

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC SAFETY

DATE: SEPTEMBER 7, 2011

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BENTLEY
GIRARD
THOMAS
CONOVER
MCCOY
MONROE

OTHERS PRESENT:

KAREN PUTNEY, FIRE PREVENTION & BUILDING CODE ENFORCEMENT
ADMINISTRATOR
DANIEL G. STEC, CHAIRMAN
PAUL DUSEK, COUNTY ATTORNEY/ADMINISTRATOR
JOAN SADY, CLERK
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISOR TAYLOR
SUPERVISOR STRAINER
SUPERVISOR WOOD
SUPERVISOR MCDEVITT
SUPERVISOR LOEB
THOM RANDALL, *ADIRONDACK JOURNAL*
JOANNE COLLINS, LEGISLATIVE OFFICE SPECIALIST

COMMITTEE MEMBER ABSENT:

SUPERVISORS VANNESS

In the absence of the Committee Chairman, Vice-Chairman Bentley called the meeting of the Public Safety Committee to order at 11:31 a.m.

Motion was made by Mr. McCoy, seconded by Mr. Thomas 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 Karen Putney, Fire Prevention & Building Code Enforcement Administrator, who advised that she would address the fee schedule as it related to fire safety inspections. She informed that she had discussed the matter with Paul Dusek, County Attorney/Administrator, who confirmed that her proposal to revise the fee schedule was fair and reasonable.

Mrs. Putney explained that the current fire safety inspection fee schedule was based on the number of structures on a property. She noted that fire safety code requirements had defined use classifications and she proposed that the fee schedule be based on the number of use classes for each property. Under the proposed system, she explained that a property with five tenants would require five fire inspection fees, one for each business or tenant. Mrs. Putney cited a property consisting of twenty-nine buildings and six different use classes and she explained that under her proposed schedule, the fee would be based on the number of use classes on the property versus the number of buildings as it was in the past; thereby assuring more fairness regarding fees for fire inspections.

Mrs. Putney pointed out that businesses which were required to collect occupancy tax fees represented only a small portion of the service area in which fire inspections were completed. Furthermore, she said, occupancy tax was paid by the tenants/occupants and qualified as a tax write-off for the business operators.

Further discussion ensued with regard to examples of properties with multiple uses and/or multiple buildings and their corresponding fees.

Motion was made by Mr. Girard and seconded by Mr. Monroe to amend Resolution No. 278 of 2009 to reflect clarification of the fees for fire safety inspections with regard to use classifications.

Mr. Monroe expressed concern that the proposal for charging by use class might cause problems for tenants. A discussion ensued.

Mr. Conover asked how annual revenue would be effected by the proposed change and Mrs. Putney reported that revenue for 2011 had already exceeded expectations. She said a fair procedure was necessary in order to complete the inspections, and calculation of total revenue would follow. She said she anticipated revenue from fees to equal the salaries for the three part-time Fire Safety Inspectors which was approximately \$50,000. Mrs. Putney stated the goal for each Inspector was to complete five paid inspections per 20-hour work week.

Mr. Monroe reiterated his concern regarding an increase in fees for businesses, and recommended the fees be added to the property tax levy. Mr. Conover noted that the proposed fee schedule would reduce overall costs to tenants. Mr. McDevitt opined that expenses not addressed in a lease should be paid by the landlord and Mrs. Putney pointed out that directing all bills to the property landlords was an option. Mr. Conover asked what action might ensue due to the failure to pay the fees and Mr. Dusek stated there was no mechanism in place at the present time. Mrs. Putney said that her office was responsible for code violations and would address the person in charge of running the business. Mr. Dusek noted the myriad of scenarios and responsibilities, and the varying nature of lease agreements made review of the process complex. He said although the issue may not be solved in its entirety, he expressed his support for Mrs. Putney's proposed change to the fee schedule. He noted that use classification required inspectors to focus on specific code sections. The proposed method, he opined, minimized the fee and supported ease of inspections by defining use classifications. He further stated that a shift in the tax base required uniformity among large and small properties. Mr. Dusek added that the method of use classification fees was fair, easy to explain, and placed the responsibility on the property owner.

A discussion ensued.

Regarding the fee schedule, Mr. Dusek noted another method of instituting fees would be to prorate a fee based on the amount of time and work involved in each inspection which could incorporate the number of buildings and/or uses. He further pointed out that not charging a fee was an option; however, he said, a direction must be determined at this time in order to move forward with the necessary inspections. Mr. Girard said that fire inspections were State mandated for the purpose of public safety, and must be carried out by trained personnel for the greater good of the taxpayers. He suggested that changes not be made to the fee schedule at this time, and the process be reviewed in six months.

Mr. Strainer expressed his agreement with Mr. Monroe as businesses should not be burdened further in the current economic climate. Mr. Monroe asked if the Committee felt that local businesses should bear all the cost for public safety measures, or if the burden should be shared with taxpayers.

Mr. Dusek explained that the fee issue was raised due to the need for an inspection on a property with twenty-nine buildings and six uses and Mrs. Putney sought direction from the Committee. Another issue, he said, was whether to charge the landlord or the tenants who were running the businesses. Mrs. Putney explained that many other types of businesses had multiple units and uses, such as, campgrounds, some resorts and motels. Chairman Stec asked when the \$75 fee per structure was implemented and Mrs. Putney stated that it was implemented in late 2007. Chairman Stec suggested that the fee be set at \$75 per structure or per use, whichever was less and Mr. Conover pointed out that the number of uses would not exceed the number of structures. Mr. Geraghty cautioned that the main focus must be public safety and he expressed his agreement with

Mrs. Putney's proposal to base fees on the number of use classifications. Mr. McDevitt stated he was in agreement with the proposal.

Following a discussion, the Committee agreed that fees would be billed to the tenants operating businesses within multiple unit properties.

Mr. Bentley called the question and the motion was carried unanimously to amend Resolution No. 278 of 2009 to update the fee schedule for fire safety inspections based on use classifications, and the necessary resolution was authorized for the September 16, 2011 Board meeting. *A copy of the resolution request form is on file with the minutes.*

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

Respectfully Submitted,

Joanne Collins, Legislative Office Specialist