

Warren County Board of Supervisors

Committee: Public Safety

Date: May 26, 2010

Committee Members Present:

Supervisors VanNess
Sokol
Thomas
Conover
McDevitt

Others Present:

Bud York, Sheriff
Karen Putney, Administrator, Fire Prevention & Building
Code Enforcement
Brian LaFlure, Director, Office of Emergency Services
Amy Manney, Deputy Director, Office of Emergency
Services

Committee Members Absent:

Supervisors Bentley
Girard

Paul Dusek, County Attorney/Commissioner of
Administrative & Fiscal Services
Joan Sady, Clerk of the Board
Supervisors Taylor
McCoy
Don Lehman, *The Post Star*
Thom Randall, *The Adirondack Journal*
Joanne Collins, Legislative Office Specialist

Mr. VanNess called the meeting of the Public Safety Committee to order at 11:00 a.m.

Motion was made by Mr. Sokol, seconded by Mr. Conover and carried unanimously to approve the minutes of the April 26, 2010 Committee meeting, subject to correction by the Clerk of the Board.

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 which is on file with the minutes. Addressing the Monthly Activity Reports, Mrs. Putney stated as of May 21, 2010 the year to date figures had decreased 25% for revenues and 5% for permit issuance when compared to 2009 figures. Mr. VanNess asked if the processing time for permit issuance had improved and Mrs. Putney replied affirmatively. She noted that the lead time had decreased from the prior year and the staff was currently processing the applications received on May 20, 2010. Overall processing time, she stated, was approximately one week. Mr. VanNess advised that incomplete applications were not considered in the lead time calculations after the request for more information was made.

Regarding the Budget Performance Report as of May 21, 2010, Mrs. Putney advised that a copy was included in the agenda.

Pertaining to New Business, Mrs. Putney informed that the Office's relocation to the third floor of the Human Services Building (HSB) had proceeded well and the new location was amenable. She added that the Department shared a copy machine with the Planning & Community Development Department and it was working out quite well. One caveat, she noted, was the fact that access to the Offices required passage through the magnetic security entrance which caused delays due to the fact that most contractors carried metallic objects, such as nails and small tools in their garments. Over time, she said, visitors had adjusted to the entry process.

Mrs. Putney referred to the Annual Report for Permit Issuance which was recorded for each Town and included new and renewal permits; however, she stated, solid fuel wood stove permits or fire safety inspections were not included in the report.

The next item, Mrs. Putney advised pertained to the New York State Fire Safety Building Inspections Report which was completed annually and she noted the loss of one staff person had accounted for the decrease in fire safety inspections performed. She explained usually hundreds of fire safety inspections were conducted each year, as compared to 52 completed in 2009. Mr. VanNess asserted that the inspections were a requirement of the State for which the County was not reimbursed. He added some revenue would be lost but the State would complete the inspections if the County was unable to do so. Mrs. Putney noted that if it became necessary for the State to complete the fire safety inspections, they assume the entire program.

Mrs. Putney introduced a proposal to establish a minimum fee of \$25 for permit amendments. Currently, she stated, the fee was based on the square footage of space involved in the change which typically consisted of additions, such as decks and porches, generating fee ranges of between \$0 to \$15. She noted the Department was responsible for the review of the plan changes, as well as the issuance of permit amendments.

A brief discussion ensued regarding types of amendments and Mrs. Putney stated the addition of an interior wall under the current fee schedule did not incur a fee due to the fact that it would not impact the total square footage.

Mr. VanNess stated other fee increases had been instituted recently and he recommended the proposal for the additional minimum fee be deferred until next year. It was consensus of the Committee that there would be no change in fees at this time and that the possibility of a minimum fee for permit amendments would be discussed in 2011. Mr. Conover suggested when the issue was revisited, that the entire fee structure be reviewed.

Pertaining to the Work Smart Program facilitated by Supervisor Taylor, Mrs. Putney informed the Committee that her Office had been involved with the Program. While in the process of compiling data she had become aware that while her Office generated some revenue, the total cost to operate the entire Office was approximately \$10 per hour, which she opined was a positive reflection of the Department.

Addressing the Flood Plain Update, Mrs. Putney stated that a meeting with Chairman Monroe, Patricia Nenninger, Second Assistant County Attorney, and representatives from the Department of Environmental Conservation (DEC) had been held for review of the flood plain in Chestertown. Mrs. Putney noted Chairman Monroe had advised her to inform the Towns that the DEC would be reviewing the Towns' administrative processes for flood plain programs. She further noted the DEC showed a willingness to work with the Towns to that end, and they would be amendable to the Towns' efforts toward making the necessary corrections to the policy. In terms of building codes, Mrs. Putney stated that specific building requirements were necessary for parcels located within a flood plain.

Pertaining to septic system permit issues, Mrs. Putney informed that she received a fax from the State Codes Office which stated that septic drawings should be completed by a licensed

professional engineer or architect. She noted that the Committee had discussed the issue in the past and it was decided that the Towns would handle septic system compliancy issues. Mr. VanNess apprised that the County and Towns would continue to do business as usual, as there had been no legal ramifications to date.

Mrs. Putney informed of the need to purchase new code books for which her Department required five copies. She said that in the past the State provided the books; however, she noted, it had become the full expense of the County. Following the State's collaboration with the New York State Energy Research and Development Authority (NYSERDA), Mrs. Putney informed that NYSERDA would provide two copies of the book and Warren County would be responsible for the cost of three, which were estimated at \$600 each. Responding to Mr. Conover, Mrs. Putney stated that the International Code Council, for which the County was not currently a member, printed the books for NYSERDA. She noted that she would research the cost of membership relative to cost savings. Responding to an inquiry from Mr. Thomas, Mrs. Putney advised that the books included the revised codes and there was no advance communication of those changes. Mrs. Putney cited the possibility of a new State mandate requiring fire sprinkler systems in single family homes which could become effective at some future time. Brian LaFlure, Fire Coordinator/Director, Office of Emergency Services, pointed out that for those homes without access to municipal water, a pressure storage tank would be necessary; thereby further elevating the cost to the homeowner. Mrs. Putney explained that the codes were updated periodically and typically distributed every three years. Emergency changes, such as Amanda's Law, she explained, were made through Legislation. Other proposed changes, she said, were made by the State Code Council and released over a period of three years with no advance warning. Notification to the County, she noted, was in October following implementation of the changes. Mrs. Putney asserted that the only recourse that the County had was to write to legislators asking the State to be more forthcoming with regard to proposed building code changes.

Concluding the agenda review, Mrs. Putney informed of building code enforcement issues. The first issue, she said, was the non-renewal of necessary building permits. She explained that some occupied properties lacked a Certificate of Occupancy (CO) or a Certificate of Completion (CC). She added there was no enforcement in place for the renewal of building permits and that CO's could not be revoked. The CO or CC, she stated, must be issued prior to occupancy. In terms of construction, Mrs. Putney noted that many residents began construction prior to the issuance of the building permit. Unfortunately, she said, her Office was not equipped with the time nor staff to act on such code violations which must be carried out at the Town Courts and included hearings, evening hours, use of staff, and a representative from the County. She further noted that random or selective enforcement was evident to the public and a more consistent approach was necessary. Mrs. Putney asked for the Committees direction on how to begin the process of uniform enforcement. She pointed out that construction done prior to the issuance of the permit created inspection challenges as walls and foundations were covered by other materials, thereby making it necessary to obtain receipts, affidavits from contractors, and to use engineers for evaluation which was time consuming. Mrs. Putney asserted the need for building code enforcement initiatives.

Mr. Conover recommended that the issue be addressed with the County Attorney and stated that it was his understanding that other agencies which included lending institutions also had expectations which included the County's requirements for occupancy. He further noted that

this was a difficult area for Department Heads to navigate and thereby deferred the issue to the Paul Dusek, County Attorney/Commissioner of Administrative and Fiscal Services. Mr. Dusek expressed his agreement that selective enforcement must be addressed and the first step was Supervisor approval. He apprised that cases which evidenced safety issues be addressed first and that Court hearings would be necessary in some cases. Mr. Dusek asked if injunctive orders had been issued thereby halting the building process and Mrs. Putney replied affirmatively. Mr. Dusek stated that he would meet with Mrs. Putney to set forth a strategy to be presented to the Committee.

Privilege of the floor was extended to Brian LaFlure, Director, Office of Emergency Services, who distributed copies of the meeting agenda to the Committee members, a copy of which is on file with the minutes.

Regarding the Office of Emergency Services (OES) Training Center, Mr. LaFlure conveyed that all indications for the receipt of Federal appropriations were favorable and he awaited final notification.

Mr. LaFlure presented a travel request for himself to attend the Annual Fire Coordinator's Summer meeting in Verona, NY, from June 10 to June 11, 2010.

Motion was made by Mr. Sokol, seconded by Mr. Conover and carried unanimously to approve the travel request as outlined above. *A copy of the Authorization to Attend Meeting or Convention is on file with the minutes.*

Mr. LaFlure presented a request for a transfer of funds from the Contingent Fund (A.1990 469), to Code A.4022 130 - Emergency Medical Services-Part-time Salaries, in the amount of \$8,215, to correct the salary budget amount for which an incorrect figure was posted by the New World LOGOS system as confirmed by JoAnn McKinstry, Deputy Commissioner of Administrative & Fiscal Services.

Motion was made by Mr. Conover, seconded by Mr. Thomas and carried unanimously to approve the request for a transfer of funds as outlined above and to refer same to the Finance Committee. *A copy of the request for transfer of funds is on file with the minutes.*

Pertaining to the 2010 Radio Update Project, Mr. LaFlure announced that fundraising was underway for the 2010 Project; the date for equipment readiness was June 1st; the actual changeover would take place on June 15th for ambulance services and July 15th for fire companies. He noted that every radio in the county would be replaced and Warren County was preparing in advance for the changes. He urged Supervisors to call him with any questions.

Concluding his agenda review, Mr. LaFlure stated that the two pending items which included a fee for fire investigations, and the Hazard Mitigation Coordinator position, would be carried forward. Mr. VanNess suggested that Dave Wick, District Manager for Warren County Soil & Water Conservation District, be included in the meetings with Mr. Dusek to discuss expectations surrounding the duties of the Hazard Mitigation Coordinator.

A discussion ensued relative to the fire investigation process and Mr. LaFlure apprised that the County contracted with the City of Glens Falls for necessary fire investigations in cases where cause and origin could not be determined at the scene. He noted that the State required both cause and origin, and eight investigations had been done for 2010 to date. He noted that the cost to the County included the salaries for the staff covering the duties for those conducting the investigations.

Privilege of the floor was extended to Bud York, Sheriff, who distributed copies of the agenda to Committee members, a copy of which is also on file with the minutes. With regard to the Public Assistance Fraud Investigation initiative carried out by a part-time Investigator in the Sheriff's Office, Sheriff York reported that for the one year period which commenced on May 24, 2009, \$118,502 in fraudulent claims had been identified. Mr. Thomas stated that he supported increased efforts for fraud investigations and Mr. VanNess recounted that the part-time staff was hired with the intent to observe the total amount of fraudulent claims. Sheriff York noted that he had anticipated that the amount of restitution from fraud would far exceed the amount of the part-time Investigator's salary.

Sheriff York presented an out-of-State travel request for Terry Comeau to attend the DEA (Drug Enforcement Agency) Clan Lab State and Local Site Safety Officer School in Quantico, Virginia, from June 22 through June 24, 2010. He noted the DEA would pay for travel, lodging, meals and other miscellaneous expenses.

Motion was made by Mr. Sokol, seconded by Mr. Conover and carried unanimously to approve the request for out-of-State travel as outlined above and the necessary resolution was authorized for the June 18, 2010 Board meeting. *A copy of the resolution request form is on file with the minutes.*

The next travel request presented by Sheriff York was for Robert Swan to attend the New York State Sheriff's Association Annual Undersheriff's Conference in Saratoga Springs from June 15 through June 16, 2010.

Motion was made by Mr. Conover, seconded by Mr. Thomas and carried unanimously to approve the travel request as outlined above. *A copy of the Authorization to Attend Meeting or Convention is on file with the minutes.*

For informational purposes only, Sheriff York noted the automotive cost savings report included with the agenda, a copy of which is also on file with the minutes. He thanked the Department of Public Works Maintenance Shop for their assistance and he stated that he would keep the Committee apprised of updates.

Sheriff York presented a request to transfer funds from Code A.3110 230 - Law Enforcement-Auto Equipment, to Code A. 3020 220 - 911 Center -Office Equipment, in the amount of \$4,500, for seven live status monitors for the 911 Center. The funds, he said, were included in the budget.

Motion was made by Mr. Sokol, seconded by Mr. McDevitt and carried unanimously to approve the request for a transfer of funds as outlined above and to refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Next, Sheriff York presented a request to extend Resolution No. 391 of 2009 regarding the agreement with New York State Department of Environmental Conservation (NYS DEC) to provide fuel for the marine patrols on Lake George. He reminded the Committee that approval was granted last year for a two year agreement and the aforementioned resolution reflected only a one year term.

Motion was made by Mr. Thomas, seconded by Mr. Conover and carried unanimously to approve the request to extend the agreement with NYS DEC as outlined above and the necessary resolution was authorized for the June 18, 2010 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Sheriff York apprised agenda Item 7 related to discussion of the marine unit patrols. He recalled the Committee had tabled action on this item; however, he said, summer had commenced and boats were on the lake. Mr. VanNess noted there had been discussions concerning the State reducing the reimbursement from 75% to 50%, although that had not happened as of yet. He added that the savings that would be realized from the retirement of the Chief Deputy and that position remaining vacant would cover the cost for law enforcement on the lake. He opined that it was the responsibility of the County to provide law enforcement assistance on the lake to protect the citizens of the County, as well as tourists.

Sheriff York provided a handout entitled "Marine Unit Activity Comparison 2008 to 2009", a copy of which is on file with the minutes. He advised the number of man hours on the lake for the boat patrol in 2008 totaled 1,772 and was reduced in 2009 to 1,584 man hours. Included with the handout, he said, was a copy of the State Aid voucher and he explained the total payroll for patrolling the lake in 2009 was \$43,431.61. That amount, he continued, coupled with the cost of gas and mileage totaled \$63,252.68 and the County was reimbursed by the State at a rate of 75%, for an amount of \$47,439.51. He noted the County also received approximately \$4,000 from Essex County for providing patrols on Schroon Lake, comprising a total amount of approximately \$51,000 received in reimbursement for the County providing boat patrols. Sheriff York concluded it cost the County around \$12,000 to provide the boat patrols. He suggested, if the Committee desired, that the man hours on the lake could be reduced even further for 2010, perhaps to 800 or 900 hours, allowing the County to continue to maintain safety on the lake and to continue receiving reimbursement from the State. Mr. VanNess expressed his opinion that the boat patrol man hours should not be reduced. Mr. McCoy agreed and added that the County needed to provide a safe venue for not only the residents, but for the visitors. Mr. Conover asserted there must be a presence of law enforcement on the lake.

Discussion ensued. During discussions, Committee members expressed their support of the marine unit patrols on the lake.

Motion was made by Mr. Sokol, seconded by Mr. McDevitt and carried unanimously to approve the continuation of the marine unit patrols for 2010 with a schedule of man hours and coverage to be determined by the Sheriff. The necessary resolution was authorized for the June 18, 2010 Board meeting. *A copy of the resolution request form is on file with the minutes. (Please note: Subsequent to the meeting, it was determined that the appropriate action would be to rescind Resolution No. 392 of 2009 which authorized the continuation of the marine patrol unit on Lake George for the remainder of 2009 and abolished the same for 2010 if financial support was not received.)*

Sheriff York requested an executive session to discuss the employment history of a particular person.

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

Executive session was declared from 12:12 p.m. to 12:17 p.m.

Committee reconvened and Mr. VanNess announced no action was necessary pursuant to the executive session.

As there was no further business to come before the Public Safety Committee, on motion made by Mr. Sokol and seconded by Mr. McDevitt, Mr. VanNess adjourned the meeting at 12:18 p.m.

Respectfully submitted,

Joanne Collins, Legislative Office Specialist