

## WARREN COUNTY BOARD OF SUPERVISORS

**COMMITTEE:** PUBLIC SAFETY (INCLUDING FIRE PREVENTION & BUILDING CODES, OFFICE OF EMERGENCY SERVICES AND SHERIFF & COMMUNICATIONS)

**DATE:** JANUARY 22, 2009

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS VANNESS  
BENTLEY  
O'CONNOR  
BELDEN  
SOKOL  
GIRARD  
THOMAS

**OTHERS PRESENT:**

BUD YORK, SHERIFF  
SHANE ROSS, CHIEF DEPUTY  
KAREN PUTNEY, ADMINISTRATOR, FIRE PREVENTION &  
BUILDING CODE ENFORCEMENT  
FREDERICK MONROE, CHAIRMAN  
PATRICIA NENNINGER, SECOND ASSISTANT COUNTY  
ATTORNEY  
JOANN MCKINISTRY, DEPUTY COMMISSIONER OF  
ADMINISTRATIVE & FISCAL SERVICES  
JOAN SADY, CLERK OF THE BOARD  
SUPERVISORS GERAGHTY  
PITKIN  
STEC  
TAYLOR  
STRAINER  
TESSIER  
RICHARD KELLY, PERSONNEL OFFICER  
CAMERON TESSIER, RESIDENT OF GLENS FALLS  
THOM RANDALL, *THE ADIRONDACK JOURNAL*  
SARAH MCLENITHAN, LEGISLATIVE OFFICE SPECIALIST

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Mr. VanNess called the meeting of the Public Safety Committee to order at 10:15 a.m.

Motion was made by Mr. Bentley, seconded by Mr. Belden and carried unanimously to approve the minutes from the January 12, 2009 meeting of the Public Safety Committee, subject to correction by the Clerk of the Board.

Messrs. O'Connor and Stec entered the meeting at 10:16 a.m.

Privilege of the floor was extended to Bud York, Sheriff, who distributed copies of the Sheriff & Communications Agenda to the Committee members. *A copy of the Agenda is on file with the minutes.*

Sheriff York apprised that Agenda Items 1 through 5 were requests for authorization to attend the following In-State meetings or conventions:

1. Authorizing Sheriff York and Robert Swan, Undersheriff, to attend the Sheriff's Association Winter Conference in Albany, New York from February 22 through February 25, 2009;
2. Authorizing Patrol Officers Jeremy Coon and Ken Smith to attend the Advanced Traffic Crash Investigation Training at the New York State Police Academy in Albany, New York from March 30 through April 10, 2009;
3. Authorizing Sergeant Ralph Bartlett to attend the CDR Technician and Data Analyst Certification Training at the New York State Police Academy in Albany, New York from July 21 through July 24, 2009;
4. Authorizing Sergeant Ralph Bartlett and Patrol Officers Josh Lopez and Ben Geisler to attend the CDR Technician Course at the New York State Police Academy in

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5. Albany, New York on July 20, 2009;  
Authorizing Sergeant Ralph Bartlett and Patrol Officer Ben Geisler to attend the Investigation of Motorcycle Crashes Training at the New York State Police Academy in Albany, New York from April 6 through April 10, 2009; and
  6. Authorizing Communication Officers Steve Delorenzo and John Wells to attend the Suicide Intervention Training in Glenville, New York on February 19, 2009.

Motion was made by Mr. Girard, seconded by Mr. Sokol and carried unanimously to approve the requests to attend meetings or conventions as outlined above. *Copies of the requests for authorization to attend meetings or conventions are on file with the minutes.*

Resuming the Agenda review, Sheriff York advised that Agenda Item 6 referred to a request to extend the existing Motorcycle Safety Initiative Grant through September 30, 2009 in an amount not to exceed \$27,980.

Motion was made by Mr. Sokol, seconded by Mr. Bentley and carried unanimously to approve the request to extend the existing Motorcycle Safety Initiative Grant as outlined above and the necessary resolution was authorized for the February 20, 2009 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Proceeding to Agenda Item 7, Sheriff York requested that the Sheriff's Office be authorized to have minor routine and/or emergency work performed for an amount not to exceed \$5,000. Sheriff York mentioned that the Board of Supervisors had approved a similar resolution for the Department of Public Works (DPW) and added that the inclusion of the resolution authorizing such work be performed without individual resolutions lending approval would save time for himself, his staff and the Committee.

Mr. Belden questioned whether Sheriff York had any current issues that were necessary to address and Sheriff York replied in the negative; however, he noted, lightning strikes frequently occurred and required repair work to the radio towers, as well as alleviating bee infestations. Mr. VanNess questioned the legality of the request and Sheriff York responded that Paul Dusek, County Attorney, had already reviewed the request and deemed it appropriate as it mirrored the one approved for the DPW. Although Committee approval would not be required, Mr. Girard requested that the Committee receive notification of the services provided and the amount expended.

Motion was made by Belden, seconded by Mr. Thomas and carried unanimously to authorize a resolution allowing minor routine maintenance and/or emergency work to be performed for an amount not to exceed \$5,000, requiring approval of the Sheriff and County Attorney. The necessary resolution was authorized for the February 20, 2009 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Resuming the Agenda review, Sheriff York advised that Agenda Item 8 was a request to amend the 2009 County budget to increase estimated revenues and appropriations in the amount of \$99,529 to reflect the receipt of the following grants:

- 1) Buckle Up New York
- 2) Child Passenger Safety
- 3) Law Enforcement Terrorism Prevention Program (LETPP)
- 4) Motorcycle Safety
- 5) Selective Traffic Enforcement Program (STEP)

Motion was made by Mr. Sokol, seconded by Mr. Thomas and carried unanimously authorizing the

request to amend the 2009 County budget in the amount of \$99,529 as outlined above and to forward the same to the Finance Committee. *A copy of the resolution request form to amend the County budget is on file with the minutes.*

Referring to Item 9 on the Agenda, Sheriff York presented a request to fill the vacant position of Cook at the Correctional Facility. He explained that the position had been vacated due to retirement and that there would be a savings of \$7,468, as longevity and accrued vacation time would not be paid to the person chosen to fill the vacancy. Mr. VanNess mentioned that due to the hiring freeze that was recently adopted by the Board of Supervisors, a 2/3 majority vote by the Board of Supervisors was necessary in order to approve the position. Mr. O'Connor questioned whether the position was a Civil Service position and Richard Kelly, Personnel Officer, responded in the negative. Mr. Belden questioned whether the position could be part-time and Sheriff York responded in the negative.

Sheriff York questioned whether the hiring freeze that was adopted included vacancies that had been included in the budget and Mr. VanNess responded affirmatively. Mr. VanNess recommended that a representative of the Sheriff's Department attend the February 11, 2009 Personnel Committee meeting, as well as the February 20, 2009 Board meeting to answer questions that may be applicable to the position.

Motion was made by Mr. Belden, seconded by Mr. Bentley and carried unanimously to approve the request to fill the vacant position of Cook at the Correctional Facility, base salary of \$29,170.44, due to retirement, and refer same to the Personnel Committee. *A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.*

Concluding the Agenda review, Sheriff York requested to fill the vacant position of Correction Officer due to resignation. He explained that this position was mandated by the New York State Department of Correctional Services.

Motion was made by Mr. Girard, seconded by Mr. Sokol and carried unanimously to approve the request to fill the vacant position of Correction Officer, base salary of \$32,399.64, due to resignation, and refer same to the Personnel Committee. *A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.*

Sheriff York apprised that subsequent to his discussions with Mr. Dusek regarding Resolution No. 890 of 2008, which authorized a contract with Justice Benefits, Inc. for State Alien Assistance Program Management Services, he had been advised that the proper procedure had not been followed in establishing the contract. He said that as per Mr. Dusek, a Request for Proposal (RFP) should have been established to ensure that Justice Benefits, Inc. was the firm that would charge the lowest percentage as their finder's fee.

Motion was made by Mr. Belden, seconded by Mr. Thomas and carried unanimously to rescind Resolution No. 890 of 2008 as outlined above and the necessary resolution was authorized for the February 20, 2009 Board meeting. *A copy of the resolution request form is on file with the minutes.*

As per the consensus of the Committee, Sheriff York was directed to prepare an RFP for the aforementioned services.

The Sheriff & Communications portion of the meeting concluded at 10:28 a.m.

Privilege of the floor was extended to Karen Putney, Administrator, Fire Prevention and Building

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Code Enforcement, who distributed copies of the Agenda to the Committee. *A copy of the Agenda is on file with the minutes.*

Patricia Nenninger, Second Assistant County Attorney, entered the meeting at 10:30 a.m.

Agenda Item 1, Ms. Putney explained, referred to pending items from prior Committee meetings, the first of which was an update on the flood plain. Pursuant to her discussion with Mrs. Nenninger pertaining to flood plain issues it had been determined that the only time her office would become involved was when they were notified by a Town that construction was taking place on a specific parcel within the flood plain. She added that their involvement would include ensuring that specific building code laws were followed.

Ms. Putney advised that the second pending item listed referred to septic issues and she noted that Mrs. Nenninger was in attendance to provide an update on this item. Mrs. Nenninger apprised that the County would be enforcing the Uniform Code for the Towns that have opted out of the Provision of Enforcement. She pointed out that she believed that the new regulations being proposed for septic systems by the State of New York would require that all new and/or updates to septic systems were engineered. She added that at the next Committee meeting she would advise of the details of the new regulations that were proposed and notify the Committee of the anticipated date for public comments on the regulations. Ms. Putney encouraged the Supervisors to voice their concerns with the proposed regulations during the public commentary.

Mr. Belden stated that he opposed the changes due to the additional costs that would be incurred by homeowners, as well as the County for training expenses, and Ms. Putney concurred that the homeowner would incur additional expenses if the engineered system was required; however, she pointed out the County would not acquire additional training costs. Mr. VanNess advised that although the County would not incur additional training costs, they would be responsible for the additional inspections required.

Motion was made by Mr. Bentley, seconded by Mr. Belden and carried unanimously to authorize the Chairman of the Board to sign a letter drafted to the State Legislature advising of opposition to the changes proposed for septic systems and to refer same to the Legislative Committee and the necessary resolution was authorized for the February 20, 2009 Board meeting. ***Note: Subsequent to the meeting it was determined that no action was necessary until further information on approval of the proposed septic regulations was received.***

Agenda Item 2, Ms. Putney stated, referred to the Monthly Activity Report for December. She pointed out that the overall activity for the year had decreased by 7% in the total number of permits issued from the prior year and that revenue had decreased by 9%; however, she noted, there was a 1% increase in the estimated revenues for 2008.

Continuing with the Agenda review, Ms. Putney announced that Item 3 consisted of the annual review of the Fire Prevention & Building Code Enforcement Office, as well as the New York State Code Division Annual Report. She explained that the Offices annual report consisted of figures from 1994 to 2008 that allowed the Supervisors to calculate the percentage of activity for building permits in their Towns and she clarified that the figures reflected building permit renewals as well.

In regard to the New York State Code Division Annual Report, Ms. Putney advised that although the number of fire safety inspections had increased by 50% from the prior year, the required amount had not been obtained. She apprised that she was working to ensure that the mandated number of inspections would be performed. She explained that the number of inspections reflected

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the actual number of inspections performed; however, she noted, the numbers listed for areas of public assembly, multiple dwellings and commercial and industrial buildings located within the Warren County jurisdiction were estimated due to the actual numbers being unavailable.

Agenda Item 4, Ms. Putney said, referred to the Budget Performance Report. She advised that the invoices that were not reflected in the report were the 2008 December vehicle repair, the phone and copier bills, as well as the 2008 November and December gas invoice. She commented that the last pay period for December was not reflected in the Budget-YTD Transactions column and that the correct amounts had been handwritten on the right side of the page. She added that due to issues within the DPW, the gasoline invoices had not been received for November and December. She apprised that she anticipated that the invoice would be received prior to February 6, 2009, which was the due date of the report. She estimated that she would have funds remaining in her budget due to the decrease in gasoline prices.

Ms. Putney informed the Committee that she was withdrawing Item 6 on the Agenda and that Item 5 required an executive session to discuss the employment history of a particular person.

Motion was made by Mr. Belden, seconded by Mr. Sokol and carried unanimously that executive session be declared pursuant to Section 105 (e) of the Public Officers Law.

Executive session was declared from 10:45 a.m. to 11:14 a.m.

The Committee reconvened and pursuant to executive session, motion was made by Mr. Belden, seconded by Mr. Sokol and carried unanimously to approve a request for transfer of funds in the amount of \$6,500 from Salaries-Regular to Salaries-Overtime and refer same to the Finance Committee. *A copy of the request for transfer of funds is on file with the minutes.*

As there was no further business to come before the Public Safety Committee, on motion made by Mr. Belden and seconded by Mr. Girard, Mr. VanNess adjourned the meeting at 11:15 a.m.

Respectfully submitted,

Sarah McLenithan, Legislative Office Specialist