

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC SAFETY - SHERIFF & COMMUNICATIONS; OFFICE OF EMERGENCY SERVICES AND FIRE PREVENTION & BUILDING CODE ENFORCEMENT

DATE: JULY 25, 2011

COMMITTEE MEMBERS PRESENT:

SUPERVISORS VANNESS
BENTLEY
GIRARD
THOMAS
CONOVER
MCCOY
MONROE

OTHERS PRESENT:

BRIAN LAFLURE, DIRECTOR, OFFICE OF EMERGENCY SERVICES
AMY DREXEL, DEPUTY DIRECTOR, OFFICE OF EMERGENCY SERVICES
BUD YORK, WARREN COUNTY SHERIFF
MIKE GATES, CAPTAIN, CORRECTIONS DIVISION
KAREN PUTNEY, ADMINISTRATOR, FIRE PREVENTION & BUILDING CODE ENFORCEMENT
DANIEL G. STEC, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ATTORNEY/ADMINISTRATOR
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS CONOVER
KENNY
LOEB
STRAINER
TAYLOR
WOOD
JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS
DON LEHMAN, *THE POST STAR*
THOM RANDALL, *ADIRONDACK JOURNAL*
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

Mr. VanNess called the meeting of the Public Safety Committee to order at 9:30 a.m.

Motion was made by Mr. Conover, seconded by Mr. Thomas and carried unanimously to approve the minutes from the prior 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, who distributed copies of his agenda to the Committee members. *A copy of the agenda is also on file with the minutes.*

Commencing his review with the Old Business/Pending Items section, Mr. LaFlure reminded the Committee that during their last meeting they had discussed staffing levels within his Office and in continuance of these discussions, he asked the Committee to consider increasing the hours of the current Account Clerk position to make it full-time. Mr. LaFlure advised the current staffing levels were not sufficient to address the normal workload of his Office while seeking out grant opportunities and addressing the considerable amount of paperwork and review associated with the FEMA (Federal Emergency Management Agency) assistance being sought in connection with the significant storm damages incurred earlier in the year. He noted that although the employee currently filling the Account Clerk position was very efficient, it was impossible for her to complete all of the tasks associated with her position given the limited work hours allotted by her part-time status. Mr. LaFlure apprised that because the position had been budgeted but vacant for the first four months of 2011, there was funding available to increase the position to full-time status for the remainder of the year; however, he noted, the 2012 Budget would need to be increased commensurately to fund the full-time position and its associated fringe benefits. He noted the current Account Clerk also held another part-time job which she would be reluctant to leave without providing appropriate notice to her employer if the hours of her County position were increased. Mr. LaFlure said he respected and commended her loyalty to her other employer and hoped the Committee would act upon the request as quickly as possible to

allow her to provide the leave notice she desired.

Motion was made by Mr. Girard and seconded by Mr. Thomas to increase the part-time Account Clerk position to full-time status.

In response to a inquiry made by Mr. Monroe relative to the salary associated with the position, Mr. LaFlure explained a total of \$11,831 had been budgeted in 2011 for a part-time Account Clerk and advised the salary would increase to \$35,000 for a full-time position, including fringe benefits; he added that the 2012 salary for the full-time position would be \$36,000, which included the Union allotted salary increase.

Before making a decision on the matter, Mr. VanNess suggested that the issue be referred to the Labor Management Committee for their review, and if necessary, a special meeting of the Public Safety Committee could be held preceding the August 10th Personnel Committee meeting, wherein the Labor Management Committee's findings could be presented and reviewed. He added that based on the information provided, the Public Safety Committee could then determine whether the request should be approved and referred on to the Personnel Committee for their consideration.

Paul Dusek, County Attorney/Administrator, acknowledged that FEMA funding issues were certainly affecting the workload assumed by the Office of Emergency Services and noted that in other similar cases where workload and part-time position status had become an issue they had elected to increase the hours of a part-time position to make it full-time on a temporary basis, decreasing it once again when the workload lessened, and this might be an instance in which the same procedure could be implemented. In response, Mr. LaFlure reminded the Committee that his employee could not increase her hours on a temporary basis because she worked another part-time job which she would be unwilling to leave unless she were guaranteed full-time status on a permanent basis and was able to provide sufficient notice to her other employer. He added that for the time being, they would continue to cover the responsibilities of their Department in anticipation of future staffing changes.

As the Committee was in agreement with Mr. VanNess' suggestion, Messrs. Girard and Thomas withdrew their respective motion and second and the matter was referred to the Labor Management Committee for review.

Mr. Monroe noted that during their review, the Labor Management Committee should consider whether the full-time position was needed on a permanent basis or just for the remainder of the FEMA process, in which case it might be preferable to use a floater position that could be transferred amongst various County Departments as needed.

Moving on to the Topics for Discussion section of the agenda, Mr. LaFlure said the first item referred to an update on flooding reimbursement and he asked Amy Drexel, Deputy Director of the Office of Emergency Services, to speak on the matter. Ms. Drexel apprised they were seeking FEMA funding for damages caused by two storms, one that had occurred in April and the other over the Memorial Day weekend, as well as for individual damages for those that had either lost or had significant damage to their homes. She said the disaster declaration for the April storm had been received; however, she noted, it had not included the individual assistance sought, leading them to subsequently appeal the declaration. Ms. Drexel advised they had visited some of the areas with the highest levels of damage and found there were some homes not visited by FEMA representatives and those property owners were seeking visits; additionally, she noted, they had discovered one home that had initially been listed as significantly damaged and was now classified as destroyed. She said she hoped these new discoveries would work in the County's favor for the appeal process to include individual damage assistance and noted that FEMA representatives had re-visited several Warren County locations, as well as those in other northern Counties, during the prior week.

As for the Memorial Day weekend storm, Ms. Drexel advised they had done a preliminary assessment in Thurman

in June to provide a snapshot of the damages there, including major destruction to roads and culverts in the area, for FEMA review. She said that although FEMA representatives had initially determined this information to be sufficient, they had later decided that it was not and had wanted an overall picture of Warren County, causing them to spend additional man hours to gather further information for submission. Ms. Drexel explained that upon review, the FEMA representatives had not agreed with the initial damage estimates of approximately \$13 million, only offering about 10% of the total, leading them to subsequently file an appeal which they were awaiting a response on. She further explained that in discussing the matter with the New York State Emergency Management Office (NYSEMO) she had learned the State-wide damage totals were slightly less than the \$24.6 million threshold, but that the appeals would still be sent and an attempt made to combine the April and May storm damage totals. Ms. Drexel advised they typically received news on issues such as these on Friday evenings and would keep the Committee apprised of the situation.

On a related note, Ms. Drexel advised the April declaration included Hazard Mitigation projects and recommended that any communities seeking funding for qualifying projects submit their requests, as many Towns would refrain from doing so due to the more pressing need for storm repair funding.

Mr. VanNess commended Mr. LaFlure and Ms. Drexel for the tremendous amount of work they had done, and continued to do, in connection with the April and May storm damages, adding that he and the rest of the Committee were sincerely appreciative of the efforts put forth by the Office of Emergency Services. Mr. LaFlure apprised that Jeffery Tennyson, Superintendent of Public Works, as well as members of the DPW Engineering staff had accompanied various FEMA inspection teams, helping to correctly assess damage values. He said that he greatly appreciated the assistance provided by Mr. Tennyson and his staff as without their expert opinions, FEMA representatives tended to assess lower than accurate damage values which led to lesser funding levels.

Concluding the agenda review, Mr. LaFlure mentioned his Office had been contacted by the new Railroad Operator, Iowa Pacific, who he anticipated was going to be a very good group to work with and were incorporating an aggressive safety engineering staff to ensure all necessary procedures were being implemented for safe operation of the train. He said that in connection with Iowa Pacific they had already held one course on railroad safety for first responders which had been attended by over 50 individuals; a hands on version of the course would be held at a railroad station, Mr. LaFlure added, where a locomotive would be present to teach EMS (Emergency Medical Services) personnel how to get stretchers and back boards in and out of the train, as well as to provide knowledge of the tracks themselves and how to operate around them in the event of an emergency. Mr. LaFlure noted that at full capacity, a train held 440 people and it was imperative that EMS staff were trained to respond to events such as a breakdown between stations during inclement winter weather when the temperature was not conducive to outdoor exposure. Additionally, he advised, he was assisting Iowa Pacific through the Sheriff's Office to implement their communications system. Mr. LaFlure apprised that typical training, fire fighting and marine unit operations continued, all working very well together and attracting new membership, which he was very pleased with.

As there was no further Office of Emergency Services business to discuss, privilege of the floor was extended to Bud York, Warren County Sheriff, who distributed copies of his agenda to the Committee members. *A copy of the Sheriff's agenda is also on file with the minutes.*

Sheriff York began by addressing Items 1 and 2 under the Action Agenda heading which consisted of requests to fill the vacant position of Correction Officer #31, base salary of \$33,534, due to resignation, and Correction Officer #28, base salary \$33,534, due to termination.

Motion was made by Mr. Girard, seconded by Mr. Bentley and carried unanimously to approve both requests to fill vacant positions and refer same to the Personnel Committee. *Copies of both Notice of Intent to Fill Vacant Position*

forms are on file with the minutes.

Agenda Item 3, Sheriff York announced, consisted of a travel request to authorize Patrol Officers James A. Fidd and Richard M. Swan to attend Glock Armorer's School in Albany, NY on October 4th.

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

Sheriff York apprised Agenda Item 4 included a second travel request, this one for Investigator Kevin Conine to attend Executive Training through the New York State Chiefs of Police in Lake Placid, NY on July 18th - 21st.

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

Agenda Item 5, Sheriff York explained, included a request for a transfer of funds in the amount of \$40,000 to cover overtime costs in the Corrections Division.

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

Moving on to the Topics for Discussion section of the agenda, Sheriff York apprised of areas of concern within his existing Budget, consisting of fuel and overtime expenditures, as well as anticipated revenue figures in the Corrections Division. He said \$200,000 had been budgeted for fuel expenditures in 2011, \$103,000 of which had already been spent through the month of May; he added that if this expenditure rate continued, the budget would be exceeded by approximately \$47,000. Additionally, Sheriff York noted that the overtime budget for the Corrections Division had already been exceeded by \$35,000, due primarily to the number of vacant positions and employees out with non-work related injuries, and advised the vacant positions were in the process of being filled which he hoped would lessen the overtime costs. Relative to the amount of revenues projected for the Corrections Division in 2011, Sheriff York stated he anticipated a \$100,000 shortfall as they were unable to procure out-of-County prisoners because the Jail was currently filled with Warren County incarcerates. As a possible means of alternate revenue generation, Sheriff York said he had asked Mike Gates, Captain of the Corrections Division, to revisit the possibility of housing Federal inmates at the Warren County Jail, but noted they would be unable to do this until inmate levels were conducive.

Mr. VanNess commented that although this was not good news to receive, he was glad the Committee had been notified so that the issue could be considered and a solution hopefully determined before the end of the year. On a positive note, Sheriff York apprised \$650,000 in Federal asset seizure funding was being forwarded to the County and although it could not be used to supplant the budget, they could use some of the funds to purchase additional patrol vehicles, reducing the amount that would need to be included in future budgets.

Respective to the housing capacity at the Jail facility, Mr. Dusek questioned whether the inability to house out-of-County inmates was a temporary problem and Sheriff York replied in the negative, advising that he foresaw this to be a continuing trend due to the rise in the number of resident inmates. Additionally, he noted, many correctional institutions had chosen to build bigger jailing facilities to house their own inmates, rather than board them out in order to save money. He added that Dutchess County had been one of the biggest revenue contributors to Warren

County for inmate housing, but had found alternate housing facilities with Rensselaer County which was much closer. Captain Gates interjected that in the last year Rensselaer County had gone from boarding 7 out-of-County inmates to 118 as of that morning and advised that another revenue stream to Warren County had also been lost when Schoharie County was mandated to start housing their own female inmates. He advised the number of inmates housed at the Warren County Jail continued to grow steadily and cited that on July 9th, 175 inmates were being housed in the 186-bed facility. Mr. VanNess said he found these statistics to be very interesting, as he recalled discussions held when the Jail was being built which indicated there would come a time when the facility would be filled to capacity with County inmates and this had now come to fruition.

Mr. Dusek noted Sheriff York's prior comment that the revenues received for 2011 were likely to be at least \$100,000 less than the budgeted amount and he questioned what revenue level should be included in the 2012 Budget. Sheriff York replied that although he felt it was an overestimate, \$725,000 in anticipated revenues had been included in the 2011 Budget; he added that if they desired to include a true revenue figure for the 2012 Budget, he would suggest a figure in the neighborhood of \$350,000 and Captain Gates added his opinion that would be a high estimate. Mr. Dusek agreed that accurate budgeting should be used and that attempt had been made in 2011. The important thing, he said, was to remember that the shortfall of revenues received had to be recovered to offset the budget whether it be through another program, surplus or by raising taxes.

Mr. Monroe questioned how inmates with weekend only sentences impacted the situation and Captain Gates advised they typically housed between one and five inmates of this type per weekend, but said the effects were minimal. Mr. Geraghty asked whether State inmates were being transferred from County holding more quickly than they had previously and Mr. Gates responded that they typically left within three to four days of being put into the system. Sheriff York apprised State parol violators caused an increase in cost to the Jail facility because although the State had the right to place violators in any jail they chose, they no longer provided any funding for their housing. He said this was a major issue the New York State Sheriff's Association had been discussing with State officials, but no resolution had been reached. Mr. VanNess said he felt the issue should be addressed through a letter to Senator Little and Assemblywoman Sayward to advise of the effects this process was having on the County Jail facility and Sheriff York stated that they were already aware of the problem. Mr. VanNess then questioned whether the change in sentencing regulations which allowed an inmate to remain in County Jail for up to a two-year sentence instead of one had caused any financial effects and Captain Gates responded in the negative.

There being no further Sheriff & Communications business to discuss, privilege of the floor was extended to Karen Putney, Administrator of Fire Prevention & Building Code Enforcement, who distributed copies of her agenda to the Committee members. *A copy of the agenda is also on file with the minutes.*

Ms. Putney began by reviewing the Monthly Activity Report for the month of June, noting that it represented a 17% increase in the number of permits issued and a 19% increase in revenues when compared to figures reported in June of 2010. She further advised that thus far in the month of July, there had been only an increase of 13% in the number of permits issued and a 15% revenue increase, which were slightly lower than the trends reported for the month of June. Although there did seem to be some decrease in activity, Ms. Putney said she felt the Department was doing well in maintaining sufficient revenues to offset expenditures, noting that when the Fire Safety figures were removed, they were still up 8% over budgeted revenues for the month.

Referring to the Budget Performance Report included in the agenda, Ms. Putney identified a negative balance in Salaries - Part Time, Code A.3620 130, noting this was due to the hiring of two new Fire Safety Inspectors. She said that although the two part-time positions had been established, no funding had been included in the Budget for

them; therefore, she added, it was necessary to amend the County Budget and transfer funds to offset these expenses, as reflected by the requests included in the agenda. Ms. Putney then proceeded to present a request to amend the 2011 County Budget in the amount of \$13,275, as well as a request for a transfer of funds in the amount of \$9,198 from the Contingent Account, Code A.1990 469, both to cover the salaries associated with the part-time positions.

Ms. Putney apprised one of the Fire Safety Inspectors had completed his certification and was performing inspections on a regular basis, while the other was still in training which she expected to be completed in mid-September. She reminded the Committee that through a shared services initiative with the Planning & Community Development Department, a third Fire Safety Inspector position had been established and that person was currently providing independent inspections, as well. Ms. Putney said she had been forced to cut back on her original estimate of the number of inspections that could be performed based on the fact that there was one inspector still being trained. She clarified that the transfer and budget amendment were necessary to cover the salaries of the two part-time positions established within her Department and that the funding for the shared services position was already included in the Budget.

Motion was made by Mr. Conover, seconded by Mr. Thomas and carried unanimously to approve the request to amend the 2011 County Budget in the amount of \$13,275 and refer same to the Finance Committee. *A copy of the request to Amend the County Budget is on file with the minutes.*

Motion was made by Mr. Conover, seconded by Mr. Girard and carried unanimously to approve the request for a transfer of funds in the amount of \$9,918 and refer same to the Finance Committee. *A copy of the Request for Transfer of Funds is on file with the minutes.*

Ms. Putney announced the final agenda item pertained to the need for clarification regarding the fire safety inspection fees charged by her Department. She explained the Fire Safety Inspectors had questioned how to charge properties, buildings and businesses with multiple uses as some could incur extensive fees based on the per use charge practice being used; Ms. Putney noted that all County and Town buildings were exempt from these permitting fees. She said that thus far, they had only received one formal complaint with respect to the per use permit fee, a copy of which was included in the agenda packet and is on file with the minutes.

Ms. Putney proceeded to list a number of facilities with multiple uses which would incur considerable fee totals if the per use fee were continued. She said she had discussed the issue with Mr. Dusek and determined a possible solution might be to institute a cap for inspection fees, perhaps at \$750 which would be equal to 10 different use inspections, or possibly at \$500, which would be equal to six to seven use inspections. She advised that a fair and reasonable solution needed to be determined to address the issue.

Mr. Dusek explained the code and the \$75 fee structure had been developed many years ago and in reviewing it he sensed it had been written based on a single building/single use inspection provision which had not accounted for the possibility of multiple use facilities. He added that the code was established by Local Law and was silent as to how multiple use facilities should be charged, but noted the Committee had the option of altering its language to more appropriately address these matters.

Mr. VanNess questioned the amount of time it would take one Inspector to provide all of the fire inspections necessary for a large multiple-use facility and Ms. Putney replied with an estimate of approximately 80 hours for the actual inspections and the following paperwork which included code references and any violation write-ups. Mr. Monroe then asked how this inspection estimate compared to providing several inspections for single-use facilities,

noting there must be some efficiency presented by the ability to provide a number of inspections at one facility rather than traveling to a number of single-use facilities. Ms. Putney said it was difficult to judge how long an inspection might take for any given facility but estimated a three hour inspection time for a large restaurant, as opposed to two hours for a smaller one.

Mr. Geraghty asked how other communities handled the fire inspection fee structure and Ms. Putney responded that most did not impose a charge for these inspections, adding that although the State had temporarily instituted a \$500 per inspection fee, they were no longer charging for inspections either. Mr. Monroe opined that the inspections should be considered a public safety measure and, as such, be a cost shared by all taxpayers, similar to the way in which the Sheriff and Fire Departments were funded, not necessarily recouping all of the costs incurred. He added that he did not feel huge fees that overburdened businesses were appropriate. Mr. Girard said he would be in favor of instituting a maximum fee figure so long as it was fair to all businesses and noted that they should also consider the fact that these businesses contributed to occupancy and sales tax. Mr. VanNess stated that although the Fire Inspector positions had been established with the provision that they would be neutral to the County Budget, he agreed with Mr. Monroe's opinion that they were necessary to public safety and might not ever fund themselves; however, he said, he also agreed with Mr. Girard in that there should be some charge to recover some of the expense without putting it all on the taxpayer. Mr. Loeb interjected his opinion that instituting a cap for the multi-use facilities was unfair to the single-use facilities as the smaller business owner would be essentially subsidizing the inspection costs attributed to the larger business owner, who likely generated more income.

Following further discussion on the matter, it was the consensus of the Committee that the matter should be tabled for further consideration at a future meeting, pending review by Mr. Dusek.

Ms. Putney questioned whether her Inspectors should continue to provide fire safety inspections for the smaller, single use facilities which fit the current code and Mr. VanNess replied affirmatively, noting that he had heard a number of compliments on one of the Inspectors, Tom McKinney, who not only provided inspections, but also educated the business owners on how things should be done to promote fire safety. Ms. Putney added that her Inspection staff was very enthusiastic about their positions and had adopted the attitude that they were partners with the business owners, rather than being an adversary.

Mr. VanNess noted that a brief executive session was necessary which Mr. Dusek described as to discuss the employment and medical history of a particular employee, as well as matters leading to the possible appointment of a particular person.

Motion was made by Mr. Conover, seconded by Mr. Bentley and carried unanimously to enter into executive session pursuant to Section 105(f) of the Public Officers Law.

Executive session was held from 10:30 a.m. to 10:40 a.m.

Upon reconvening, Mr. VanNess announced that no action had been taken during the executive session.

On motion made by Mr. Conover and seconded by Mr. Bentley, Mr. VanNess adjourned the meeting at 10:41 a.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist