

WARREN COUNTY BOARD OF SUPERVISORS

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

DATE: JUNE 25, 2009

COMMITTEE MEMBERS PRESENT:

SUPERVISORS VANNESS
BENTLEY
O'CONNOR
BELDEN
SOKOL
THOMAS

COMMITTEE MEMBER ABSENT:

SUPERVISOR GIRARD

OTHERS PRESENT:

BUD YORK, SHERIFF
ROBERT SWAN, UNDERSHERIFF
SHANE ROSS, CHIEF DEPUTY
MICHAEL GATES, CAPTAIN, DEPARTMENT OF CORRECTIONS
KAREN PUTNEY, ADMINISTRATOR , FIRE PREVENTION &
BUILDING CODE ENFORCEMENT
BRIAN LAFLORE, DIRECTOR OF THE OFFICE OF EMERGENCY
SERVICES/FIRE COORDINATOR
AMY MANNEY, DEPUTY DIRECTOR, OFFICE OF EMERGENCY
SERVICES
CHAIRMAN MONROE
AMY BARTLETT, FIRST ASSISTANT COUNTY ATTORNEY
PATRICIA NENNINGER, SECOND ASSISTANT COUNTY ATTORNEY
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE AND FISCAL
SERVICES
JOANN MCKINSTRY, DEPUTY COMMISSIONER OF
ADMINISTRATIVE & FISCAL SERVICES
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS: PITKIN
TAYLOR
STRAINER
SIMMES
TESSIER
GARY SCIDMORE, EMERGENCY MEDICAL SERVICES
COORDINATOR
JONATHAN ALEXANDER, *THE ADIRONDACK JOURNAL*
THOM RANDALL, *THE ADIRONDACK JOURNAL*
SARAH MCLENITHAN, LEGISLATIVE OFFICE SPECIALIST

Mr. VanNess called the meeting of the Public Safety Committee to order at 10:05 a.m.

Motion was made by Mr. Belden, seconded by Mr. Bentley and carried unanimously to approve the minutes from the previous meeting, subject to correction by the Clerk of the Board.

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.

Agenda Item 1, Sheriff York apprised, consisted of a request for Lieutenant Albert Maday, Lieutenant Douglas VanWinkle and Captain Michael Gates to attend the New York State Sheriff's

Association Jail Administrators' Training Conference at the Gideon Putnam Hotel in Saratoga Springs, New York from September 22 through September 24, 2009.

Motion was made by Mr. Bentley, seconded by Mr. Belden and carried unanimously to authorize Lieutenant Maday, Lieutenant VanWinkle and Captain Gates to attend the New York State Sheriff's Association Jail Administrators' Training Conference as outlined above. *Copies of the Authorization to Attend a Meeting or Convention forms are on file with the minutes.*

Sheriff York advised that Agenda Item 2 pertained to a request to amend the 2009 County Budget to increase estimated revenues and appropriations in the amount of \$298 to reflect the receipt of revenues from the Hyper Reach Call Campaign.

Motion was made by Mr. Sokol, seconded by Mr. Thomas and carried unanimously to approve the request to amend the 2009 County Budget as outlined above and refer same to the Finance Committee. *A copy of the Resolution Request Form is on file with the minutes.*

Agenda Item 3, Sheriff York apprised, referred to donations required to support the K-9 Unit. He advised that the Treasurer's Office had created a revenue code for donations received to aid with expenses related to the care and feeding of the dog and he noted that \$650 in resident contributions had been received to date.

Sheriff York presented a request for himself to attend the Chiefs Training Conference at the Saratoga Hilton in Saratoga Springs, New York from July 12 through July 15, 2009.

Motion was made by Mr. Bentley, seconded by Mr. Sokol and carried unanimously to authorize Sheriff York to attend the Chiefs Training Conference at the Saratoga Hilton in Saratoga Springs, New York as outlined above. *A copy of the Authorization to Attend Meeting or Convention form is on file with the minutes.*

Mr. VanNess outlined an e-mail received from Don Jaquish, Essex County Emergency Services, regarding the 911 Surcharge funds. He suggested referring the matter to the Legislative and Rules Committee with a request that another letter be drafted to the State Legislature requesting 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. Sheriff York advised that he had been informed by the Livingston County Sheriff that the issue was not just within New York State and there were other States that were also retaining the majority of the 911 Surcharge funds to supplement their General Fund.

Sheriff York apprised that the Livingston County Sheriff had previously drafted an agreement with former Senator Joseph Bruno which authorized that 1/3 of the funds be disbursed to the State, 1/3 to the Counties and 1/3 to the State Police; however, he said, the proposal was not enacted due to Senator Bruno's resignation. He noted that because the State was not abiding by Federal mandates for the distribution of 911 Surcharge funds, they were required to pay a \$48 million fine to the Federal Government.

Motion was made by Mr. Thomas, seconded by Mr. Bentley and carried unanimously to refer the matter as outlined above to the Legislative and Rules Committee.

Responding to a query by Mr. Bentley, Sheriff York apprised that the County Treasurer's Office received an estimated \$350,000 annually in 911 Surcharge funds for land-lines, which was the full amount that should have been received for land-line Surcharge funds. Mr. Pitkin queried what the annual cost of the 911 Center was and Sheriff York estimated it to be between \$1.2 and \$1.5 million.

Hal Payne, Commissioner of Administrative and Fiscal Services, advised that he had been informed that there was a new Assembly Request waiting to be passed by the dysfunctional Senate regarding a \$.35 surcharge the County would receive from Time Warner Cable customers that had purchased the all-in-one package for internet, phone and cable services. Mr. Payne stated that another Assembly Bill waiting to be passed would authorize participating Counties to include a \$.35 surcharge on wireless phone bills that would remain in the County; however, he said, the funds would have to be allocated to emergency communication.

Mr. VanNess questioned what process was necessary for Warren County to be included on the proposed Bill and Mr. Payne replied that the Board of Supervisors would have to enact a Home Rule Request. Mr. Payne noted that there were over 30 Counties in the State participating. Chairman Monroe asked whether it would require new State Legislation and Mr. Payne replied affirmatively.

Motion was made by Mr. Bentley, seconded by Mr. Belden and carried unanimously to authorize the County Attorney to draft legislation allowing the County to assess a \$.35 surcharge for wireless cell phone users.

Sheriff York requested that the County Attorney's Office research whether the County could legally adopt the New York State Department of Transportation Vehicle and Traffic Law as County Law. He explained that this would allow for a portion of the fines received from tickets issued to remain in the County.

It was the consensus of the Committee to refer the matter as outlined above to the County Attorney's Office.

The Sheriff and Communications portion of the meeting concluded at 10:19 a.m.

Privilege of the floor was extended to Brian LaFlure, Director of the Office of Emergency Services/Fire Coordinator, who distributed copies of the Agenda to the Committee. *A copy of the Agenda is on file with the minutes.*

Agenda Item 1, Mr. LaFlure explained, referred to an update on a pending item from the prior Committee meeting, which referred to leasing space for the hazardous materials (HAZMAT) vehicles. He advised that Raymond Ives, Fire Chief for the City of Glens Falls, had continued discussions with the owner of the prospective property and he said that he anticipated receiving a written proposal from the property owner within the next week. He noted that he would present the

proposal to the Committee at the next meeting.

Moving along to new business, Mr. LaFlure requested authorization to work with Washington County on the Companion Animal Sheltering Equipment (CASE) Homeland Security grant. He noted that no County match was required.

Motion was made by Mr. Belden, seconded by Mr. Sokol and carried unanimously to authorize the Office of Emergency Services Director/Fire Coordinator to work with Washington County in preparing the CASE Homeland Security grant application.

Agenda Item 2, Mr. LaFlure stated, was a request for the Chairman of the Public Safety Committee to become a member of the Local Emergency Planning Committee (LEPC). He apprised the State had reactivated the Committee within the last eight months and they were requesting that a local government official represent Warren County on the Committee.

It was the consensus of the Committee that Mr. VanNess would be designated the local government official representing Warren County on the LEPC.

Proceeding to Agenda Item 3, Mr. LaFlure advised that the County would discontinue the liability coverage on the radios that were used by the local Fire Departments, as the radios could now be replaced for less than the \$1,000 deductible. Mr. Belden questioned whether the Fire Departments would have to purchase the radios and Mr. LaFlure replied in the negative.

Chairman Monroe questioned whether the deductible pertained to a per unit replacement or per incident and Mr. LaFlure replied that he was unsure. Chairman Monroe suggested Mr. LaFlure research this before discontinuing the insurance on the radios because if the deductible was per incident and not per radio, it would be more cost effective for the radios to remain insured.

Mr. Geraghty queried whether the County was supplying the radios to the Fire Departments and Mr. LaFlure replied affirmatively. Mr. LaFlure explained that if a Fire Department requested a radio the County would supply them with one; however, he noted, it had been quite some time since a request had been made.

Mr. Geraghty questioned whether funding for purchasing new radios was included in the OES budget and Mr. LaFlure replied in the negative. Mr. Geraghty advised Mr. LaFlure that it was necessary to give the Fire Departments sufficient notice that the OES would no longer be supplying radios to them.

Agenda Item 4, Mr. LaFlure stated, was a request to amend Resolution No. 760 of 2008 to correct the total amount of the State Homeland Security Program (SHSP) grant to an amount not to exceed \$109,500.

Motion was made by Mr. Sokol, seconded by Mr. Belden and carried unanimously to approve the request to amend Resolution No. 760 of 2008 as outlined above, and the necessary resolution was

authorized for the July 17, 2009 Board meeting. *A copy of the Resolution Request Form is on file with the minutes.*

Mr. LaFlure stated that Agenda Item 5 referred to the decision to terminate the employment of the 3rd Deputy Emergency Medical Services (EMS) Coordinator. Mr. VanNess queried whether the position would be abolished and Mr. LaFlure replied in the negative. Mr. LaFlure advised that he would request to fill the vacant position at next months meeting.

Concluding the Agenda review, Mr. LaFlure apprised that they were approaching the last phase of the existing contract with the Architectural Engineer for the Emergency Services Training Center (ESTC). He stated that he was actively seeking funds for the second phase of the project and had met with representatives for Congressman Murphy and Senators Schumer and Gillibrand; however, he said, he did not foresee the awarding of funds in the near future.

Patricia Nenninger, Second Assistant County Attorney, entered the meeting at 10:35 a.m.

Mr. VanNess pointed out that the ESTC had been designed to be built in phases as funds were awarded to prevent having to use County funds. Mr. Belden asked whether the \$400,000 awarded from the Department of State through the Shared Services grant had been received and Mr. LaFlure replied in the negative. He explained that the funds had been approved for site preparation; however, he said, the funds would not be awarded until construction of the ESTC had begun. He apprised that Mrs. Nenninger would apply for an extension of the grant if it was determined the required work would not be completed by the March 31, 2010 deadline.

Mr. Belden questioned what the cost of the entire project was projected to be and Mr. LaFlure replied that it was estimated at \$5.2 million. Mrs. Nenninger apprised that she had spoken with Washington County representatives and they had advised her that they remained committed to the project and would support the request for an extension if it was deemed necessary.

Mr. LaFlure stated that he had included in the Agenda a copy of a letter from Dr. Ronald C. Heacock, President of Adirondack Community College (ACC), indicating ACC's commitment to partner with Warren and Washington Counties in the development and operation of the ESTC. He advised that Senator Schumer's Office had informed him that other funding options would be available due to the facility being used for educational purposes.

The OES portion of the meeting concluded at 10:42 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.*

Agenda Item 1, Ms. Putney stated, consisted of a review of the Monthly Activity Report. She said that at the end of May, revenue had decreased by 5% from the previous year and the number of permits issued had decreased by 22%. She noted that as of the end of the prior week, revenue had

decreased by 16% and the number of permits issued had decreased by 23% from the prior year. She said she anticipated the total number of permits issued for 2009 would be 20% less than the prior year, as well as a 10% to 20% reduction in revenue.

Ms. Putney advised that Agenda Item 2 referred to the review of the Budget Performance Report. She noted that the report did not include gas and oil expenses, as she had not received a bill from the Department of Public Works (DPW) in two months.

Agenda Item 3, Ms. Putney advised, referred to a report on whether the Building Code Enforcement Office was required to review stamped engineer plans. She said that she had researched the regulations that governed her Office for administering and enforcing Building Codes and had determined that according to New York Codes Rules and Regulations, Title 19, Part 1203.3 (3) it was required that her Office review plans whether they had been stamped by an engineer or not.

Ms. Putney apprised that she had spoken to David Hatin, Director of Building and Code Enforcement for the Town of Queensbury, and he had advised her that he returned 99% of all plans submitted due to code deficiencies; she added that the Town of Moreau apprised they returned 90% of all plans received due to code deficiencies. She noted that Mrs Nenninger advised her that the Building Code Enforcement Office should continue to provide review and enforcement of all plans whether or not they were stamped, based on the State regulation previously noted.

When Mr. Pitkin commented on the number of issues found in stamped engineering plans, Mr. Thomas apprised that the issue may have arisen due to the ever changing State guidelines which were occurring unbeknownst to the project engineers. Mr. VanNess interjected that possible periodic re-schooling was necessary to update the engineers on current building codes.

It was the consensus of the Committee that the current procedure for review of stamped engineered plans would remain in place, as per the direction of the County Attorney's Office.

Concluding the Agenda review, Ms. Putney advised that on July 1, 2009 the Inspectors would be rotating to different portions of County. She explained that in order to ensure that there was no favoritism in performing inspections she had implemented a system wherein the Inspectors rotated the areas in which they worked every five months, thereby ensuring that they were not in the same area during the same time frame each year.

Ms. Putney apprised that due to the reduction in staff in her Office she was implementing changes to the Inspectors schedules. She said that she would be reducing the number of days the Inspectors would be in certain areas and would also be designating time to complete the required fire inspections. She noted that any crucial inspection requests would be handled as permitted.

With regards to increasing revenue, Ms. Putney suggested imposing fines on individuals for not seeking extensions on expiring permits, as well as construction that had been performed without applying for the proper permits. She apprised that this may increase revenues while encouraging application for required permits to prevent them from receiving a fine. Mr. VanNess interjected that this may create an issue, as they were currently short-staffed and this would create extra work for the Building Code Enforcement Office, the County Attorney's Office and the County Treasurer's Office.

Mrs. Nenninger advised that she would research the steps necessary to implement a fine system as suggested by Ms. Putney and report back to the Committee.

Mr. Belden commended the Building Code Enforcement Office for the work they had performed in the Town of Hague.

Mr. Belden apprised that he had received a complaint from William Lamy, Superintendent of the Department of Public Works (DPW), that the Town of Lake George had requested that he supply an engineer to perform an inspection of the Opera House so they could obtain a certificate of occupancy (CO) for the building, which they were not authorized to do. Ms. Putney interjected that although a DPW engineer could inspect the structural stability of the building, the CO would need to be obtained through her Office.

Ms. Putney apprised that in reference to the Cavalcade of Cars building, as long as the occupancy of the building was not changed from an exhibit hall, a new CO for the building was not necessary. She explained that a CO and fire safety inspection were required to use the building. Mr. Belden requested that Ms. Putney compose a letter to the Supervisor of the Town of Lake George stating such.

Chairman Monroe questioned whether as built specifications were required for the Opera House and Ms. Putney replied that her Office was in the process of working on the permits for the Opera House. Ms. Putney noted that any changes made to the Cavalcade of Cars building thus far had not required a permit.

Mr. Belden questioned if a CO was required prior to using the Cavalcade of Cars building and Ms. Putney replied affirmatively. Chairman Monroe queried if additional inspections would be required on the building if it was used for other things such as performances and Ms. Putney replied it would require inspection each time the building was used for purposes other than what the CO had been issued for.

Mr. Tessier interjected that he had requested that a County engineer tour the building and prepare a list of work necessary in order for the Cavalcade of Cars building to pass the fire safety inspection and receive a CO. He noted that he had turned down several requests to use the building, as it would remain closed until a CO was received. He said that the Town of Lake George engineer had developed a listing of items that needed to be addressed prior to the final inspection being performed.

Discussion ensued.

As there was no further business to come before the Committee, on motion made by Mr. Belden and seconded by Mr. Sokol, Mr. VanNess adjourned the meeting at 11:03 a.m.

Respectfully submitted,

Sarah McLenithan, Legislative Office Specialist