

# Greene County joins class action lawsuit



Donald Quinlivan Jr. and Neil Kellegher of Greene County EMS receiving their Public Sector Excellence Award at the Tyler Technologies conference in April

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CATSKILL — Greene County lawmakers authorized a retainer agreement with a New York City law firm Monday night to claim any lost fees for 911 services from telecommunication companies.

Napoli Shkolnik PLLC will represent Greene County in addition to Fulton, Nassau, Otsego, Schoharie, Sullivan and Wyoming counties in a lawsuit against Verizon, AT&T, Time Warner Cable and Frontier Communications.

All costs will be paid by Napoli Shkolnik unless recovery is made on the county's behalf, in which case the contingency fee will be no greater than 25% of the amount recovered, according to the resolution.

New York State Association of Counties Executive Director Stephen Acquario told Greene County officials of the ongoing litigation in correspondence dated May 13.

“Under state law, telephone service providers are required to collect this surcharge from their customers,” Acquario wrote.

Some companies have not been collecting the surcharge because it negatively impacts their relationships with their customers, Acquario wrote.

“Certain telephone service providers have declined to collect the correct 911 surcharge or have turned a blind eye to customers’ failure to pay it, to appear more attractive than competitors who have been collecting the surcharge,” Acquario wrote. “Further, telephone service providers have advised customers how to decrease the number of lines they use and thus their 911 surcharges.

Nassau County discovered Verizon owed the county \$466,916 from 2012 to 2014, Acquario said.

Eight communication providers owed Nassau County \$85,600 in 2014, according to Nassau’s report, Acquario said.

Greene County lawmakers are concerned about where the surcharge funding is going and what it is being used for if it is not being paid to the county, Legislature Chairman Patrick Linger, R-New Baltimore, said.

“Technology is always changing and we have to keep up with that,” he said. “And that all costs money.”

If funding is recovered from the lawsuit, the county may be able to reduce the tax levy on emergency services, Linger said.

The 911 surcharge helps fund upgrades to 911 services such as call tracing, GPS capabilities and 911 text messaging.

Greene County recently made substantial upgrades to its dispatch center at 25 Volunteer Drive in Cairo.

The county recently wrapped up a \$2 million upgrade including a \$1 million computer-aided dispatch system, a \$750,000 radio upgrade, a \$500,000 phone upgrade and a \$100 voice-recording upgrade. A large portion of the project was funded by grants from the state Department of Homeland Security and Emergency Services, with the balance picked up by Greene County Emergency Services.

The project was about four years in the making, Emergency Services Deputy Director Randy Ormerod said.

“The 911 industry changes every day,” Ormerod said. “These upgrades brought the 911 center up to next-gen status.”

Greene County won a Public Sector Excellence Award for its innovative use of the new computer-aided dispatch system in April.

The software company behind the system, Tyler Technologies, honored Greene County and 32 other recipients from across the nation at the 2019 Tyler Connect conference in Dallas from April 7-10.

“Before the Greene County Emergency Operations Center was even live on Tyler’s New World Enterprise Computer-Aided Dispatch, dispatchers were able to use the software to help locate a missing hiker,” according to Greene County’s biography on tylertech.com. “When a call for service came in to the 911

center, a dispatcher signed into the New World CAD mapping client and was able to forward mapping coordinates to first responders. These first responders located the missing hiker instantly with the detailed mapping functionality available in New World CAD.”

Because dispatchers had already received training from Tyler Technologies, a dispatcher was able to locate a hiker lost in Kaaterskill Falls a week before the new system was launched, Ormerod said.

Despite the positive investments in public safety that can come from the surcharge, some companies choose not to abide by the law.

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