

WARREN COUNTY BOARD OF SUPERVISORS

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

DATE: MARCH 26, 2009

COMMITTEE MEMBERS PRESENT:

SUPERVISORS VANNESS
O'CONNOR
BELDEN
GIRARD
THOMAS

OTHERS PRESENT:

BUD YORK, SHERIFF
SHANE ROSS, CHIEF DEPUTY
BRIAN LAFLURE, DIRECTOR OF THE OFFICE OF EMERGENCY SERVICES/FIRE COORDINATOR
AMY MANNEY, DEPUTY DIRECTOR
KAREN PUTNEY, ADMINISTRATOR - FIRE PREVENTION AND BUILDING CODE ENFORCEMENT

COMMITTEE MEMBERS ABSENT:

SUPERVISORS BENTLEY
SOKOL

FREDERICK MONROE, CHAIRMAN
PATRICIA NENNINGER, SECOND ASSISTANT COUNTY ATTORNEY
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE & FISCAL SERVICES

JOAN SADY, CLERK OF THE BOARD

SUPERVISORS: GERAGHTY
PITKIN
STEC
TAYLOR
STRAINER
TESSIER

JARROD YORK, RESIDENT OF WARREN COUNTY

JIM FOSTER, RESIDENT OF WARREN COUNTY

GARY SKIDMORE, EMS COORDINATOR

TODD LUNT, DIRECTOR OF HUMAN RESOURCES

TOM RANDALL, *THE ADIRONDACK JOURNAL*

SARAH MCLENITHAN, LEGISLATIVE OFFICE SPECIALIST

Mr. VanNess called the meeting of the Public Safety Committee to order at 10:37 a.m.

Motion was made by Mr. Belden, seconded by Mr. Girard and carried unanimously to approve the minutes from the March 10, 2009 meeting of the Public Safety Committee, subject to correction by the Clerk of the Board

Privilege of the floor was extended to Jim Foster, Warren County resident, who addressed the Committee regarding the additional costs he incurred during the construction of his home due to what he perceived as a personal attack by the Building Code Inspector that performed inspections during construction. He explained that he had difficulty securing a Certificate of Occupancy (CO) for the home regardless of the fact that the building plans had been approved by an engineer and by the Town of Bolton Landing due to a questionable issue with an egress window which he did not feel was necessary to obtain the CO. Mr. Foster stated that construction had been halted until the issue was eradicated, during which time he had acquired a \$350 heating bill due to the lack of insulation in the home.

Mr. Foster advised that when he met with the Inspector and Karen Putney, Administrator of Fire Prevention and Building Code Enforcement, on October 16, 2008, Ms. Putney had stated that he could move forward with insulating and sheetrocking the home as far as the final framing inspection was concerned. He noted that he did not meet with the Building Code Enforcement Department again until March 5, 2009 to discuss what was necessary to receive the CO for the home. He said that the Inspector noted that a CO could not be issued until the humidity pump for the furnace was hooked up and he informed the Inspector that the home did not contain a furnace; it had a boiler with radiant heat and what the Inspector was looking at was the air conditioning system and the air exchange system. The Inspector stated that the humidity pump was required to be hooked up before the CO could be issued. He added that the Inspector also stated that the Building Code Enforcement Office had not received the final framing inspection and the deck that was on the front of the house was not included in the plans.

Mr. Foster stated that he then requested a meeting with Ms. Putney. He said Ms. Putney informed him that in light of their prior meeting in October of 2008, she would overlook the framing and deck inspection; however, she noted, that it was necessary to hook up the humidity pump to receive the CO. In closing, Mr. Foster stated that by bringing these issues before the Committee and presenting the County with an invoice for additional costs he incurred he hoped to prevent another resident from experiencing similar frustrations. *A copy of the invoice from Mr. and Mrs. Foster is on file with the minutes.*

Mr. VanNess thanked Mr. Foster for his presentation and noted that the issue would be discussed further during an executive session at the close of the Committee meeting.

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 presented a request to apply to the U.S. Department of Justice for the Edward Byrne Memorial Justice Assistance grant to support planning, training, equipment purchase and technology improvements in the criminal justice system in the amount of \$22,190.

Motion was made by Mr. Belden, seconded by Mr. Girard and carried unanimously to authorize the Sheriff's Department to apply to the U.S. Department of Justice for the Edward Byrne Memorial Justice Assistance grant in the amount of \$22,190 as outlined above and the necessary resolution was authorized for the April 17, 2009 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Sheriff York apprised the Committee that grant funding would be forthcoming through the Traffic Safety Board under the Selective Traffic Enforcement Program (STEP), Buckle Up New York (BUNY), Child Passenger Safety and the Motorcycle Safety Initiative grants.

Sheriff York referred the Committee to the 2008 Fuel Usage Summary Report, which had been

included in the agenda packet. He said that although 5,187 less gallons of fuel had been used from the prior year, more funds had been expended due to the increase in the fuel prices. Mr. Girard asked whether the change from high octane to premium fuel was reflected in the report and Sheriff York responded in the negative. Hal Payne, Commissioner of Administrative and Fiscal Services, pointed out that the price of fuel fluctuates from month to month.

Sheriff York apprised that in 2008 New York State had received \$174,870,026 in revenues from the 911 surcharge for cell phone usage and the State had disbursed only \$9,800,000 to the counties across the State and he noted that Warren County's share was \$282,307. He suggested that the issue be referred to the Legislative Committee with a request that a letter be drafted to the State Legislature asking that all of the 911 surcharge revenues, rather than only a small portion, be disbursed to the counties of New York State as was intended by the law.

Motion was made by Mr. Girard, seconded by Mr. O'Connor and carried unanimously to refer the matter as outlined above to the Legislative Committee.

Joan Sady, Clerk of the Board, pointed out that a transfer of funds was necessary to pay the claim to Albert Perrone which was authorized by Resolution No. 247 of 2009. She stated that the funds should be transferred from code A.1990 469-Contingent Fund to code A.3110 439-Misc. Fees and Expenses in the amount of \$1,970.

Motion was made by Mr. Belden, seconded by Mr. Thomas and carried unanimously to approve the request for transfer of funds in the amount of \$1,970 as outlined above and refer same to the Finance Committee. *A copy of the Request for Transfer of Funds is on file with the minutes.*

The Sheriff and Communications portion of the meeting concluded at 10:57 a.m.

Privilege of the floor was extended to Brian LaFlure, Director of the Office of Emergency Services/Fire Coordinator. Mr. LaFlure requested permission to attend the New York State Coordinators Conference in Montour Falls, New York, on April 17th and 18th.

Motion was made by Mr. Girard, seconded by Mr. Thomas and carried unanimously to approve the request to attend the New York State Fire Coordinators Conference as outlined above. *A copy of the Request to Attend Meeting or Convention is on file with the minutes.*

Mr. LaFlure presented requests to appoint James Ellis and Patrick Mellon to the Fire Advisory Board effective April 20, 2009. He advised that these two individuals would be replacing Charles Mellon and James Young.

Motion was made by Mr. Belden, seconded by Mr. Thomas and carried unanimously to approve the appointments to the Fire Advisory Board as outlined above and the necessary resolution was authorized for the April 17, 2009 Board meeting. *Copies of the resolution request forms are on file with the minutes.*

Mr. LaFlure requested to ratify the actions of the Chairman of the Board and the Chairman of the Public Safety Committee with regard to executing letters relating to Warren County seeking lead agency status with regard to the State Environmental Quality Review Act (SEQRA) process relative to the Emergency Services Training Center (ESTC).

Motion was made by Mr. Belden, seconded by Mr. Thomas and carried unanimously to ratify the actions of the Chairman of the Board and the Chairman of the Public Safety Committee with regard to executing letters relating to Warren County seeking lead agency status with regard to the SEQRA process relative to the Emergency Services Training Center (ESTC) and the necessary resolution was authorized for the April 17, 2009 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. LaFlure advised that he had met with Sean Maguire, New York State Department of State Shared Services Committee, on March 10, 2009 to discuss the work plan that had been created for the shared services grant. On a suggestion by Mr. Maguire, the grant application had been amended in reference to the work plan and submitted to the Department of State and he noted that it was necessary to utilize the funds by March of 2010. Patricia Nenner, Second Assistant County Attorney, added that the State had indicated that they had approved the work plan and a written approval would be forthcoming.

Mr. Girard advised that Raymond Ives, Fire Chief for the City of Glens Falls, was awaiting direction from the County on whether the County was still interested in pursuing negotiations with the individual to lease indoor storage space for the hazardous materials (HAZMAT) vehicle and trailer. Mr. LaFlure responded that he had spoken to Mr. Ives the prior day and a meeting would be scheduled within the next few days to discuss the cost of utilizing the storage space. Mr. VanNess requested that Mr. Girard be included in the meeting, as he had the knowledge of what type of facility the HAZMAT vehicle and trailer would require. Mr. LaFlure advised that it was pertinent that the vehicle and trailer be located where they could be regularly serviced. Mr. LaFlure stated that he would report back at the next Committee meeting.

The Office of Emergency Services portion of the meeting concluded at 11:09 a.m.

Privilege of the floor was extended to Karen Putney, Administrator, Fire Prevention and Building Code Enforcement, who distributed copies of the Agenda to the Committee members. *A copy of the Agenda is on file with the minutes.*

Mr. VanNess advised Ms. Putney that following her agenda review, an executive session would be required to discuss the issues Mr. Foster had brought before the Committee.

Agenda Item 1, Ms. Putney explained, referred to a pending item from a prior Committee meeting referring to septic issues. She advised that Mrs. Nenner was in attendance to provide an update on this item.

Mrs. Nennering apprised that the ongoing issue with septic systems related to the design standards for new and replacement residential septic systems being in compliance with Uniform Code Appendix 75-A. She explained that she and Ms. Putney were gathering information from other communities that had dealt with the issue such as, the Town of Queensbury and the Town of Chester within Warren County, as well as other communities outside of Warren County. She said that they would accumulate the information and use it to determine how the County would move forward to set a standard as the Code Enforcement Agency for the Towns that have opted out of the Provision of Enforcement. She noted that the Town of Stony Creek was the only municipality located in Warren County that did not have local codes to enforce the interpretation of septic regulation for the Uniform Code Appendix 75-A.

Ms. Putney advised that she had received a notice that the State University of New York-Delhi was sponsoring an on-site training related to septic system inspections.

Mrs. Nennering advised that Ms. Putney had a proposal relating to training so that the Inspectors could properly enforce the standards related to septic systems. She said that the Towns of Queensbury and Chester were the only Towns located within Warren County that provided their own enforcement and that she would research those towns, as well as how other counties across the State enforced the septic regulations and report back at the next Committee meeting.

Ms. Putney advised that the Septic System Inspection Course was scheduled for May 12, 2009 in Carmel, New York and the following transfer of funds was necessary due to a lack of funds available for training:

<u>From Code:</u>	<u>Title:</u>	<u>To Code:</u>	<u>Title:</u>	<u>Amount:</u>
A.3620 110	Salaries	A.3620 444	TRAV./EDUC./CONF.	\$900.00

Mr. VanNess questioned whether septic inspection was mandated and Ms. Putney responded affirmatively. Mr. Geraghty questioned whether the Town inspections were considered and Ms. Putney replied that she was researching whether what the Towns provided would meet the requirements to be kept on file. She explained that the State was requiring that as the enforcement agency for the County, the Fire Prevention and Building Code Enforcement Office was required to ensure that all the places inspected by the Department were in compliance with the regulations set forth under Uniform Code Appendix 75-A.

Mr. Pitkin asked for clarification on how the enforcement applied to the Towns that have opted out of the Uniform Code. Ms. Putney explained that in 1984 the Towns were given the option to adopt the enforcement of the Uniform Code or they could opt out. She stated that the County had chosen to take on the responsibility of enforcement rather than having the State do the enforcement, which would cost the Towns more; therefore, she stated that the County was responsible for the enforcement in all of the Towns, excluding the City of Glens Falls and the Town of Queensbury.

Discussion ensued.

Pursuant to further discussion on the matter, a motion was made by Mr. Thomas, seconded by Mr. Girard and carried by majority vote to approve the request for transfer of funds as outlined above with Mr. Belden voting in opposition and to forward same to the Finance Committee. *A copy of the Request for Transfer of Funds is on file with the minutes.*

Agenda Item 2, Ms. Putney stated, referred to the Monthly Activity Report. She stated that activity had decreased for the month of February by 15% from the prior year; however, she added that revenue had increased by 67%. Mr. Geraghty questioned why the revenue had increased when the number of permits issued had decreased and Ms. Putney responded that although there had been a decline in residential permits issued, there was an increase in commercial permits which generated a higher fee.

Ms. Putney advised that Agenda Item 3 consisted of a review of the Budget Performance Report. She apprised that there were invoices not reflected in the report and the correct amount had been handwritten on the right hand side of the page. She stated that she had not received the invoices for gas and oil expenses from January and February.

Continuing with the Agenda review, Ms. Putney requested to amend the existing fee schedule and increase the Solid Fuel Burning Device permit from \$35 to \$50, the Septic Permit Fee from \$35 to \$50 and the Fire Safety Inspections fee from \$25 to either \$50 or \$75. She suggested increasing the Fire Safety Inspection Fee to \$75. She apprised that she had been informed by the State that they had adopted a rate increase of \$550 per building for Fire Safety Inspections completed by the State Codes Division. She noted that the rate increase would aide the County in generating more revenue.

Mr. O'Connor stated that although he did not like raising the fees, he did not feel that it was unreasonable to do so to help the County obtain a zero percent budget increase for the following year. Ms. Putney pointed out that it had taken an Inspector three days to thoroughly inspect a large commercial building located in the Town of Warrensburg.

Motion was made by Mr. Girard, seconded by Mr. O'Connor and carried unanimously authorizing that the Fire Safety Inspection Fee be increased from \$25 to \$75 and the necessary resolution was authorized for the April 17, 2009 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Motion was made Mr. O'Connor, seconded by Mr. Belden and carried by majority vote to increase the Septic Permit Fee from \$35 to \$50 with Mr. Thomas voting in opposition and the necessary resolution was authorized for the April 17, 2009. *A copy of the resolution request form is on file with the minutes.*

Motion was made by Mr. Belden, seconded by Mr. O'Connor and carried by majority vote to increase the Solid Fuel Burning Device Permit from \$35 to \$50 with Mr. Girard voting in opposition and the necessary resolution was authorized for the April 17, 2009 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. O'Connor requested that Mrs. Nenninger research whether it was legal to collect the inspection fees prior to completing the inspections.

Mr. Thomas stated his feeling that engineered septic systems should not be required for all dwellings and that the determination as to whom they would be required of should be made on a case-by-case basis. He then suggested that the matter be referred to the Legislative Committee for consideration of drafting a letter to this effect to State Legislators.

Motion was made by Mr. Thomas, seconded by Mr. Belden and carried unanimously to refer the issue to the Legislative Committee for discussion.

Mr. VanNess suggested that the Committee enter into an executive session to discuss the employment history of a particular individual.

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

Executive session was declared from 11:47 a.m. to 12:22 p.m.

Upon reconvening, Mr. VanNess announced that no action was necessary pursuant to the executive session.

Mr. VanNess requested that the Committee address the bill received from James and Phyllis Foster in reference to the home that they had built in Diamond Point. Mr. VanNess stated that Mr. Foster had requested that the County reimburse him for one month's additional rent and utilities at 1909 Beryl Way in Watervliet, New York, as well as \$350 to heat the un-insulated home in Diamond Point while under construction and \$800 for the replacement of an Anderson bedroom window.

Motion by Mr. Girard, seconded by Mr. Belden and carried unanimously to take no action on the aforementioned request.

Mr. VanNess noted that a letter should be sent to Mr. Foster notifying him of the Committee's decision to take no action on the matter.

Hal Payne, Commissioner of Administrative and Fiscal Services, questioned whether the Committee was going to address the fact that engineered plans for the existing deck on the Foster home had not been submitted to the Building Code Enforcement Office.

Motion was made by Mr. Belden, seconded by Mr. Girard and carried unanimously to authorize Ms. Putney to request that Mr. Foster supply a set of stamped engineered plans for the deck that was already constructed.

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 12:24 p.m.

Respectfully submitted,

Sarah McLenithan, Legislative Office Specialist