alarm?

6 DON SHACKNAI: Yes, I believe there
7 is, if we catch somebody.

8 CHAIRPERSON CROWLEY: Do you know
9 what that penalty is?

10 DON SHACKNAI: I don't know the
11 exact penalty on that.

12 CHAIRPERSON CROWLEY: I agree with
13 Council Member Vallone and yourself when you state
14 that there are too many false alarms. But I think
15 that measures can be put into place to prevent
16 false alarms from happening. I want to ask you
17 about a situation that we have on 9/11 or when we
18 had the blackout where people were unable to use
19 their cell phones to communicate. What if we were
20 to have another emergency such as that, what would
21 we do?

22 DON SHACKNAI: I had extensive
23 conversations with my colleagues who were leading
24 the department on 9/11, and other means of
25 communicating were clearly working and available

2 that day. People's cell phones were working.
3 There were many, many cell phone calls from people
4 up in the towers, in distress, as you know who
5 made phone calls on their cell phones. Those were
6 working. Telephones on the street, land lines
7 were working. So it was not the case that--

8 CHAIRPERSON CROWLEY: [interposing]
9 Sorry to interrupt. In the blackout it was. But
10 I remember being stuck at an airport and not being
11 able to make a phone call to my family to let them
12 know that I was okay, for hours.

13 DON SHACKNAI: On a land line, or a
14 cell phone?

15 CHAIRPERSON CROWLEY: I remember
16 being at Kennedy Airport and I couldn't make that
17 phone call.

18 DON SHACKNAI: I don't know about
19 that particular situation. I do know that it
20 costs us \$6 million a year to maintain a system
21 that very few people are using to call in real
22 emergencies. It's enormously expensive. If we
23 look at the cost and the benefit, I think we would
24 all recognize it's time to try to lift that
25 injunction if we can and move forward.

2 CHAIRPERSON CROWLEY: You mention
3 that there would be no layoffs.

4 DON SHACKNAI: Correct.

5 CHAIRPERSON CROWLEY: I'm imagining
6 the majority of the people who work in this
7 department; can you tell me their titles?

8 DON SHACKNAI: There are
9 supervising electricians and I think basic
10 electricians.

11 CHAIRPERSON CROWLEY: If they would
12 no longer be maintaining the boxes, what would
13 their job be?

14 DON SHACKNAI: They don't only do
15 this function. They have to spend a lot more time
16 on it than we would like, but they do many other
17 functions. They would be redeployed to those
18 other functions. There may be some attrition.

19 CHAIRPERSON CROWLEY: Could you
20 speak to the fire department's current wireless
21 technology and what advances are being put in
22 place? Is it the NYCWiNs? Do you have wireless
23 call boxes?

24 DON SHACKNAI: We do not have
25 wireless call boxes at the present. I know the

2 NYPD does at certain locations, some parks, I
3 believe Randall's Island and I believe some
4 highway or bridge boxes.

5 CHAIRPERSON CROWLEY: There are
6 other types of technology investment in the
7 system. Can you explain how much the investment
8 is and what forward-thinking projects are coming
9 out of it?

10 DON SHACKNAI: I wish I could. I
11 really can't. I don't know exactly how that
12 interfaces with this issue. Obviously there are
13 many, many new technologies. NYCWiN is part of
14 it. But I'm not exactly sure how that would
15 affect the calling in of emergencies.

16 CHAIRPERSON CROWLEY: There could
17 be a way to make these boxes more efficient so
18 there would be less false alarms and that the
19 public would even have an increased level of
20 safety, public safety. I don't think it would be
21 at such a cost that is exceeding what the current
22 investment is in new technology in the fire
23 department to keep us ahead of the game and as the
24 safest city in the country.

25 DON SHACKNAI: We're all for the

2 new technologies. Here we're proposing the
3 elimination of an archaic ancient technology that
4 it's not just if we can curb the false alarms.
5 That would require some investment and we might be
6 able to curb the false alarms. But there aren't
7 enough real alarms being called in to justify the
8 existence of the system. So you've got to look at
9 the flip side of it too.

10 Even if we could curb the false
11 alarms to 50%, or I don't even know what we could
12 possibly accomplish on that, we still have really
13 a very small fraction of real emergencies being
14 called in through these means. As we discussed
15 earlier, they're not life threatening emergencies
16 for the most part.

17 CHAIRPERSON CROWLEY: But you do
18 have this physical instrument for communicating
19 emergencies at many street corners and you could
20 continue to still have that if you were to put a
21 more efficient one in place, and one that may cost
22 less to maintain and could be a part of the
23 overall bigger upgrading system.

24 DON SHACKNAI: But today we're
25 talking about the current alarm box technology.

2 CHAIRPERSON CROWLEY: Right.

3 DON SHACKNAI: I have to say,
4 again, we're open to any new technologies that
5 assist everybody in reporting their emergencies.
6 It's this technology that's no longer an important
7 source of emergency reporting. This is very old
8 technology. You could barely even call it
9 technology.

10 CHAIRPERSON CROWLEY: I'd like to
11 mention that we've been joined by Council Member
12 Vincent Gentile from Brooklyn. Do any of my
13 colleagues have questions? When one responds
14 right now and one is deaf or hearing impaired,
15 they respond through a system. How do they do
16 that if they're at a call box?

17 DON SHACKNAI: I'm sorry. Do you
18 mean how does a deaf person call in?

19 CHAIRPERSON CROWLEY: Yes. How do
20 they utilize that tool?

21 DON SHACKNAI: Any of the methods I
22 described, either through TDD. They might text a
23 friend or someone to make a call for them. They
24 might use their own phone to do that that has that
25 TDD ability.

2 CHAIRPERSON CROWLEY: I mean
3 specifically when you use the call box, how do
4 they communicate?

5 DON SHACKNAI: When you do a pull
6 box, there is no communication at all. That is
7 purely mechanical and there's no one who can
8 respond on the other end.

9 CHAIRPERSON CROWLEY: The ERS one?

10 DON SHACKNAI: The tapping protocol
11 that can be used on telephone landlines can also
12 be used for the ERS boxes after pushing the
13 correct button for fire or police.

14 CHAIRPERSON CROWLEY: Is there some
15 typographical in terms of maps and locating where
16 fires are that the fire companies use still that
17 relate to these call boxes?

18 DON SHACKNAI: Yes, in fact we
19 provided the Council with the map a few weeks ago
20 showing where the alarm boxes were and where most
21 of the alarm box reports were coming from.

22 CHAIRPERSON CROWLEY: So if you
23 were to remove the physical boxes, wouldn't it
24 hurt response when the fire department is
25 responding?

2 DON SHACKNAI: No, we don't believe
3 so at all. Because, again, the vast, vast
4 majority of calls are being called in by phone or
5 cell phone and other means. We think this would
6 benefit us because the net savings in response
7 time of maintaining the fire department's
8 availability, see, if we're not responding to the
9 85% of false alarms, we're more available to
10 respond to actual emergencies. As you know, it's
11 that availability which translates into response
12 time.

13 CHAIRPERSON CROWLEY: Right. Now,
14 at all hours of the day, if somebody was to pull
15 the alarm and they had the ability to communicate
16 and they didn't, would you still send a fire
17 truck.

18 DON SHACKNAI: Our protocol is that
19 from, I believe there are about nine hours or ten
20 hours in the middle of the day when we're at peak
21 business where if we try to communicate with
22 whoever pushed the button and no one responds,
23 even with a tapping protocol, that then we do not
24 send a resource.

25 CHAIRPERSON CROWLEY: Do you think

2 that some people would think that that doesn't
3 always work because it doesn't work in those
4 particular nine hours, that window of time? Why
5 did the department put that measure into place?

6 DON SHACKNAI: Because we're trying
7 to preserve our response time to actual
8 emergencies. You know, if we hear a tapping
9 protocol on those boxes, we respond. If we have a
10 voice on the other end, we respond. Basically we
11 need to preserve our resources for real
12 emergencies and we know that both with respect to
13 the call boxes and the ERS boxes, the overwhelming
14 majority of cases are false alarms. So if we get
15 that situation, we would naturally conclude that
16 most likely it's a false alarm.

17 CHAIRPERSON CROWLEY: I'd like to
18 recognize Council Member Vallone for questions.

19 COUNCIL MEMBER VALLONE: Thank you.
20 I just wanted to thank you, actually, for bringing
21 up the point regarding blackouts. It was my
22 district that had no power for nine days. During
23 that time, we didn't have cell phone service for
24 whatever reason.

25 That's when many of us learned that

2 your landlines only work if you don't have a
3 cordless phone, because the cordless phone needs
4 electricity. So you actually have to have a
5 landline that's got a cord on it. There aren't
6 that many people that have landlines with cords on
7 it or even knew that until we had the blackout in
8 Astoria.

9 These are the same people that for
10 nine days are using candles to light their homes
11 and may not be all that familiar with candles,
12 having not been forced to use them since the stone
13 ages to actually light your home for nine days.

14 So in that situation there would be
15 a huge risk of a fire happening and people not
16 knowing how to report it. What would happen in a
17 situation where a neighborhood like Astoria
18 doesn't have power for nine days and fires broke
19 out?

20 DON SHACKNAI: My understanding is
21 that during the blackout, we continued to get
22 calls in all the same ways and respond to them in
23 the way that we did. I mean, I think the point
24 you made earlier is critical. We have finite
25 resources. We may encounter difficult situations

2 from time to time that are challenging. We always
3 will. But at a cost of \$6 million a year to
4 maintain this kind of resource with this
5 incredibly limited utility for the possibility
6 that some day they may be needed for a day to
7 supplement other means of communication we just
8 don't think makes sense, given the budget cuts
9 that we're called upon to make.

10 COUNCIL MEMBER VALLONE: Back to my
11 question. There were no fires during that
12 blackout, thank God. We got extremely lucky. So
13 I'm not sure whether you were getting calls or not
14 getting calls normally. But there are many people
15 who would not have been able to make any calls for
16 a long time during that blackout and it's just
17 something else we need to consider as we look into
18 this. Thanks.

19 CHAIRPERSON CROWLEY: Thank you,
20 Council Member Vallone. Are there any other
21 questions from committee members? Committee
22 member Rosie Mendez has a question, and that will
23 be followed by Council Member Vincent Gentile.

24 COUNCIL MEMBER MENDEZ: Good
25 afternoon, and I apologize, I came in a little

2 late so I've been trying to catch up. I'm still
3 trying to wrap my head around the cost and the
4 savings, the cost for each of these boxes and what
5 kind of savings we might be achieving by
6 deactivating some of them. If you could just go
7 over that a little bit more with me please.

8 DON SHACKNAI: Sure. The cost
9 savings is projected at \$6.2 million a year. That
10 savings basically comes from eliminating the costs
11 for the personnel who are constantly called upon
12 to maintain the alarm box system. Nobody would be
13 laid off and nobody would be fired. Those same
14 employees would be deployed to other functions.

15 But by eliminating the necessity
16 for constantly repairing this antiquated system,
17 we would save more than \$6 million a year and
18 capital costs going forward that are always needed
19 to upgrade the system that have, as I mentioned
20 before you got here, that \$40 million in capital
21 expense have been incurred in the last ten years
22 for small upgrades to keep it going.

23 COUNCIL MEMBER MENDEZ: We would
24 save \$6.2 million a year. You said some of that
25 is capital and some of that is personnel.

2 DON SHACKNAI: No, that's all
3 personnel.

4 COUNCIL MEMBER MENDEZ: That's all
5 personnel?

6 DON SHACKNAI: The capital is
7 separate and I'm not making a projection. I'm
8 giving you a historical number for the last ten
9 years on capital expense.

10 COUNCIL MEMBER MENDEZ: That's the
11 \$40 million.

12 DON SHACKNAI: That's right. I
13 think in the out years the \$6.2 million increases
14 with projections on increased salaries.

15 COUNCIL MEMBER MENDEZ: So this
16 \$6.2 million and this \$40 million is per year.

17 DON SHACKNAI: The \$40 million is
18 not per year.

19 COUNCIL MEMBER MENDEZ: No?

20 DON SHACKNAI: That was a number
21 that approximates that in the past ten years,
22 those are the capital expenses for keeping the
23 system going. The \$6.2 million is our projection
24 for the PEG. That's the personnel cost. That's
25 the savings we would get annually.

2 COUNCIL MEMBER MENDEZ: How many
3 individuals are currently staffing the boxes or
4 that are taking these calls that are going to be
5 reintegrated into other jobs? How many
6 individuals?

7 DON SHACKNAI: Approximately 50.

8 COUNCIL MEMBER MENDEZ: And those
9 individuals would be reintegrated into what other
10 kinds of jobs?

11 DON SHACKNAI: There is plenty of
12 other work. They work on a whole number of
13 electrical types of projects, communications
14 projects all around the city.

15 COUNCIL MEMBER MENDEZ: I may have
16 another question later. I just want to look at
17 this. Thank you very much.

18 CHAIRPERSON CROWLEY: Thank you,
19 Council Member Mendez. Council Member Gentile is
20 next.

21 COUNCIL MEMBER GENTILE: Thank you
22 very much. I, too, got here a little late. But
23 from what I can gather, are we saying now in the
24 city that we're going to be relying on a system of
25 notification, i.e. through cell phones or someone

2 else's call system rather than rely on a system
3 that we control through the fire boxes?

4 DON SHACKNAI: That's the current
5 state of affairs. I mean, we get the overwhelming
6 majority of calls for emergencies from sources
7 other than the alarm boxes.

8 COUNCIL MEMBER GENTILE: And in the
9 case, as Councilman Vallone said when you don't
10 have those other sources available to you because
11 of a blackout or because of some other natural
12 occurrence, people turn to the fire call boxes
13 because we control that system. But you're saying
14 now that you want to do away with a system that we
15 control. We, being the city, controls and rely on
16 other aspects that we don't control to have a call
17 in system.

18 DON SHACKNAI: In the system we
19 control, 85% of the calls are coming in and
20 they're false alarms. So 85% of the time when the
21 firehouse doors open and engines go racing down
22 the street to one of these boxes, there's nothing
23 there. So while we control it, we cannot control
24 what happens when those boxes are on the street.
25 We cannot control when kids get out of school and

2 pull the alarm box.

3 I have a colleague who lives on
4 Staten Island. He lives on a block where there's
5 a pull box. He says kids are constantly pulling
6 that pull box and calling in false alarms, and the
7 truck comes and they leave. Maybe the kids get a
8 laugh out of it, but the reality is that that
9 engine while deployed for that 20 minutes cannot
10 go to another emergency, maybe a real one, maybe a
11 cardiac arrest, maybe a structural fire. That's
12 highly problematic for our system, particularly at
13 a time when we're contemplating 20 fire company
14 closures.

15 COUNCIL MEMBER GENTILE: So if
16 we're relying on people calling into the 911
17 system, we may hear testimony later on this
18 afternoon that often when somebody calls into the
19 911 system because of the system being
20 overburdened, they're being put on hold. If your
21 house is on fire, you definitely don't want to be
22 put on hold. Whereby, if a call came into a fire
23 box, that call would be processed and answered
24 immediately. So do you see the problem we have
25 here with response time?

2 DON SHACKNAI: I do. It's just not
3 happening that way. The calls we get from alarm
4 boxes, it's a tiny fraction, if you look back at
5 my testimony on reporting structural fires at all.
6 And among them, 56% of those calls have other
7 sources. The vast majority of those, other
8 sources are coming in before the pull box. So
9 there's just a tiny, tiny fraction of calls that
10 the alarm box is important.

11 COUNCIL MEMBER GENTILE: If we
12 heard that testimony about fire calls being put on
13 hold in the 911 system, do you know that to be the
14 case?

15 DON SHACKNAI: I think there are
16 very, very short periods of time when calls may be
17 on hold. But that doesn't mean that the alarm
18 boxes are going to be used any different, if we
19 keep them, than they've been used in 2009.
20 They're being used to call in false alarms 85% of
21 the time. And when they're not, the next highest
22 category of call are non-medical emergencies.
23 Those are not life and death situations.

24 COUNCIL MEMBER GENTILE: Granted,
25 we may be talking about two different problems,

2 the call boxes and the 911 system.

3 DON SHACKNAI: Yes, I agree.

4 COUNCIL MEMBER GENTILE: But
5 nevertheless, the fact that we have that problem
6 with the 911 system suggests to us that the backup
7 could be a fire alarm box.

8 DON SHACKNAI: Perhaps. I agree
9 with you, I think we are talking about two things
10 that don't necessarily have a close relationship
11 to one another. Look, if fire alarm box
12 technology was assisting the department in
13 protecting the public, we wouldn't be here and we
14 wouldn't be trying to have the injunction lifted
15 in federal court. It's not assisting the
16 department in serving the public. In fact, it's
17 somewhat of a threat to public safety and to the
18 safety of our first responders, and it costs a
19 fortune. That's why we're here.

20 COUNCIL MEMBER GENTILE: Okay, to
21 be continued. Thank you.

22 CHAIRPERSON CROWLEY: You've
23 mentioned costs. I heard over \$6 million a year.

24 DON SHACKNAI: Yes.

25 CHAIRPERSON CROWLEY: But in the

2 executive budget that I have in front of me that
3 was provided by the mayor's office shows that
4 there is no savings in fiscal year 2011 if you
5 were to no longer maintain the call box systems.

6 DON SHACKNAI: That is correct.
7 The reason is that we have these other steps we
8 have to taken before we can implement the
9 reduction. It will take us a while to get into
10 federal court, schedule the hearings, get a
11 decision, and even if the decision were in our
12 favor, we would have to continue employing those
13 same personnel to dismantle the alarm box system.
14 So we don't believe that we will be able to
15 realize those savings now, given where we are
16 today, until fiscal 2012.

17 CHAIRPERSON CROWLEY: It appears
18 that we have time to consider voting on this until
19 you have the okay from the injunction to move
20 forward.

21 DON SHACKNAI: I agree. As I
22 mentioned at the outset, we have two things we
23 need to do to be able to move forward. One is get
24 relief in federal court and two is pass a bill
25 similar to the one we have in front of us today.

2 It truthfully does not make a difference what
3 order they occur in. If the Council passes the
4 bill in the next couple of weeks or whenever, that
5 may be helpful in our case in federal court, but
6 certainly not dispositive of anything.

7 It's a completely separate
8 proceeding and we know there are lots of other
9 perspectives on this that will be brought out
10 during the federal hearings on this topic. We
11 don't know what the outcome will be, but we
12 believe now is the right time to make that case
13 and to see if we can move forward.

14 CHAIRPERSON CROWLEY: Follow up on
15 the \$6 million figure again, where does that come
16 from? In the budget here it's not even \$3 million
17 in fiscal year 2012.

18 DON SHACKNAI: That's the
19 projection I have and that's fundamentally
20 personnel costs of those people. I'm being told
21 that the other \$3 million is in DoITT's savings
22 for this aspect.

23 CHAIRPERSON CROWLEY: Are there
24 questions from other Council Members? Council
25 Member Mendez has a question.

2 COUNCIL MEMBER MENDEZ: How many
3 boxes are there in the city right now?

4 DON SHACKNAI: A little more than
5 15,000.

6 COUNCIL MEMBER MENDEZ: So we're
7 looking to deactivate how many and over what
8 course of time?

9 DON SHACKNAI: We would be looking
10 to deactivate the entire system as soon as
11 possible.

12 COUNCIL MEMBER MENDEZ: What is as
13 soon as possible?

14 DON SHACKNAI: If we got court
15 approval in the next few months, we would hope
16 that we would have it all done by the beginning of
17 fiscal year 2012.

18 COUNCIL MEMBER MENDEZ: Really?
19 That's interesting. Is there a cost associated
20 with removing these boxes?

21 DON SHACKNAI: If those same
22 personnel who are now maintaining them are
23 deployed to deactivating them, then as soon as
24 that project is done, they would then be deployed
25 to other important projects that we have to work

2 on.

3 COUNCIL MEMBER MENDEZ: Let me go
4 back. The box will be deactivated. The box will
5 stay there or the box will be removed, and what is
6 the cost with removing that box then?

7 DON SHACKNAI: I'm not sure of the
8 exact technological plan for how the box comes
9 out. But the cost is simply in the people to
10 perform the function. We're already paying those
11 people and paying them hefty overtime I might add.

12 COUNCIL MEMBER MENDEZ: There would
13 be a cost to pay a person to remove the physical
14 structure if that's what we intend on doing.

15 DON SHACKNAI: If we intend on
16 removing the physical structures--

17 COUNCIL MEMBER MENDEZ:
18 [interposing] So we're not sure that we intend to
19 do that yet.

20 DON SHACKNAI: I don't know the
21 exact plan for what happens with the various
22 physical structures that are there.

23 COUNCIL MEMBER MENDEZ: In my
24 district, I have on 13th Street and Avenue B,
25 housing that's for people who are hard of hearing

2 or deaf. I also have a public school, the
3 American Sign Language School, pre-k through 12th
4 grade, for kids who are hard of hearing, deaf or
5 siblings of deaf adults. My concern is that there
6 are particular places like the residential housing
7 and the public school where it would serve us to
8 maintain a box, and I'm sure there is one right
9 over there and I'm going to go walk over there
10 today, that to at least keep a box in these types
11 of places. Is there any consideration or any
12 thought going into where we do have these special
13 buildings to maintain boxes there?

14 DON SHACKNAI: There could be. My
15 understanding is that this is a circuit that
16 operates on a loop. Not that it's completely all
17 or nothing but our goal would be to remove and
18 replace this entire system. Those boxes too
19 require constant maintenance. Those boxes too are
20 out of service 9-10% of the time. So we're not
21 getting what we're paying for here.

22 What I would think would be
23 critically important is wherever there are deaf
24 communities, schools for the hearing impaired that
25 we work together and make sure everyone is in full

2 understanding of the protocols that need to be
3 used, which they're currently using now I'm sure,
4 but we would be happy to work with you and train,
5 emphasize, whatever we could do together to make
6 sure that people know what to do in those
7 situations.

8 COUNCIL MEMBER MENDEZ: I'd like to
9 follow up more in particular with those two
10 buildings because there are really safety issues
11 and concerns from my constituents in both of those
12 buildings.

13 DON SHACKNAI: I understand. Give
14 one of us a call, we'd be happy to follow up with
15 you.

16 COUNCIL MEMBER MENDEZ: Thank you,
17 Madame Chair. Thank you, sir.

18 CHAIRPERSON CROWLEY: Thank you,
19 Council Member Mendez. We've been joined by
20 Council Member Ydanis Rodriguez. Just two quick
21 questions and then I think we're finished with
22 questions, unless anyone else has a question. In
23 1993, or during the Giuliani administration, they
24 identified too many false alarms. That is was a
25 burden to the department emergency services they

2 felt, right? But no measures were put in place
3 from that point until now to prevent false alarms?
4 Earlier you mentioned the situation in Staten
5 Island by a school. I would imagine that there
6 could be better measures put into place,
7 especially in a corner that gets more false alarms
8 than other areas to prevent false alarms.

9 DON SHACKNAI: There may be. I
10 know we've taken some measures. We have fire
11 marshals who investigate these cases. There are
12 fines for people. I'm sure the police department
13 runs into exactly the same thing. But that, too,
14 requires significant resources. If you want to
15 track down kids who are pulling an alarm box and
16 running away, you could spend a lot of time and
17 not catch too many of them.

18 CHAIRPERSON CROWLEY: Do you have
19 any statistics? Have you caught any?

20 DON SHACKNAI: I'll check with the
21 marshals. I will get back to you on that.

22 CHAIRPERSON CROWLEY: So 10% of the
23 time, odds are one of these boxes is broken?

24 DON SHACKNAI: In 2009 that was the
25 statistic, around 9% on any given day.

2 CHAIRPERSON CROWLEY: And hundreds
3 of millions of dollars are currently being in
4 vested into the NYCWiN system where you have a
5 better way of utilizing technology for our public
6 safety. To me it would only make sense to
7 incorporate that into these call boxes to make
8 sure the call boxes are more efficient, to reduce
9 the false alarms and to make sure that they're
10 maintained and not costing the department nearly
11 as much as it currently costs.

12 DON SHACKNAI: I don't want to talk
13 about NYCWiN technology, but that's wireless and
14 that's an entirely different thing. So I don't
15 think we need the call boxes to utilize NYCWiN. I
16 agree, looking at NYCWiN for this purpose and all
17 purposes we possibly can for using NYCWiN should
18 be considered. I don't believe that means that it
19 follows that the alarm box system has to stay
20 intact.

21 CHAIRPERSON CROWLEY: Just in
22 closing, would the department be a able to
23 investigate what alternate technologies could be
24 used if we were to implement removing these?

25 DON SHACKNAI: We're investigating

2 that now with Mr. Pines as we prepare for the
3 federal court action.

4 CHAIRPERSON CROWLEY: Thank you,
5 Deputy Commissioner Shacknai and your staff for
6 coming here today. We have no further questions.

7 DON SHACKNAI: Thanks very much.

8 CHAIRPERSON CROWLEY: If anybody
9 here would like to testify, please make sure you
10 fill out a slip with the sergeant-at-arms. We
11 have to hear from the Department of Probation
12 first and then we'll hear testimony from the
13 public.

14 [Pause]

15 CHAIRPERSON CROWLEY: Please begin
16 your testimony when you are ready. If you could
17 state your name for the record and spell your last
18 name. Thank you.

19 CARY TAMLER: Thank you. Good
20 afternoon, Chairperson Crowley and members of the
21 committee. My name is Cary Tamler. I'm the
22 Associate Commissioner for Compliance and
23 Strategic Initiatives. My last name is T-A-M-L-E-
24 R. I'm joined to my left by Associate
25 Commissioner Leona Braithwaite, who is our

2 associate commissioner for financial operations.

3 On behalf of Commissioner
4 Schiraldi, thank you for the opportunity to
5 testify before you on the Department of
6 Probation's Intro 210 which would establish fees
7 for certain probation services.

8 As part of the department's January
9 fiscal year 2011 financial plan, we proposed a
10 program to eliminate the gap, or PEG, of \$1.019
11 million based on projected revenues generated from
12 new probation fees. The bill you have before you
13 would establish a local law and introduce for the
14 first time in New York City, limited fees for
15 certain probation services. The proposed fees are
16 already authorized by state statute.

17 Executive Law Section 257-C permits
18 a \$30 monthly administrative fee for any crime in
19 Article 31 of the vehicle and traffic law which
20 includes operating a motor vehicle while under the
21 influence of alcohol or drugs.

22 The Family Court Act 252-A permits
23 assessing an investigative fee in an amount
24 between \$50 and \$500 for court ordered
25 investigations in custody and visitation

2 petitions.

3 Other counties throughout New York
4 State already have local laws authorizing these
5 fees, as allowed under the statute. For example,
6 the counties of Clinton, Dutchess, Essex,
7 Livingston, Putnam, Schenectady, Warren, as well
8 as Westchester, Suffolk and Nassau County, to name
9 a few.

10 The local law established by Intro
11 210 would authorize the collection by the
12 department of an administrative fee of \$30 per
13 month from individuals sentenced to probation in
14 New York City after having been convicted of a
15 crime defined in Article 31, such as driving under
16 the influence, DUI, or driving while intoxicated,
17 DWI.

18 Specific language in the bill
19 precludes the fee from being considered or imposed
20 as a condition of probation. Failure to pay will
21 therefore not result in the violation of
22 probation. Furthermore, because paying a fee may
23 pose difficulties to some of our clients, the bill
24 authorizes the department to waive all or part of
25 the fee where payment would work an unreasonable

2 hardship on the person convicted or any person
3 financially dependent on the person convicted.

4 The department currently has about
5 2,600 probationers on probation for a DUI or DWI
6 conviction. We expect that approximately 80% of
7 this population will have the resources to pay the
8 fee of \$30 per month. Anticipated annual revenue
9 is thus \$748,800.

10 A local law would also authorize
11 the department to receive an investigation fee of
12 not less than \$50 and not more than \$500 for court
13 ordered investigations, or COIs, of visitation and
14 custody matters. The court would determine the
15 amount of the investigation fee based on the
16 party's ability to pay. The court may waive the
17 investigation fee where persons lack sufficient
18 means to pay the fee.

19 The court orders the COIs to gather
20 necessary information about both parties to assist
21 in its final decision. The COI is an extensive
22 document. At least two separate office
23 interviews, two separate home visits, background
24 checks on adults, interviews with the children and
25 the collection of supporting information that can

2 encompass school, employment and/or treatment
3 providers' reports.

4 The department projects conducting
5 around 900 court ordered investigations for
6 visitation and custody matters during fiscal year
7 2011. We have assumed an average charge of around
8 \$300 per investigation, or revenue of about
9 \$270,000 per year.

10 Thank you for the opportunity to
11 testify. We would be happy to address any
12 questions that you may have.

13 CHAIRPERSON CROWLEY: Thank you. I
14 have a question, if one has qualified for indigent
15 defense, when they get the waiver; does that
16 automatically prevent them from having to pay the
17 \$30 a month?

18 CARY TAMLER: It's reasonable to
19 assume that if we were to assess their income
20 capacity that that would be the case.

21 CHAIRPERSON CROWLEY: How would you
22 do an assessment?

23 CARY TAMLER: That's still in the
24 planning stages, but we want to do the least
25 burdensome and the most equitable. So we won't

2 want to have to produce a lot of documentation.

3 Again, it would be based on their ability to pay.

4 CHAIRPERSON CROWLEY: Do you have
5 numbers as to how many Family Court Section 653
6 cases were conducted last year?

7 CARY TAMLER: In 2008,
8 investigations of visitation and custody matters,
9 there was approximately 1,245. In 2009, there
10 were approximately 1,839.

11 CHAIRPERSON CROWLEY: Do you think
12 it's fair when somebody who was already on
13 probation, if this fee was to go into effect,
14 would then be charged this fee after the law? Do
15 you think it would be fair if they've been on
16 probation and then all of the sudden they have to
17 pay this every month?

18 CARY TAMLER: I don't know if it's
19 a matter of fairness. I do know, as you stated in
20 your earlier opening remarks, that the genesis of
21 this Intro 210 was based on budget PEG and our
22 need to preserve our current probation services
23 and not do less with our clients but continue to
24 maintain the current level of services. So if we
25 don't charge it, we may have to lose headcount.

2 CHAIRPERSON CROWLEY: Can you give
3 us an estimate as to how much it will cost the
4 department to collect these fees?

5 CARY TAMLER: We would use our
6 existing staff.

7 CHAIRPERSON CROWLEY: How many
8 people do you anticipate would be subject to this
9 monthly fee?

10 CARY TAMLER: We're talking about
11 the DWI?

12 CHAIRPERSON CROWLEY: You mentioned
13 earlier the matrimonial or the Family Court. What
14 that 1,244 you said?

15 CARY TAMLER: For the COI we
16 project 900 investigations.

17 CHAIRPERSON CROWLEY: So combined,
18 over 2,000?

19 CARY TAMLER: Excuse me?

20 CHAIRPERSON CROWLEY: So when you
21 combine both of the numbers, you're over 2,000?

22 CARY TAMLER: They're separate
23 fees. The administrative fee, currently we have
24 approximately 2,600 individuals on probation
25 convicted for DUI or DWI. And for COI, we do

2 project about 900 investigations.

3 CHAIRPERSON CROWLEY: Can you give
4 us specifically what kind of a Family Court action
5 would trigger the investigation?

6 CARY TAMLER: Specifically and
7 exclusively per the Family Court Act, visitation
8 and custody matters.

9 CHAIRPERSON CROWLEY: Could you see
10 a situation where often when you have matrimonial
11 or Family Court issues, one part is pitted against
12 the other and may report things that down the line
13 may not have needed to be investigated and
14 unfairly one party could be punished because of
15 this, not only by having to deal with the
16 investment but also now the fee that comes with
17 it?

18 CARY TAMLER: Again, per the
19 existing statute, it's the court that will
20 determine this fee, and it's done so by matter of
21 fact prior to our receiving this request for the
22 investigation to be had. The law also stipulates
23 that the fee is to be apportioned between the
24 parties, and where a certain party in that matter
25 would not be able to afford it, the court has

2 perfect rights and statutory authority to waive
3 it.

4 CHAIRPERSON CROWLEY: Do you have
5 guidelines of how you would collect the fees?

6 CARY TAMLER: In terms of what
7 specifically?

8 CHAIRPERSON CROWLEY: How would you
9 make sure that a party is paying month to month?
10 What if they don't? Will you punish the party and
11 to what degree?

12 CARY TAMLER: To separate the fees,
13 again, the administrative fee which is for Article
14 31 offenses will be not a condition of probation.
15 So in a failure to pay, the city would be to take
16 any type of court debt, nonpayment actions.

17 CHAIRPERSON CROWLEY: Finally, can
18 you give me a breakdown of the length
19 approximately of probation in the vehicle and
20 traffic violations?

21 LEONA BRAITHWAITE: Three to five
22 years.

23 CARY TAMLER: Three to five years.

24 CHAIRPERSON CROWLEY: I have no
25 further questions. Thank you. Do any of my

2 colleagues have questions? None of my colleagues
3 have questions.

4 CARY TAMLER: Thank you.

5 CHAIRPERSON CROWLEY: We will now
6 hear from the public on both Intro 209 and Intro
7 210. Our first speaker is Patrick Bahnken,
8 Uniformed EMTs, Paramedics and Inspectors and David
9 Rosenzweig, Fire Alarm Dispatchers. Again, if
10 anybody else would like to testify, please sign up
11 now. Thank you. Gentlemen, when you are ready,
12 if you could state your name and spell your last
13 name for the record.

14 PATRICK BAHNKEN: Good afternoon,
15 Madame Chairwoman. My name is Patrick Bahnken,
16 that's B-A-H-N-K-E-N. I'm the president of the
17 Uniformed EMTs, Paramedics and Inspectors at the
18 New York City Fire Department.

19 I thank you for the opportunity to
20 testify here today. On behalf of the more than
21 3,000 rank and file members of our union, we
22 strongly oppose the removal of the alarm boxes.
23 While it is easy to argue that many residents and
24 visitors carry cell phones, not everyone does.
25 Additionally, many elderly people living on a

2 fixed income, as well as those unemployed, simply
3 do not have the luxury of affording a cell phone.

4 No one can dispute the fact that
5 there exist many places in this city where cell
6 phone service is simply unreliable, that includes
7 subways, certain areas in Staten Island, anywhere
8 throughout the city.

9 September 11th, despite what
10 Commissioner Shacknai testified to, I don't know
11 who he spoke with, but I was there. My family did
12 not know that I was still amongst the living until
13 the next day when I finally walked in the door.
14 Cell phone service was nonexistent. The alarm
15 boxes continued to work.

16 If we seek to justify the removal
17 of the alarm boxes by the availability of cell
18 phones, then dead spots will become just that,
19 dead spots. Aside from providing a reliable
20 fallback system to the 911 cellular and landline
21 system, the alarm boxes provide one other benefit.
22 That benefit is a responsive apparatus to a fixed
23 location.

24 In recent months you have heard
25 testimony regarding the public safety answering

2 center. One of the points made during that
3 testimony was regarding the dispatch of resources
4 to cellular towers that in some cases were in the
5 opposite direction of the actual emergency.
6 People died.

7 Another benefit of the call boxes
8 is that you never get a dropped call or a message
9 that says "all circuits are busy at this time,
10 please hang up and try again later". It's kind of
11 a cold comfort when your life is the one in the
12 balance.

13 I, for one, would argue that
14 instead of removing the alarm boxes, we should be
15 increasing their numbers and enhancing their
16 function. Although not an expert on the subject,
17 I would be more interested to know if these boxes
18 could be modified to include radiation, chemical
19 and explosive detectors.

20 In fact, in the time that I was
21 waiting to testify, I confirmed that these boxes
22 can be modified to include those functions. As
23 the city seeks to set up its ring of steel, what
24 better place to start, than by enhancing the alarm
25 boxes? These boxes already have a power source,

2 the ability to transmit data and provide a fixed
3 location for deployment of resources. Would the
4 cost of removal be greater than the cost of
5 enhancement? Could the federal funds be utilized
6 for the enhancement? It's time for a paradigm
7 shift here.

8 In fact, over the past three years,
9 despite what Commissioner Shacknai testified to,
10 in just the past three years alone, nearly \$40
11 million has been spent on upgrading the alarm box
12 system. Now, \$40 million later, we are seeking to
13 discard them. This is about as logical as
14 renovating your house right before you bulldoze
15 it.

16 The blanket of public safety that
17 serves this city so well is comprised of many
18 interwoven threads. Like any fabric, the most
19 threads you remove, the weaker the fabric becomes.
20 Rather than remove this thread, I encourage this
21 Council to explore the possibility of fortifying
22 and enhancing this system and thereby
23 strengthening the overall blanket of safety.

24 I also heard testimony today that
25 these alarm boxes are simply not being used. I

2 can tell you that in this building and many other
3 buildings throughout the city there are
4 defibrillators that are also not being used. I
5 certainly don't want them to be used. Much like I
6 don't want fire alarm boxes to be used. I hope
7 that no one ever has their house go on fire or
8 suffers cardiac arrest or has a medical emergency.
9 But they're there for a reason, because things
10 happen. In a city of 8 million, not including
11 millions of visitors, things happen rather
12 frequently.

13 In closing, I understand the need
14 to look for any and all possible savings in these
15 difficult times; however, I hold very strong
16 reservations about dismantling a reliable
17 emergency notification system like the alarm boxes
18 when cell service is anything but reliable. This
19 would normally be the part where I would say I'm
20 available for any questions you might have, but
21 unfortunately, due to a death in the family, I
22 must leave. If you do have any questions for me,
23 I will certainly be happy to respond to you.
24 Thank you.

25 CHAIRPERSON CROWLEY: David, when

2 you're ready.

3 DAVID ROSENZWEIG: David
4 Rosenzweig, presently the administrator of the
5 Uniformed Fire Alarm Dispatchers Association, and
6 past president for the past 20 years.

7 Before I get started, I put some
8 inserts into your packets. I just wanted to
9 mention a few things. One of them has this part.
10 This was information from 1996 that I included in
11 today's package for a particular reason.

12 When I was looking over Local Law
13 35 of 1996, I was quite amazed to find out that
14 most of the things that the fire department had
15 agreed to when we finally had a compromise, and
16 there was a compromise, have not taken place at
17 all. Now they're blaming their failure, their
18 absolute failure to do what they agreed to in the
19 local law, they're blaming it on the system and
20 it's not the system. It's the haphazard way in
21 which they manage the system which I will take a
22 few minutes to explain.

23 There are two corrections that I
24 should make on the back page. One is the size of
25 the number of boxes. You can see, there were

2 16,300 boxes originally. Of those, 2,000 were
3 removed and 1,000 were restored. So they claim
4 there are 15,000 boxes.

5 The last thing is the cost. If you
6 notice, on the bottom, the answer to one of the
7 questions was how much would it cost. We know
8 that it's a billion plus in the infrastructure
9 which it would cost to replace it if it had to be
10 replaced.

11 I have a prepared statement and
12 it's in my packet. If you could just enter it
13 into the hearing, I would appreciate it. I'll
14 just go right into some of the issues.

15 The first issue is the 9% out of
16 service. Obviously, had they complied with the
17 local law, all of those pull handle boxes would
18 have been removed, because they certainly had
19 enough time to do that. They would have had ERS
20 boxes there citywide, like they do have in
21 Manhattan where they don't have any pull boxes.
22 The Bronx doesn't have any pull boxes. We finally
23 got those replaced.

24 There would be very little outage
25 in regard to fire alarm boxes because every single

2 ERS box in New York City is tested every single
3 day. Any box that doesn't work, maintenance
4 people go out and fix it the same day or the next
5 day, depending on what time we check the box. So
6 not only are these boxes maintained on a regular
7 basis, they're tested every single day. I think
8 that's a very important part.

9 The part I wanted to go through is
10 the idea of antiquated. I have to tell you, I'm
11 confused by just listening. We just spent \$40
12 million, as you can see in my submitted testimony.
13 I was the primary FDNY person doing the acceptance
14 testing for all fire alarm boxes in New York City.
15 For him to say that it's antiquated is
16 unbelievable.

17 We have the state of the art
18 system, better than any other city in the entire
19 country. People come from all over. I just had
20 San Francisco in town not that long ago just to
21 see how we've been able to handle because they
22 have boxes also. When they had the earthquake,
23 the only thing that worked was their boxes. And
24 on 9/11, the first notice that we had that a plane
25 went into the building was an ERS box.

2 So they do work and the thing that
3 amazed me is that they don't consider
4 "emergencies" as significant enough. They're
5 using an emergency versus a structural fire, not
6 just a regular fire. Car fires that don't get
7 extinguished quickly turn into structural fires.
8 That didn't make any sense.

9 The other thing is if you're sick
10 and you need help, or somebody holds you up, or
11 whatever the issue is and you activate that box,
12 you want somebody to come and help you. You don't
13 care if you don't have a fire, you just want
14 somebody to respond to take care of what your
15 needs are. So for them to use that as
16 justification to take out the boxes makes
17 absolutely no sense at all.

18 In regard to the PD, which I think
19 is quite significant, one of the reasons the judge
20 decided to keep the boxes was, in fact, the PD
21 tried to sidestep the case and had people go out
22 and test the boxes, actual detectives, they pushed
23 the button, the PD side, the blue button and then
24 they went back to the court and they basically
25 told the court I pushed the blue button and it

2 didn't work. But what they didn't know was is
3 that I had the tapes from the testing because that
4 was part of my responsibility. I did a deposition
5 to the court and I told them the reason they
6 didn't work is because they didn't answer them.
7 They weren't answering the PD side of the ERS box.
8 It's done in a haphazard kind of a careless kind
9 of a way, similar to the way they answer the
10 phones.

11 Now we know that the system is
12 overburdened and they keep telling people to call,
13 call, call, which is fine. This box system could
14 alleviate some of that problem if they would
15 advertise the boxes work and if you have an
16 emergency we'll answer it in ten seconds.

17 Now nobody else answers an
18 emergency call in New York City faster than a fire
19 alarm dispatcher when the fire button is pushed.
20 We answer it in ten seconds. If we don't, two
21 things happen. The first thing is a piece of
22 equipment is sent to the location of the box and a
23 report has to be written. Not answering that box
24 in ten seconds, there has to be some form of
25 justification why it didn't happen. We just don't

2 let people activate boxes and they don't go.

3 In regards to the activations,
4 there are a lot of mechanical boxes that don't
5 work. We know that. That's the reason why in
6 1996 when we made the local law, we knew they
7 needed to be replaced. We have been trying and
8 trying to get this done. So they're not telling
9 us anything we don't know, they just didn't
10 comply.

11 If they want to do something and
12 they really feel this way, they should take
13 another ten years, comply with the local law, make
14 everything right and put these boxes in the
15 communities that don't have it.

16 A perfect example, in Councilman
17 Gentile's area, his area was decimated with the
18 boxes. For whatever reason, in his area they took
19 the boxes out. They left them standing there.
20 Sixteen years later, they haven't removed one of
21 those empty shells. They're talking about taking
22 them out.

23 The other day I was on Fifth Avenue
24 for the parade on Sunday. Right there at the
25 start of the parade, where the mayor was and where

2 all of the other elected officials were before the
3 parade kicked off is that usual box that's right
4 there on 56th Street and Fifth Avenue sitting
5 there empty with garbage in it. Fifth Avenue is
6 like one of our main thoroughfares. It's an
7 embarrassment, to be perfectly honest with you.

8 One of the things they're not
9 telling you is the reason those boxes have not
10 been removed is it's too expensive to remove it.
11 Because not only do you have to take the box out
12 but you also have to repair the curbing, which is
13 concrete work.

14 But more important, is that the
15 cabling that we use was installed in 1927, some of
16 it, particularly in Manhattan. It's all lead-
17 based cabling which was great. It was a good idea
18 because it's still working. It's still a viable
19 cable. It makes the cabling last that much
20 longer.

21 But if they did remove all of this
22 cabling, it would be an abatement. It would be a
23 hazmat abatement. It would cost a fortune. We
24 had a figure in 1995 and 1996 when we were going
25 through this once before. The figure came out as

2 an astronomical figure.

3 The other thing you should know is
4 that I don't believe that we really have a choice.
5 If they deactivate the system, our agreement with
6 the phone company, because we share conduit space,
7 and they're desperate for that space, we have to
8 remove that. That was part of the agreement. Now
9 whether they do it or not is something else. But
10 that would be the case.

11 The other part that I need to tell
12 you is about the communication electricians that
13 people just don't understand. They are skilled
14 professionals. They're what they call DC
15 specialists. The alarm system works on DC, not
16 AC. They have the training. They work for the
17 phone company. They work for other entities that
18 use DC also. For them to take out these cables,
19 they have to rewire everything to make the
20 firehouses work.

21 What they failed to tell you was
22 that the cabling that they use to run the fire
23 alarm boxes is the same cabling they use to do the
24 teleprinters in the firehouses and to do the
25 device that we use so when they come back in

2 service they just push a button rather than
3 calling. None of that would work. So the cost
4 thing is ridiculous. They don't realize really
5 what the cost thing is.

6 Now the NSOs, which is the area
7 that I wanted to get to. Anybody activates a talk
8 box, a voice box, from 8:00 in the morning until
9 23:00; no contact no response, if we answer it in
10 ten seconds. That's why the ten seconds is so
11 important. Most of them we do answer in ten
12 seconds. If you don't talk, we don't send
13 anybody. This is the same problem we had in '95
14 how when they said it was a false alarm, and the
15 judge laughed at him. If you look at the judge's
16 papers you'll see it.

17 This is exactly what's happening
18 now. They count these activations as a false
19 alarm even though nobody responds. When in fact,
20 the box was designed and developed in the early
21 70s to abate false alarms. This is the first part
22 of the false alarm abatement tool. We had
23 hundreds of thousands of false alarms when we had
24 all pull boxes in New York City.

25 By putting these ERS boxes in, we

2 reduced the false alarm rate tremendously. You
3 could see that it's almost negligible in
4 comparison to a million false alarms that we've
5 had in previous years, in the late 60s, early 70s.
6 So to say a thing like that just doesn't make any
7 sense at all. Had we converted all of these boxes
8 to ERS, instead of doing it from 8 a.m. to 11 p.m.
9 no contact no response, they went 24 hours a day,
10 we would abate almost all of our false alarms. It
11 would be eliminated. So false alarms can be
12 abated if they just work at it.

13 Now which do you think would be
14 better, to keep the boxes and just don't send
15 anybody after 11:00 at night or to pull them out
16 and not have them at all? It just doesn't make
17 any sense. I just wanted to make you aware of
18 that.

19 Cellular technology, we do have
20 cell boxes in the parks, as an example, they have
21 put them in. They do have studies. Cellular
22 technology is neither adequate nor dependable for
23 reporting fires and other types of emergencies
24 from the streets of New York. You have outages;
25 you have all different kinds of things. You could

2 be on the phone and the call is lost, a dropped
3 call, and then you don't have that information.
4 The boxes are far superior to cellular technology
5 for that purpose. So I think we should be working
6 on that.

7 They didn't talk to you about the
8 schools. In the local law, it was put in there on
9 purpose; the schools have to have these boxes
10 maintained. So the last one I know where the
11 Board of Ed requested to take the box out, they
12 actually had to pay a private fire alarm company
13 because the fire code still requires that they
14 have some sort of an alarm system in these
15 buildings. The system cost them a phenomenal
16 amount of money which we did for nothing.

17 I'm just going through some of
18 these things. In regards to false alarms
19 themselves, he said there's a 20 minute lost time.
20 We get to these boxes in three to four minutes.
21 We get a report within a minute from the time they
22 arrive. So that's going to be four or five
23 minutes, and those companies are available.

24 But my people are communication
25 professionals. If they know they have a

2 structural fire and it's around the corner from
3 where this box is, we will divert some of the
4 equipment and have them go to the fire. We do
5 that every day. So it's not a case where they're
6 all going to one location and that community
7 doesn't have fire protection.

8 When they're on the road and
9 somebody else has a fire, they get to that fire
10 quicker than if they are in the firehouse because
11 they're already on the road and the travel time is
12 the part that takes the most time, four to five
13 minutes. So that has absolutely no validity at
14 all.

15 With respect to education, we have
16 failed both in the false alarm abatement part and
17 also to notify the citizens. They flooded all of
18 the communities when they wanted to take out the
19 fire alarm boxes prematurely and they basically
20 told people the boxes don't work and they're being
21 shut off. A lot of people are at home and they
22 see these boxes and they don't realize that these
23 boxes not only work but they're tested every day
24 and they're good and they work. We need to have a
25 re-education.

2 Now, during the blackouts, as an
3 example, when the 911 system went down because the
4 phone company on Bridge Street didn't realize they
5 needed to have backup generator power, we were on
6 New York One and other New York stations, because
7 I was one of the people telling everybody the
8 boxes work and when you have an emergency to use
9 the box. If you take these boxes out, you will
10 not have that opportunity. When the phone company
11 let's us down again, which I'm sure they will, we
12 won't have anything else to fall back on, which I
13 think is the real issue.

14 It's not about phone and it's not
15 about box. New York City cannot depend on any one
16 system for its emergency communications from the
17 streets without having a viable backup. To do
18 that is irresponsible. Because you never know in
19 this environment, be it sabotage, be it just a
20 technological failure, not to have something that
21 would be considered a backup if the 911 system
22 goes down, you would leave the city vulnerable to
23 all kinds of unimaginable things. You just can't
24 do that.

25 To be honest with you, I haven't

2 done any research, but I know as an example in the
3 fire insurance business, each borough has what
4 they call a class A fire alarm center which
5 dictates the costing of fire insurance. If they
6 found out that New York City did not have a viable
7 means or alternative means to report fires and
8 other emergencies from the streets, I'm pretty
9 sure that could very easily affect what the fee
10 structure would be for insurance, particular on
11 the police side.

12 So I'll end now. I know we spent
13 \$40 million. To me it's mind-boggling. I was
14 involved. We're almost finished with the project.
15 In one hand we spent the \$40 million and now
16 they're telling us that they want to take that out
17 when they didn't even let us complete it so we can
18 evaluate whether it works or not and what the
19 actual cost is. I am opposed, obviously to Intro
20 209.

21 I think it needs more time. I
22 think they need to go to the court first. I don't
23 honestly believe and I hope that the judge will
24 understand that there have been no significant
25 changes made in telephone technology that would

2 make them believe that they will be able to
3 eliminate the boxes without making sure that they
4 have a backup system for the hearing impaired.

5 CHAIRPERSON CROWLEY: Thank you,
6 David. Your written testimony will be submitted
7 for the record.

8 DAVID ROSENZWEIG: Thank you.

9 CHAIRPERSON CROWLEY: We've been
10 joined by Council Member Mathieu Eugene from
11 Brooklyn. Do any of my colleagues have questions
12 for David? I'd like to recognize Council Member
13 Vincent Gentile for questions.

14 COUNCIL MEMBER GENTILE: Thank you,
15 Madame Chair. Mr. Rosenzweig, thank you for your
16 testimony. I'm just trying to clarify in my own
17 mind what you were saying about if you get no
18 response from the box you don't respond?

19 DAVID ROSENZWEIG: Right. From 8
20 a.m. in the morning until 11 p.m. The system was
21 designed that way. When we answer it, we can hear
22 the street noise. You can hear the buses going
23 by, the cars, and people talking. Quite often
24 people push the button. We answer the phone,
25 "Fire Department, what's the address of the fire?"

2 We do that twice. If nobody responds during that
3 period of time, we don't send any equipment. My
4 idea is to do that 24 hours a day.

5 COUNCIL MEMBER GENTILE: I see.

6 DAVID ROSENZWEIG: Think of it this
7 way, if you push the button when there's an
8 emergency, you're going to stick around and report
9 what it is. The uniqueness of the box, and from a
10 resource point of view, which is the most
11 important part, is that each individual alarm has
12 different response patterns, different type of
13 equipment. If somebody calls that there's an auto
14 accident, we send two pieces of equipment and we
15 notify EMS at the same time. If they say it's a
16 structural fire, we send five pieces of equipment.

17 So not only do the boxes help us in
18 the resources, but they allow us to customize what
19 we send. If I need a rescue company, I send a
20 rescue company. I don't wait for them to get
21 there to tell us.

22 COUNCIL MEMBER GENTILE: I hear
23 you. So are you saying that those types of calls
24 from 8 a.m. to 11 p.m. where you can't elicit any
25 conversation and you don't respond, those are

2 being classified as false alarms by the
3 department?

4 DAVID ROSENZWEIG: Similar to the
5 way Howard Safir did when he used the 97% figure.

6 COUNCIL MEMBER GENTILE: Even
7 though there is no equipment sent out.

8 DAVID ROSENZWEIG: That's correct.

9 COUNCIL MEMBER GENTILE: It's still
10 classified as a false alarm.

11 DAVID ROSENZWEIG: We believe so.

12 COUNCIL MEMBER GENTILE: That's
13 what adds to these numbers that they're talking
14 about today.

15 DAVID ROSENZWEIG: Right.

16 COUNCIL MEMBER GENTILE: Because
17 the numbers, you have to look at it on the face of
18 it 85% of the calls coming from alarm boxes they
19 claim are false alarms. That's a pretty big
20 number, even if you discount those from 8 a.m. to
21 11 p.m. where you don't get someone on the other
22 end.

23 DAVID ROSENZWEIG: My response to
24 that is really quite simple. Had we had all ERS
25 boxes, those false alarm numbers wouldn't be

2 anywhere near as high as they are. I want
3 everybody to know, because I think this is the
4 most important thing, the methodology, used to
5 report most of the false alarms, is the telephone.
6 Intentionally, they didn't bother to tell you that
7 they get more false alarms; erroneous calls by
8 phone than they do by the box.

9 COUNCIL MEMBER GENTILE: Is there
10 data on that?

11 DAVID ROSENZWEIG: Absolutely.
12 Every single incident that the fire department
13 gets is categorized in four different ways.
14 Either by a pulled box, an ERS box, a telephone or
15 a verbal alarm.

16 COUNCIL MEMBER GENTILE: So you're
17 saying that if we were to look at that data, the
18 data for the false alarms coming from telephones
19 would be higher than the false alarms coming from
20 boxes?

21 DAVID ROSENZWEIG: Most of the
22 false alarms come from phones.

23 COUNCIL MEMBER GENTILE: That's
24 very interesting that you say that. That's
25 something that would basically destroy the

2 argument that they're making for removing call
3 boxes.

4 DAVID ROSENZWEIG: It was the same
5 argument they made in '95. It didn't work then
6 and it shouldn't work now.

7 COUNCIL MEMBER GENTILE: They also
8 used this other statistic that over 99% of the
9 calls are coming from sources other than alarm
10 boxes. What's your response on that? I guess in
11 talking about structural fires, that they come
12 from sources other than alarm boxes.

13 DAVID ROSENZWEIG: The 99% figure
14 they're using is erroneous because they don't talk
15 about car accidents; they don't talk about people
16 that are hurt that are injured, people that need
17 EMS that had a heart attack on the street, just
18 people that need help. They don't count those.
19 They're using structural fires. Everybody knows
20 nationally structurally fires have been reduced,
21 not just in New York City but everywhere. So
22 obviously you're not going to have as many
23 structural fires today as you had in 1970, when
24 New York City was destroyed by fire. So that's a
25 good thing. But that's no reason to take out the

2 boxes because the boxes are being used for other
3 purposes.

4 COUNCIL MEMBER GENTILE: Right.

5 DAVID ROSENZWEIG: The other thing
6 about the box that I think you should know is if
7 we use our radio system, and I'll use Manhattan as
8 an example. Their radio tower is Long Island
9 City. They don't even have a radio tower in the
10 Borough of Manhattan because of Central Park.
11 They can go to those boxes, the firemen, push the
12 button and we can talk to them. They can give us
13 reports and we can tell them to go to another
14 incident, which we wouldn't be able to do if we
15 don't have a radio. People don't realize that
16 that system can be utilized in that way.

17 The other thing is reverse 9/11
18 which is a big thing in a lot of communities
19 outside of New York. Somebody had mentioned that
20 they could use these boxes for other types of
21 technology, for sniffers and radiation detectors.

22 We could talk to every citizen in
23 New York City. We have the capability for one
24 person to go to a certain location, get on the
25 microphone and talk to every single talk box in

2 New York City at the same time. I don't care
3 where you go; you can't get that kind of
4 capability. If for some reason they needed it,
5 whether the radio stations are knocked off the air
6 or something else, we can talk to every single
7 citizen as long as they go to the corner where the
8 box is.

9 COUNCIL MEMBER GENTILE: As a
10 broadcast?

11 DAVID ROSENZWEIG: Yes.

12 COUNCIL MEMBER GENTILE: You'd do
13 it as a broadcast.

14 DAVID ROSENZWEIG: Yes. And they
15 want to eliminate that capability when ever other
16 city is doing reverse 9/11.

17 COUNCIL MEMBER GENTILE: I see.
18 That's very interesting. Are there stats in the
19 fire department that would show the types of alarm
20 box calls that are other than structural fires?

21 DAVID ROSENZWEIG: Yes. Every
22 single alarm we respond to is statistically noted.

23 COUNCIL MEMBER GENTILE: So to be
24 fair, they really should be showing us the data of
25 all alarm box calls, not just structural fire

2 calls.

3 DAVID ROSENZWEIG: That's correct.

4 COUNCIL MEMBER GENTILE: That's
5 very interesting, Madame Chair. It's amazing that
6 those stats are not in here.

7 DAVID ROSENZWEIG: I'll use a
8 totally different angle. Assume one person had a
9 cardiac arrest on the street and they activated
10 that box, so we go there as a CFRD company within
11 the three or four minutes, and their life is
12 saved. What's that worth when you look at the big
13 picture? Is it worth a million dollars? Is it
14 worth \$2 million dollars? Every single day these
15 boxes are pulled for emergencies.

16 COUNCIL MEMBER GENTILE: I hear
17 you. I want to finish up, but I want to ask you
18 about schools. Are you saying that the pull boxes
19 or the alarm boxes are in every school or should
20 be in every school?

21 DAVID ROSENZWEIG: The law mandates
22 that not only public schools but private schools
23 and hospitals, they're required to put boxes in.
24 We put them in the city-owned buildings. The
25 private schools pay an alarm company to put the

2 boxes in there but it's a mandate of the law that
3 they must have a box in the building.

4 COUNCIL MEMBER GENTILE: So in
5 every public school today there is one that
6 operates?

7 DAVID ROSENZWEIG: Absolutely,
8 outside the principal's office.

9 COUNCIL MEMBER GENTILE: That they
10 can speak or is it a pull?

11 DAVID ROSENZWEIG: The majority of
12 them. The pull boxes we eliminated first were the
13 school boxes and hospital boxes because we get
14 additional information and that's important, so we
15 did do that. So almost all the schools have ERS
16 or talk boxes, except in certain communities where
17 they don't have ERS boxes at all.

18 The thing that people don't realize
19 is we just spent \$40 million. Part of that \$40
20 million was to modernize our technology so that we
21 can switch from the pull handle boxes to the ERS
22 citywide. So here we are, we're finally getting
23 ready to do what we should have done in 1996 and
24 1997 which they agreed to. We're finally
25 completing doing that type of work and now they

2 want to remove the boxes when they don't even give
3 us a chance to pull out the old boxes. We know
4 that there are boxes ordered.

5 COUNCIL MEMBER GENTILE: New boxes?

6 DAVID ROSENZWEIG: New boxes have
7 been ordered to replace some of these mechanical
8 boxes now that the new system--

9 COUNCIL MEMBER GENTILE:

10 [interposing] There are still mechanical boxes in
11 use?

12 DAVID ROSENZWEIG: You have
13 mechanical boxes in your neighborhood. You still
14 have them there. Not the ones that are empty, but
15 the ones that are still standing there with the
16 handles.

17 COUNCIL MEMBER GENTILE: I know.

18 DAVID ROSENZWEIG: We're looking to
19 replace those. We did order and we did bring them
20 in but we couldn't do anything until the new
21 technology came in. Before we could put 31 of the
22 talk boxes on a circuit, we can now put 64.

23 COUNCIL MEMBER GENTILE: I see.

24 DAVID ROSENZWEIG: So we've doubled
25 our community-based capability to put all talk

2 boxes in. We finally reached that point. I've
3 been doing this since 1975. We have finally
4 reached that capability and now they want to take
5 it out. It makes absolutely no sense at all.

6 COUNCIL MEMBER GENTILE: Mr.
7 Rosenzweig, I appreciate your filling out the
8 stats here. It's almost a point where you'd like
9 to have the fire department back at this point to
10 ask them about the other stats that they failed to
11 mention here about call boxes. We'll continue on
12 that vein. Thank you so much. Thank you, Madame
13 Chair.

14 CHAIRPERSON CROWLEY: Thank you,
15 Council Member Gentile. Thank you, David
16 Rosenzweig. Wait, sorry, we have one more
17 question. My apologies. Council Member Mendez
18 has a question.

19 COUNCIL MEMBER MENDEZ: This is a
20 quick one. I just want to make sure that I
21 understood correctly. When Commissioner Shacknai
22 said that there are 85% false alarms, you're
23 saying that that number is inclusive of phone
24 calls? Or are you saying you dispute those
25 numbers altogether?

2 DAVID ROSENZWEIG: That's a
3 question you really have to ask them. What I
4 believe is it's the numbers that are from 8:00 to
5 11:00 where there is no response.

6 COUNCIL MEMBER MENDEZ: 8 a.m.?

7 DAVID ROSENZWEIG: Until 11:00 at
8 night.

9 COUNCIL MEMBER MENDEZ: 8 a.m. to
10 11 p.m.?

11 DAVID ROSENZWEIG: You push the
12 button, if you don't respond there is no response.
13 And they're calling those false alarms, which is
14 what they did in '95. They were basically
15 admonished by the judge for doing that because he
16 said that's not a false alarm. They're doing it
17 again basically.

18 COUNCIL MEMBER MENDEZ: So we
19 believe that, and we should double check Madame
20 Chair, that the 85% number given to us is only
21 during that timeframe and not within the whole 24
22 and it was only for alarm boxes, not including
23 other methods of reporting false alarms as well.

24 DAVID ROSENZWEIG: I don't think
25 they gave you the phone false alarms. If they

2 did, then they really skewed the statistics
3 because they're making you think it's boxes and
4 it's really phones. It's almost impossible
5 without having the real numbers.

6 COUNCIL MEMBER MENDEZ: Thank you
7 very much.

8 CHAIRPERSON CROWLEY: We'll get
9 clarification from the department.

10 DAVID ROSENZWEIG: If you look at
11 the mayor's management reports in '95, before the
12 original box issue came up, it was broken down by
13 category. You knew how many false alarms were by
14 phone, how many were by pull box. They eliminated
15 that whole thing in the mayor's management report
16 from '95 up until today. But statistically it's
17 available.

18 CHAIRPERSON CROWLEY: One point of
19 clarification. When a call is made during those
20 times and nobody responds, it's still considered a
21 false alarm even though an engine company is not
22 sent.

23 DAVID ROSENZWEIG: Looking at those
24 numbers, they're using 85% and they're using 140
25 structural fires. Just the doing that, using 140

2 structural incidents that were reported by boxes,
3 even if it was one, we had three incidents
4 reported by boxes in the last two weeks. One was
5 a false alarm, as an example. The significance of
6 that is mind boggling. If it's a false alarm and
7 the first box we received is from a call box and
8 we didn't get anything after that, imagine how big
9 the fire could have possibly been had we not
10 gotten there as fast as we did. So it doesn't
11 make sense.

12 CHAIRPERSON CROWLEY: Thank you.

13 Our next speaker is Lieutenant Ed Boles of the
14 Uniformed Fire Officers Union. Lieutenant, please
15 state your name and spell it for the record.

16 EDWARD BOLES: Good afternoon.

17 Eddie Boles, B-O-L-E-S. I'm the treasurer and
18 legislative chair for the Uniformed Fire Officers
19 Association. I'm speaking on behalf of our
20 president, Al Hagan and the 2,500 members that we
21 represent which are comprised of lieutenants,
22 captains, battalion chiefs, deputy chiefs, medical
23 officers and supervisor fire marshals. My
24 apologies for being late, I was in an executive
25 board meeting.

2 I'm going to speak out against
3 removal of the alarm boxes. At the end of the
4 day, it has very little impact on our members and
5 the members I represent. However, I took an oath,
6 my members too an oath to protect the citizens of
7 this city. Because of our obligation and the oath
8 that we carry, I feel impelled that we have to
9 speak out against removal of alarm boxes.

10 I'll key on several points. David
11 is one of the experts. He's been involved in
12 this, as he said, for a very, very long time.
13 He's one of the most respected persons out there
14 when you're talking about alarm boxes. I remember
15 when the fight was in the 90s. He was there and
16 before that. So you certainly have a person
17 that's an expert.

18 I'm going to give you more from the
19 realistic perspective in regards to the response
20 of our members. I'm glad David raised the issue
21 regarding fires and not that this is the venue,
22 but when we talk about closing fire companies,
23 they just talked about structural fires and how
24 structural fires are down. But we're going to
25 more emergencies than ever before in the history

2 of this department.

3 We don't do just structural fires,
4 we do everything. There was a collapse in Staten
5 Island yesterday, who's the first on the scene,
6 the New York City Fire Department. The Staten
7 Island Ferry ran into the pier who's the first on
8 the scene? It's the New York City Fire
9 Department. The plane went down in the Hudson,
10 who was the first to be there? It's the New York
11 City Fire Department. The bombing in Times Square
12 recently, who is the first one to be there? It's
13 the New York City Fire Department, to mitigate the
14 situation.

15 We work in concert with the police
16 department and we work in concert with the
17 dispatchers in order to respond safely and to be
18 there within four minutes to help the citizens
19 when they call us. They get on the phone, there's
20 an emergency, and we're there. Whether it's the
21 phone call, whether it's the activation alarm box,
22 we're there. Everyone can play with statistics
23 all they want, the bottom line is you call our
24 fire units, whether you're on the street or in
25 your home and we're there.

2 Having said that let me bring up a
3 couple of points. First of all, the alarm boxes
4 are an easy, accessible and integral communication
5 alarm device used by the citizens to report any
6 emergency. Secondly, and I don't know if it was
7 brought up yet, but it offsets the language
8 barrier in predominately non-English or limited
9 English speaking communities.

10 Sometimes you have a language
11 barrier. It's very, very difficult to communicate
12 over the phone. By simply pressing this alarm box
13 and if they hear a voice and that voice might be
14 frantic in whatever language, at least they know
15 where to go in regards to that emergency or the
16 vicinity of the emergency because of the box.

17 I'm not a dispatcher but I know by
18 my relationship with the dispatchers, if you're on
19 a phone with a person that has difficulty in
20 communicating because of a language barrier, then
21 it adds time for us to make that adequate
22 response. If you push the alarm box, that's
23 activated within ten seconds I believe and we're
24 on the scene within three or four minutes. It's a
25 highly efficient way of getting emergency

2 apparatus there as quickly as possible.

3 Another important thing that was
4 brought up before is that the alarm box is a
5 hardwire system. During 9/11 when you could not
6 use cell phones, when you could not use landlines,
7 what was being used was the hardwire system of the
8 alarm boxes. That was able to continue to
9 activate our units to respond. Other incidents,
10 such as a hurricane or a blackout, they can call
11 for us during those times using the alarm boxes.

12 Lastly, it's almost like there's an
13 elitist attitude that goes on in this society.
14 That being that there's an assumption that every
15 person has a cell phone. Not every person has a
16 cell phone. They've taken away the pay phones.
17 So for the average citizen that does not have a
18 cell phone that lives and works in the city, why
19 would you take an integral communication device to
20 use when you need help? That's what it's about.

21 So on behalf of the members that I
22 represent, as I stated earlier, this has very
23 little impact on us. However, in regards to the
24 people that we protect every single day in this
25 city, it has a big impact. The UFOA strongly

2 opposes the removal of alarm boxes. I'm available
3 for questions.

4 CHAIRPERSON CROWLEY: I have one
5 question from Council Member Rosie Mendez.

6 COUNCIL MEMBER MENDEZ: Good
7 afternoon. It's a pleasure to see you. Some
8 months back in my district, a call was placed and
9 the firemen and fire trucks were sent to Brooklyn
10 instead of Manhattan on Avenue C. An alarm box
11 would have mitigated and prevented that error. Is
12 that correct?

13 EDWARD BOLES: I know that was a
14 call. The key I believe in alarm boxes is they're
15 in a location. When the button is pushed, the ERS
16 ticket will be sent to our unit to go to the site
17 of where that alarm box is. So that's the key.
18 If there is a difficulty in obtaining the correct
19 address, in that case they didn't get the right
20 borough, but if there's difficulty in getting the
21 correct address, by pushing that alarm box,
22 they're able to get at least a location where the
23 incident is occurring.

24 We've responded to 673 motor
25 vehicle accidents with injuries, in the first

2 quarter of this year. Out of those 673, there
3 were 142 people extricated, meaning they were
4 actually extricated from the vehicle. If you are
5 in a car accident a lot of times you're not going
6 to be able to use your cell phone. But the person
7 who is nearby that sees a car accident, they see a
8 call box, they push the box, and they got to the
9 site.

10 Also, when you are in a fire
11 emergency what we tell the citizens to do is to
12 get out. So rather than using a landline or have
13 time to use your cell phone, you run out of the
14 building, you see the alarm box, you push it and
15 you'll have units there within a couple of
16 minutes.

17 COUNCIL MEMBER MENDEZ: Thank you
18 very much.

19 CHAIRPERSON CROWLEY: Thank you
20 Council Member Mendez. We're going to wrap it up
21 just because we have interpreters that have to be
22 going on their way. Eddie, I just want to thank
23 you for testifying. I think it's important to
24 hear from the firefighters and the fire officers
25 because those are the ones who are responding. If

2 they're frustrated with the system, they would say
3 so. The system is important and it works. So
4 you've verified that and I just want to thank you.

5 Our last speaker, we have two
6 minutes to hear the testimony from Josefina
7 Sanfeliu. Josefina, if you could, state your name
8 and spell your last name for the record please.

9 JOSEFINA SANFELIU: Good afternoon.
10 Josefina Sanfeliu, J-O-S-E-F-I-N-A S-A-N-F-E-L-I-
11 U. I found Mr. Rosenzweig's information about the
12 call boxes stunning, and I've grown up in New
13 York, the fact that it's an interactive
14 communication form.

15 On the corner near my house,
16 Hamilton Expressway and Hamilton Avenue, there's
17 an asphalt plant. There's the Gowanus superfund
18 site. There's a scrap metal scrappery. And on
19 the corner is a fire company, Engine 279 Ladder
20 131. There's a Home Depot that's heavily
21 trafficked. The Gowanus Expressway is overhead.

22 For months I saw the call box there
23 mashed, ignored, rusted and it's now been removed
24 to the ground. It's occurred to me that it must
25 be expensive to seal it, cover it up, remove it,

2 and put it on a truck. But since I've lived
3 there, I'm aware of other hazards besides the
4 potential of car accidents. It's a highly toxic
5 and flammable situation.

6 My question is does NYPD contribute
7 to the expenses on the combination systems? A
8 separate cost would be on street lights on the
9 corner of a call box. There's a little red light,
10 and until two years ago I had no idea what that
11 was.

12 CHAIRPERSON CROWLEY: We just have
13 to be out of the room by 3:00. So I'll give you
14 another minute. The question that you have, we'll
15 find out the answer and get back to you from the
16 police department.

17 JOSEFINA SANFELIU: I have a
18 comment about the legal fees. If I'm driving
19 drunk, that's an action that I took and I think
20 the fees are justified. On the custody visitation
21 inspection fees, I think that those could be
22 extremely harsh and unfair because one party may
23 be unemployed and gets free legal services and
24 gets the free inspection. The other person may be
25 paying child support, has lawyer expenses and

2 would also have the fee imposed on top and create
3 a hardship.

4 What I would propose is a new law
5 to the city or the City Charter mandating, because
6 this is an issue at hand, impact studies before
7 any single fire company can be closed or relocated
8 and such impact studies must be published and not
9 limited to analyzing ecology, environment,
10 economic, social, health, crime, fraud, including
11 mortgage and insurance fraud and including health
12 services nearby to a company at risk, such as
13 hospitals, youth, senior centers, residences and
14 security targets such as infrastructure,
15 utilities, airports, tunnels, bridges, and fuel
16 depots.

17 CHAIRPERSON CROWLEY: That's a very
18 good suggestion.

19 JOSEFINA SANFELIU: I thank you.

20 CHAIRPERSON CROWLEY: We'll follow
21 up and work on that together.

22 JOSEFINA SANFELIU: Thank you.

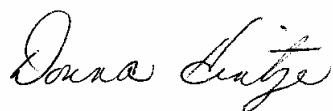
23 CHAIRPERSON CROWLEY: Thank you for
24 all who participated today. This concludes the
25 hearing of the Fire and Criminal Justice Committee

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES 103

2 hearing, May 27th, 2010.

C E R T I F I C A T E

I, Donna Hintze certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature_____

Date June 7, 2010_____