

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC SAFETY

DATE: AUGUST 26, 2010

COMMITTEE MEMBERS PRESENT:	OTHERS PRESENT:
SUPERVISORS VANNESS	BUD YORK, SHERIFF
BENTLEY	KAREN PUTNEY, ADMINISTRATOR, FIRE PREVENTION & BUILDING CODE
SOKOL	ENFORCEMENT
THOMAS	FREDERICK MONROE, CHAIRMAN OF THE BOARD
MCDEVITT	PAUL DUSEK, COUNTY ATTORNEY/ADMINISTRATOR
	JOAN SADY, CLERK, BOARD OF SUPERVISORS
COMMITTEE MEMBERS ABSENT:	SUPERVISORS LOEB
SUPERVISORS GIRARD	MCCOY
CONOVER	STRAINER
	TAYLOR
	DON LEHMAN, <i>THE POST STAR</i>
	AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

Mr. VanNess called the meeting of the Public Safety Committee to order at 10:30 a.m.

Motion was made by Mr. McDevitt, seconded by Mr. Sokol and carried unanimously to approve the minutes from the May 26th Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Bud York, Warren County Sheriff, who distributed copies of the meeting agenda to the Committee members; *a copy of the agenda is also on file with the minutes.*

Commencing with Agenda Item 2, Sheriff York presented a request to submit a grant application for an amount not to exceed \$10,000 to the NYSDCJS (New York State Division of Criminal Justice Services) DNA Burglary initiative for the collection of DNA at crime scenes.

Motion was made by Mr. Bentley, seconded by Mr. Sokol and carried unanimously to approve the aforementioned request and the necessary resolution was authorized for the September 17th Board meeting. *A copy of the request is on file with the minutes.*

Sheriff York announced that Agenda Item 3 consisted of a request for a new contract with Black Creek Integrated Systems Corp. in the amount of \$19,576.75 for the term commencing January 1, 2011 and terminating December 31, 2011 to provide updates and support for the inmate management software system.

Motion was made by Mr. Bentley, seconded by Mr. McDevitt and carried unanimously to approve the request for a new contract as outlined above and the necessary resolution was authorized for the September 17th Board meeting. *A copy of the request is on file with the minutes.*

Continuing, Sheriff York announced that Agenda Item 4 referred to a request for a transfer of funds in the amount of \$2,300 to cover the costs of damage incurred by a lighting strike.

Motion was made by Mr. Sokol, seconded by Mr. Bentley and carried unanimously to approve the request for a transfer of funds and refer same to the Finance Committee. *A copy of the Request for Transfer of Funds form is on file with the minutes. (Note: Subsequent to the meeting, Sheriff York withdrew this request.)*

Sheriff York apprised that Agenda Item 5 included a request to authorize Captain Michael Gates, Lieutenant Douglas Vanwinkle and Lieutenant Albert Maday to attend the 2010 Annual Jail Administrators Training Conference at the Gideon Putnam Hotel in Saratoga Springs, NY on September 27 - 29, 2010.

Motion was made by Mr. Thomas, seconded by Mr. McDevitt and carried unanimously to approve the travel request as outlined above. *Copies of the Authorization to Attend Meeting or Convention forms are on file with the minutes.*

Sheriff York proceeded to present an additional travel request seeking authorization for Lieutenant James LaFarr, Lieutenant Robert Smith and Major John Shine to attend Supervisor's Training in Albany, NY on September 13-15, 2010.

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

Concluding the Agenda review, Sheriff York addressed Agenda Item 7 which referred to discussion on fraud investigations being performed through the Social Services Department. He said that as previously reported, the investigations had been very successful in saving County dollars by identifying and eliminating fraudulent claims made for Social Services benefits. Sheriff York noted that when use of a Sheriff's Investigator position was initially suggested, there had been some indications that reimbursement from the State could be sought for the position salary. He said they had confirmed that State funding was available and he was working with Sheila Weaver, Commissioner of the Department of Social Services, to develop a contract to obtain reimbursement, subject to review and approval by the State. Sheriff York pointed out that at some point they would seek permission to use a portion of the State funds received to implement a salary increase for the Investigator position in order to provide a rate of pay commensurate with the Investigators currently working in the District Attorney's Office.

Mr. VanNess suggested that further information pertaining to available State funding and the requested salary increase be discussed at the upcoming Budget session. Mr. Sokol questioned whether it would be appropriate for Paul Dusek, County Attorney/Administrator, to review the position in order to determine an appropriate salary, as they had for others throughout the County and Mr. Dusek replied that he would review the matter and make a determination prior to the Budget session.

Sheriff York apprised that in speaking with Amy Clute, Self-Insurance Administrator, they had determined Sheriff's Investigator services could also be used in connection with Worker's Compensation cases to identify fraudulent claims, saving additional monies for the County. He said Mrs. Clute currently paid a fee of \$55 per hour for private investigator services for those cases they felt might have fraud activity; these services could be provided for less money and at a more professional level if performed by the Sheriff's Investigative staff, he added. Sheriff York advised that Mrs. Clute would be willing to provide funding for these services from her Departmental Budget.

As there was no further Sheriff & Communications business to come before the Committee, privilege of the floor was extended to Karen Putney, Administrator of Fire Prevention & Building Code Enforcement, who distributed copies of the meeting agenda; *a copy of the agenda is also on file with the minutes.*

Ms. Putney began her review with Agenda Item IIA which referred to a proposed fine process for expired permits and construction completed without properly following permitting procedures. She reminded the Committee that the issue had been raised during the 2009 Budget process as a means by which to possibly raise Departmental revenues. Ms. Putney advised no further action had been taken with respect to this matter and she had added this item to the Agenda in order to determine whether the Committee wished to pursue the issue. She explained there were several letters in circulation notifying residents that their building permits had expired and requesting that they

be renewed; she added that the renewal fee was half the cost of the original permit. Ms. Putney said her initial suggestion had been to impose a penalty in addition to the renewal fee for all late renewals to generate additional revenues and to raise public awareness with respect to the required building code permitting procedures.

Mr. Dusek noted that because the County had not previously implemented any penalties for violators of the building code law, they were working to develop a process to penalize those residents and contractors that continued construction without abiding by the building code permitting and inspection processes. He advised they were currently addressing the first of these cases in which a Certificate of Occupancy (CO) had not been obtained and although the residents were aware of the violation, they continued to reside in the dwelling. Mr. Dusek noted that this first case was being handled by the County Attorney's Office and that the Building Code staff would be trained to take over the responsibilities for future violations.

The new procedure, Mr. Dusek explained, was very similar to that used by the Town of Queensbury in which Building Code Officers were authorized to issue appearance tickets, similar to those issued by Police Officers for traffic violations, following which the offender would be given a court date to address the citation. He stated this was a very effective system that would address these issues in a fair manner, with the first objective being to work with residents to achieve compliance with building code regulations to ensure that construction proceeded appropriately in order to protect public safety. Mr. Dusek advised that State Law allowed for two alternate procedures, including seeking an injunction to cease construction until proper permitting was obtained or to impose civil fines for failure to comply with building code regulations; however, he said, the ticketing procedure being implemented would provide results in the least costly and time consuming manner possible.

Ms. Putney interjected their ultimate goal was to impress upon the public that it was simpler to comply with building code regulations, than to go through the citation process. She advised this would not be a revenue generating activity for her Office, as any fines imposed would be paid to the Town, rather than the County. Ms. Putney said that as an alternate revenue generation measure, she would suggest including penalty fees in the building permit fee schedule and Mr. Dusek replied that penalty fees could not be charged without court proceedings, which would incur additional costs to the County.

Discussion ensued.

Chairman Monroe questioned whether time sensitive matters were taken into consideration when scheduling inspections for businesses requiring inspection to open and Ms. Putney replied affirmatively, noting that they tried to address the needs of all applicants in a timely manner, but did make special efforts to assist those businesses or residents with time constraints for their building projects. Chairman Monroe then noted that he recently reviewed a report indicating NYSDEC (New York State Department of Environmental Conservation) sought to impose new regulations pertaining to endangered species. He explained that if approved, these new regulations would affect residents or businesses seeking to build on property identified to be housing endangered species; he added that considerable costs might be incurred at the County level if the State identified a lack of funding and transferred the responsibilities to the Counties as an unfunded mandate. Chairman Monroe noted that scientific studies would be required to determine the presence of endangered species, which would likely incur considerable costs.

Mr. VanNess pointed out that Agenda Items IIA and C had been addressed and he asked Ms. Putney to proceed with Item IIB.

Ms. Putney announced that Agenda Item IIB referred to a review of the entire building code fee schedule, which she said would be tabled for discussion at a future Committee meeting.

Moving on to Agenda Item IIIA, Monthly Activity Report, Ms. Putney apprised that as of the end of July, revenues were down by approximately 14% with a decrease of 5% in permit issuances compared to the same period in 2009. She added that information received through August 20th reflected a 13% decrease in revenues and a 6% decrease in permit issuances. Ms. Putney stated they anticipated a shortfall in revenues for 2010 and noted that although a total of \$112,000 in revenues had been included in the 2010 Budget, only \$97,500 would be achieved by the close of the year if they continued at the current rate. In order to recover the difference, she said they would need to obtain an average of approximately \$2,650 per week for the remainder of 2010. Ms. Putney said that there were a few large projects upcoming which would require permitting, as well as school inspections which might increase revenues slightly but noted they had no control over the state of the economy or the rate at which building permits were being sought.

Ms. Putney advised Agenda Item IIIB referred to the Budget Performance Report, a copy of which was included in the agenda. She noted that the Report reflected the revenue deficit they were attempting to recover.

Concluding the agenda review, Ms. Putney addressed Agenda Item IIIC, Discussion, which included two items, the first of which referred to discussions held at a recent budget session subsequent to which she was directed to include a part-time position that would be used to provide fire safety and building plan review in order to keep the office up to date. She advised this position would be in place for six months of the year, during the months of May through September when the Department was busiest, and would incur salary costs of \$18,000 annually. Ms. Putney apprised the position had been conceptually approved during the budget session, provided that offsetting revenues could be generated to cover the salary costs. In order to do this, she said they would need to review and increase the permit fee schedule and she intended to contact local Towns and municipalities to review the fees being charged by each. Ms. Putney reminded the Committee they had approved an increase in the fee for fire safety inspections from \$25 to \$75, based on information received from the State which indicated they charged up to \$500 for fire inspections performed by State officials. She suggested that they consider the imposition of a sliding scale for fire inspections with fees based on the amount of time spent on each inspection as another means to increase Departmental revenue.

Mr. VanNess stated his opinion that it seemed only fair to charge more for fire inspections on larger buildings which required more review time than for smaller buildings that could be completed relatively quickly. Mr. Strainer questioned the fee charged by the Town of Queensbury for fire safety inspections and Ms. Putney advised that the Town did not charge a fee for this service. Chairman Monroe opined that because the fire safety inspections for businesses were intended for the safety of the public at large, this might be an expense that the public should share, rather than the business. He further noted that venues and facilities that required additional police protection were not charged additional fees, so it did not seem fair to charge extra for fire inspection services either. Chairman Monroe advised they should avoid applying increased fees for struggling businesses which might cause them to close.

Ms. Putney apprised the second item for discussion pertained to the employee filling the Secretary to the Code Enforcement Officer position who would be out of the office on sick leave for four to six weeks. She said that while this person was out she was required to fulfill the duties associated with the position, which meant that the work required of her own position was not being completed. Ms. Putney advised that in discussions held outside of Committee the suggestion had been made to share a staff person with the Planning & Community Development Department to cover the duties of the Secretary position during the sick leave period. She stated her feeling that this would not be an appropriate solution as the Secretary was responsible for taking phone calls and answering standard questions on building code regulations, as well as review of each application with the applicant to ensure proper completion, without inspector assistance, and this work could not be done by someone without a certain level of building code education and experience.

Mr. VanNess noted he had been involved in these discussions and agreed that although the person proposed from the Planning & Community Development Department might be able to handle the secretarial duties associated with the position, they would not have the knowledge of code enforcement regulations that was needed. He said they had discussed possibly hiring a former Building Code Inspector to fill in during the current employee's sick leave. Ms. Putney interjected that they would be required to pay a temporary salary similar to the current Building Code Inspector staff which would be approximately \$2,200, which she had available within her existing budget and could be transferred to cover the costs.

Subsequent to a brief discussion on the matter, it was the consensus of the Committee that Ms. Putney should proceed in seeking out a person qualified to fill in for the Secretary to the Code Enforcement Officer position during the length of the current employees sick leave.

Motion was made by Mr. McDevitt, seconded by Mr. Bentley and carried unanimously to approve the request for a transfer of funds in the amount of \$400 from Code A.3620 140, Salaries - Sick Leave Incentive, and \$1,900 from Code A.3620 442, Auto - Gas & Oil, to Code A.3620 130, Salaries - Part-time, and refer same to the Finance Committee. *A copy of the Request for Transfer of Funds form is on file with the minutes.*

Mr. VanNess apprised that although he did not have any specific information to provide, he wanted the Committee to be aware that an informal complaint had been made against the Fire Prevention and Building Code Enforcement Office indicating that the slow procedures within the Office were delaying construction. He advised it had been over a month since the complaint was made and that no further complaints or information on the matter had been received.

As there was no further business to come before the Committee, on motion made by Mr. Bentley and seconded by Mr. Conover, Mr. VanNess adjourned the meeting at 11:24 a.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist