

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC SAFETY

DATE: FEBRUARY 22, 2010

COMMITTEE MEMBERS PRESENT:

SUPERVISORS VANNESS
BENTLEY
GIRARD
CONOVER
MONROE

OTHERS PRESENT:

BUD YORK, SHERIFF
BRIAN LAFLURE, DIRECTOR, OFFICE OF EMERGENCY SERVICES
AMY MANNEY, DEPUTY DIRECTOR, OFFICE OF EMERGENCY SERVICES
KAREN PUTNEY, ADMINISTRATOR, FIRE PREVENTION & BUILDING CODE ENFORCEMENT
PAUL DUSEK, COUNTY ATTORNEY/ADMINISTRATOR
NICOLE LIVINGSTON, DEPUTY CLERK OF THE BOARD
SUPERVISORS TAYLOR
STRAINER
JON ALEXANDER, *THE POST STAR*
JOANNE COLLINS, LEGISLATIVE OFFICE SPECIALIST

COMMITTEE MEMBERS ABSENT:

SUPERVISORS THOMAS
MCCOY

Mr. VanNess called the meeting of the Public Safety Committee to order at 10:02 a.m.

Motion was made by Mr. Conover, seconded by Mr. Girard and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Brian LaFlure, Director of the Office of Emergency Services (OES), who presented a request to expend Local Emergency Management Performance Grant (LEMPG) funds to provide refreshments for the Local Emergency Responder Preparedness (LERP) training session. Amy Manney, Deputy Director for the OES, explained that the request was for approval to purchase refreshments for both the Local Emergency Planning Committee (LEPC) and LERP meetings held on a quarterly basis. The grant, she said, clearly stated that funds were approved for such expenses.

Motion was made by Mr. Girard, seconded by Mr. Monroe and carried unanimously to approve the request to use LEMPG funds as outlined above.

Mr. LaFlure presented a request for Mrs. Manney to attend the New York State Office of Emergency Management (NYS OEM) trainer workshop in Syracuse, NY, from March 28 - 30, 2011. He noted all expenses except meals were paid by the State.

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

The final action item presented by Mr. LaFlure was a request to ratify the actions of the Chairman in executing the Local Emergency Management Performance Grant (LEMPG) application, for the period commencing October 1, 2009 and terminating September 30, 2010, in the amount of \$28,749, which was required to be submitted on or before March 4, 2011. Motion was made by Mr. Conover, seconded by Mr. Girard and carried unanimously to approve

the request to ratify the actions of the Chairman regarding submission of the LEMPG application as outlined, and the necessary resolution was authorized for the March 18, 2011 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Summarizing pending items, Mr. LaFlure stated that due to the hectic pace of the Department, the meetings relative to Personnel and Office restructuring had not yet been scheduled. Mr. VanNess urged that a meeting be held in the near future and Paul Dusek, County Attorney/Administrator, agreed and apprised it should be possible within approximately two weeks. Mr. LaFlure pointed out that administrative studies had been completed by former OES Director Marv Lemery in 1976 relative to the creation of an OES/Public Safety group.

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

Sheriff York presented a request for three Patrol Officers to attend Ice Diver Specialist training to be held in Glens Falls, from March 11 - 13, 2011, and noted expenses were included in a grant award.

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

The second request, Sheriff York stated, was for three Patrol Officers to attend the Child Passenger Safety (CPS) Training in Lake Placid, NY, from May 11 - 13, 2011.

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

Sheriff York presented a request to renew the Memorandum of Understanding (MOU) with the Glens Falls Hospital, for psychiatric evaluations and services for mentally ill inmates at the Correctional Facility.

Motion was made by Mr. Girard, seconded by Mr. Bentley and carried unanimously to approve the request to renew the MOU as outlined above and the necessary resolution was authorized for the March 18th Board meeting. *A copy of the resolution request form is on file with the minutes.*

Sheriff York addressed the need to issue credit to a lateral transfer Patrol Officer based on the length of service and years of experience. Mr. Dusek stated that such action would require an amendment to the Collective Bargaining Agreement between the County and Union and therefore, he said, an executive session should be declared to further discuss the matter.

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

Executive session was declared from 10:15 a.m. to 11:02 a.m.

Upon reconvening Mr. VanNess announced that no action was necessary pursuant to the executive session, which concluded the Sheriff's portion of the Public Safety Committee meeting.

Privilege of the floor was extended to Karen Putney, Administrator, Fire Prevention & Building Code Enforcement, who addressed pending items. She stated that fee schedule changes would be reconsidered following the close of the first quarter of 2011. She summarized the estimated cost per Town for inspections and noted that 2010 revenues from inspections totaled \$121,809 which exceeded the estimated amount budgeted. Regarding the Budget Performance Report, Mrs. Putney informed that she had estimated an unexpended revenue of \$5,000; however, she said, the final result was slightly lower. She further noted that the figures were estimated and the overall Departmental costs to complete the work was inexpensive and could not be matched by another method. Mr. VanNess recognized Mrs. Putney's Department for their expertise and credentials. He noted the report indicated the Department was operating in the best possible manner utilizing all available resources. Furthermore, he said, the backlog work had been processed. Mr. Conover expressed his agreement for the consistent effort shown by the Department which was evidenced in the reports.

Addressing the 2010 New York State Code Enforcement and Administration report, Mrs. Putney advised Warren County reported low figures for fire safety property maintenance inspections which had been addressed. She referenced the prior inspection report which reflected the number of permits issued by year for each Town within the County's jurisdiction, and noted there were 974 construction permits issued in 2010 compared to 1,000 in 2009. She added that the Department had exceeded the projected revenues for 2010.

Pertaining to the Monthly Activity Report, Mrs. Putney reviewed the figures for November and December 2010 and January 2011. She explained that a December gasoline bill in the amount of \$600 had not been posted and she remained vigilant regarding budgetary issues. Mrs. Putney stated her concern relative to the rising fuel costs in 2011 and said the budget reflected absolute necessities only. Mr. VanNess congratulated Mrs. Putney for her dedication and efforts to control the budget during a challenging fiscal year.

Mr. VanNess informed that a forum would be held to answer questions concerning the State Building Code changes. Mrs. Putney announced the forum would take place on Thursday, March 24, 2011 at 7:00 p.m. in the Board of Supervisors Room and notices would be sent to Supervisors, contractors, designers, and State personnel. She stated she would be present along with the County Administrator to review the 2010 Code changes, as well as to distribute the revised forms. The forum which would be open to the public, she said, would be an opportunity to listen to comments, answer questions and explain the codes which were required by law. Mr. VanNess expounded that the forum would allow attendees to offer constructive criticism for the greater good of the Department and County. He recommended that a representative from *The Post Star* be present for the forum and Mrs. Putney stated she would make the necessary contact.

Regarding the 2010 Fire Code changes, Mrs. Putney explained that it specifically addressed driveways and emergency vehicle access to single and two-family dwellings and townhouses. She summarized that if a home was built more than 300 feet from a public road or fire apparatus road, the driveway must meet specific criteria and homes built more than 500 feet

from same, would require a turnaround . She said her Office enforced this State requirement and therefore, it was not necessary for the Towns to do so. Mrs. Putney apprised that she planned to speak with zoning departments regarding the critical changes effecting construction requirements; otherwise unnecessary time and money could be expended for variances and appeals at the Town level. Mr. Conover noted the significance of the State Fire Code changes for subdivisions where planning took place far in advance of the issuance of building permits. He noted it could also have implications on existing lots which were purchased for future construction.

Regarding exceptions to the Code changes, Mrs. Putney stated that the Code would not apply in cases where local site plan approval for a subdivision was received prior to the date of the adoption of the Code. She asserted the need to request detailed data for the review of each case. Mr. Conover stated that the changes had established a standard relative to site development, as opposed to building construction which was formerly the case. Mr. Monroe opined that the changes were a matter for the Planning Board and the Environmental Protection Agency (EPA) and not Code Enforcement. Mrs. Putney affirmed that the code community in Albany had many concerns regarding the changes. Noting further exceptions, Mrs. Putney apprised that the Code would not apply to accessory storage buildings or dwellings without electrical service which were permitted by the Residential Code of NY State for owner occupied dwellings. She cited the example of hunting camps and pointed out that most camps had solid fuel burning devices which she felt, presented an equal or greater hazard. Mr. Girard noted that individuals could apply for a variance with NY State and Mrs. Putney concurred.

Mr. Conover questioned the driveway requirement in terms of width and clearance height and Mrs. Putney proceeded to read a section of the Code as follows: *Driveways shall be provided with an exit when an exit door required by the residential Code of NYS is located more than 300 feet from a fire apparatus road or public street; Exceptions: the measurement is permitted to be increased beyond 300 feet if driveways cannot be installed due to location of property, topography, waterways, non-negotiable grades or other similar conditions, and if the building is protected by an automatic sprinkler system; Dimensions: Driveways shall provide a minimum unobstructed width of 12 feet and a minimum unobstructed height of 13 feet 6 inches; Turnaround: When driveways are in excess of 500 feet in length and does not exit to another fire apparatus road or public street, a turnaround shall be provided suitable for use by fire apparatus.*

A discussion ensued.

Mr. Monroe pointed out that this was an unprecedented code change for the Fire Prevention & Building Code Enforcement Office which shifted the focus from the structure to the site. Mr. Conover suggested that Mr. Dusek review the Code. Mr. VanNess recommended that following the review, the matter be referred to the Legislative Committee. Mr. Monroe also pointed out the condition of overlapping jurisdictions which was exacerbated by the Code changes, and noted the EPA and the Towns were already involved in such matters. On Mrs. Putney's behalf, Mr. VanNess concluded that her Office must carry out the necessary work regarding the changes. Mrs. Putney noted this was one of many Code changes which were adopted by NY State effective December 28, 2010. Mr. Monroe asked if the Code changes were legislative or regulatory and Mr. Dusek stated that although the Code change was regulatory, he was not certain if it originated in the legislature. Mr. VanNess also suggested that Mrs. Putney forward

the changes to the Town Zoning Offices and she noted that prior to doing so, she would await a response to her requests for clarification from the State.

A discussion ensued and Mr. VanNess stated that the only alternative was to enlist civil engineers to conduct site design reviews and the cost would be incurred by the landowner. Mrs. Putney further noted that site plans must be approved and if the Town lacked a site plan, it would be referred to a Zoning Official. For a Town such as Stony Creek, she said, for which there was no Zoning Official, the analysis and fiscal responsibility would belong to the County.

As there was no further business to come before the Public Safety Committee, on motion made by Mr. Bentley and seconded by Mr. Monroe, Mr. VanNess adjourned the meeting at 11:33 a.m.

Respectfully Submitted,
Joanne Collins, Legislative Office Specialist