

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: FIRE PREVENTION & CONTROL

DATE: FEBRUARY 28, 2007

Committee Members Present:

Supervisors	VanNess	Marvin Lemery, Administrator, Fire Prevention & Building Code Enforcement
	Belden	Karen Putney, Secretary/Code Enforcement Officer
	Haskell	William Thomas, Chairman
	Geraghty	Joan Parsons, Commissioner of Administrative and Fiscal Services
	Girard	Joan Sady, Clerk, Board of Supervisors
	Sokol	Paul Dusek, County Attorney
Committee Member Absent:		Hal Payne, Administrator, Westmount Health Facility/Countryside Adult Home
Supervisor	Bentley	William Lamy, Superintendent, DPW/Sewer Administrator
		Supervisor Stec
		Supervisor Tessier
		Katy Goodman, Secretary to the Clerk

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Mr. VanNess called the meeting of the Fire Prevention & Control Committee to order at 11:45 a.m.

Motion was made by Mr. Sokol, seconded by Mr. Belden and carried unanimously to approve the minutes of the previous meeting, subject to correction by the Clerk.

Privilege of the floor was extended to Mr. Lemery, who distributed copies of his Agenda packet for the meeting, a copy of which is on file with the minutes.

Mr. Lemery commenced with review of the Building Codes items (Agenda Item No. 1 A and B). He referred the Committee members to the Monthly Activity Reports for January and February, and noted they were self-explanatory.

Mr. Lemery stated the Budget Performance Reports for the Building & Fire Code Department, the Fire Prevention & Control Department, Homeland Security and EMS (Emergency Medical Services) were also attached to the agenda. He confirmed for Mr. VanNess that at this time in the year the Departments were right on line with their budgets and he did not see any unforeseen expenditures.

Mr. Lamy entered the meeting at 11:49 a.m.

Mr. Lemery reminded the Committee members that last month he had provided a report on the Department's monthly fuel expenditures. He apprised for the month of January the total fuel

costs were \$543 for the three vehicles. Mr. Lemery stated, in comparison, the reimbursement for the three building inspectors for their fuel costs for the month would have been close to \$1,900. Thus, Mr. Lemery concluded, the purchase of the vehicles was saving money. He apprised at this time the savings were about \$1,200 - \$1,400 per month. Brief discussion followed.

Next, Mr. Lemery spoke on the issue of changes to the Local Law (Local Law #4 of 1983 that established the Department) that had been recommended by the New York State Codes Division. He reminded the Committee members that the changes had been discussed at a previous Committee meeting and copies of them had been provided to the Committee members. Mr. Lemery advised they had forwarded the changes to the County Attorney's Office and he had discussed them with Trish Nenninger, Second Assistant County Attorney. However, he said, at this point they had not done anything with the changes and he felt they needed to discuss them more with the County Attorney's Office before he would bring them back to the Committee to consider.

Discussion ensued, and in response to Mr. VanNess' query if the State had a deadline for the changes to be made, Mr. Lemery replied he did not believe so. Karen Putney, Secretary/Code Enforcement Officer of the Department, confirmed that was correct. She noted the recommended changes concerned administrative aspects of the Department. Mr. Lemery confirmed for Mr. Belden that the County would not have to make the changes to the Local Law if it did not want to. He noted the County's Law included most of the recommendations. However, Mr. Lemery advised, he felt the County did need to add a change that would enable it to levy fines and set the amount of the fines in cases of non-compliance with the Building Codes. He commented that eventually there would be a situation when the County would need to have that ability. Mr. Lemery stated they would continue to work on the changes with the County Attorney's Office.

Mr. Lemery proceeded with review of the Fire Prevention & Control agenda items (No. II A - D). First, he discussed the promotion of Deputy Fire Coordinators. Mr. Lemery recommended that Charles Wallace, Chief of the Thurman Volunteer Fire Department, be appointed to the position of Third Deputy Fire Coordinator. He provided details on Mr. Wallace's background in the fire service for the information of the Committee members. He concurred with Mr. VanNess that there was a vacant Coordinator position due to the retirement of Robert Moon.

Mr. Lemery provided details on the decision process for appointing the Deputy Fire Coordinator positions for the information of the Committee members. Mr. Lemery advised that the current Deputy Coordinators and the County Fire Advisory Board also supported Mr. Wallace's appointment. He requested approval of the necessary resolution to appoint Mr. Wallace to the position of Third Deputy Fire Coordinator.

Mr. Stec entered the meeting at 11:51 a.m.; and Mr. Dusek entered the meeting at 11:52 a.m.

Motion was made by Mr. Haskell and seconded by Mr. Belden to approve the aforementioned request, as presented, and to authorize the necessary resolution for the next board meeting. A

copy of a resolution request form is on file with the minutes.

Discussion ensued on what the procedure should be to handle the appointment resolutions. Joan Parsons, Commissioner of Administrative and Fiscal Services, and Joan Sady, Clerk, Board of Supervisors, confirmed that the Personnel Committee had already approved that the vacant First Deputy Fire Coordinator position could be filled. Mrs. Parsons suggested that Mr. Lemery restate the appointments in the order they would be made for the resolution. Mr. Lemery stated the recommendations were to appoint Brian LaFlure, current Third Deputy Fire Coordinator, to the position of First Deputy Fire Coordinator, and Charles Wallace, to the position of Third Deputy Fire Coordinator and to leave Theodore Little, the current Second Deputy Fire Coordinator, and James Schrammel, the current Fourth Deputy Fire Coordinator and Director of HAZMAT/WMD Program. *(Please note there will be no changes to the Second Deputy Fire Coordinator and Fourth Deputy Fire Coordinator/Director of HAZMAT/WMD Program appointments.)*

Motion was made by Mr. Belden, seconded by Mr. Geraghty and carried unanimously to approve the appointment of Brian LaFlure, current Third Deputy Fire Coordinator, to the position of First Deputy Fire Coordinator to replace Robert Moon, retired, for the term of pleasure. The necessary resolution was authorized for the next board meeting. A copy of the resolution request form is on file with the minutes.

Mr. Lemery spoke next on Agenda Item No. II D, relative to grant money for natural disaster and preparedness. He reported he had been advised by the County Civil Defense Office that the grant funds had been transferred to that Department's budget. Mr. Lemery apprised that meant they could start to expend the funds which would be used to renovate space for new offices for the Fire Coordinator and an emergency operations center wherever it was decided to locate the offices. He stated at some point he would be bringing a proposal to the Committee for the renovations.

Mr. VanNess stated at a Committee meeting yesterday, William Lamy, Superintendent of the DPW/Sewer Administrator, had advised that some research needed to be done concerning Radon in the space where the Civil Defense Office had been located at one time (in the basement of the Municipal Center). Privilege of the floor was extended to Mr. Lamy, and he concurred there were high Radon levels in that area. He advised that William Remington, Deputy DPW Superintendent, was going to obtain a proposal from the Rist Frost engineering firm for the identification of the sites that could be rededicated the most effectively. Mr. Lamy noted if the Radon situation was what they thought it was, it might be possible to do the remediation work in-house. He stated they would evaluate that based on Rist Frost's Report. However, Mr. Lamy added, the proposal and the remediation work would take time.

Mr. Lemery stated he would suggest that some of the grant funds should be used to install chargers and to set up a gas fund for the six generators that were purchased last year. He apprised those items should only cost about \$500. Brief discussion followed.

Next, Mr. Lemery requested approval of a Request for Transfer of Funds in the 2007 Homeland Security budget code (A.3645) into the appropriate object code (A.3645 418) Insurance - General Liability) in the amount of \$730. He explained they had just received the bills for automobile liability and physical damage insurance and no funds had been appropriated in the .418 object code in the 2007 budget.

Motion was made by Mr. Haskell, seconded by Mr. Sokol and carried unanimously to approve the aforementioned request, as presented, and to refer it to the Finance Committee. A copy of the Request for Transfer of Funds is on file with the minutes. *(Note: Subsequent to the meeting, it was determined that Homeland Security Grant funds could not be used for this expense. The insurance - general liability premium of \$730.00 was paid instead from the Fire Prevention & Control budget.)*

Mr. Lemery spoke on Agenda Item No. II C, Discussion on Proposed Local Law No. 6 of 2007. He noted that Paul Dusek, County Attorney, was present today for this discussion. Mr. Lemery stated the purpose of the Local Law would be to establish the Office of Emergency Services for Warren County. He stated the matter had been discussed by this Committee, the DPW Committee, the Finance Committee and the Personnel Committee.

Mr. VanNess asked if it was correct that the Office of Emergency Services currently fell under the DPW Committee. It was clarified that because the Office did not exist at this time the Committee it would report to would have to be determined. Mr. Lemery advised at this point it needed to be determined whether the Office could be established and, if so, could it be established under the rules they would want it to be.

Continuing, Mr. Lemery reported he had obtained a couple of opinions from the Personnel Officer relative to Civil Service status of the proposal. He commented he felt the issue of his assumption of the duties and responsibilities of the Civil Defense Director position was being made much more difficult than they had ever intended it to be. Mr. Lemery stated he felt if by establishing the Department the ability to appoint whoever they wanted to would be lost because Civil Service rules would apply, then perhaps that was not the direction they wanted to go in. He noted he did not know if that was the case or not. However, Mr. Lemery advised, the most recent thing the Personnel Officer had told him was that if the duties of the Civil Defense Director position remained consistent, then to place the emergency services duties which were in Appendix E of Civil Service Law in the job title the job title would not be affected. He noted he hoped it could be done that way. Mr. Lemery stated he had discussed the matter with Trish Nenner, Second Assistant County Attorney, and he thought she had received the same information from the Personnel Officer, but he did not know. Privilege of the floor was extended to Mr. Dusek, and he stated he did not know if that was the case or not either.

Mr. Lemery advised that Mr. Dusek had prepared a draft of the aforementioned Local Law. He asked for Mr. Dusek's input on the Local Law. Copies of the draft Local Law had been distributed to the Committee members, and a copy of same is on file with the minutes. Mr. Dusek stated

what he had understood was that the Committee members and some others had wanted to create a separate Department of Emergency Services. He explained the Local Law was drafted because any new Department had to be established by a Local Law. Mr. Dusek advised the creation of a new Department would have certain ramifications such as the need for a Department head. He stated the head of the Emergency Services Office title would be that of Director. Mr. Dusek explained there would have to be a job description which would have to go through the Civil Service system and Civil Service would have to designate whether the position would be competitive, non-competitive, or exempt. He noted since most director positions should be exempt or non-competitive so that should not interfere with what the County wanted to do. Although, Mr. Dusek noted, the job description for the individual would have to be developed. He advised the Local Law would start that process as well.

Mr. Dusek continued, and he advised that the draft Local Law did establish the position. However, he said, he would like some clarification on various aspects of the proposed Director's position that he was unclear about, and that he wanted to discuss with the Committee members. Mr. Dusek stated he understood the desire was to merge the positions of Fire Coordinator and Emergency Medical Services Coordinator into the new Office. Then, he said, he understood the plan was to have the Director of the Office perform the duties of the former Civil Defense Director and to also have the ability to perform the duties of County Fire Coordinator. Mr. Dusek concluded that would mean that one person could hold both of the positions; and Mr. Lemery confirmed that was correct.

Mr. Dusek referred the Committee members to the Draft Local Law, and he pointed out that under Section 7 (Pages 2 and 3) each one of the positions had been created separately. In addition, he advised under the Draft Law the Director or Deputy Director could also assume those titles. Mr. Dusek stated because that was the gray area to him, he would ask if the concept was to one day make the Fire Coordinator and the Director of the Office of Emergency Services positions separate. Mr. Lemery and Mr. VanNess replied they did not believe that was correct. Mr. VanNess explained he thought the intent was to separate the Fire Coordinator position from the head of the Fire Prevention and Building Code Enforcement Department.

Mr. Tessier entered the meeting at 12:10 p.m.

Considerable discussion ensued and it was clarified that the proposal was to establish an Office of Emergency Services not an Office of Emergency Medical Services (EMS). Mr. Lemery explained his concept of the Office of Emergency Services was that it should include Natural Disaster and Civil Defense, Homeland Security, the Fire Coordinator position and the EMS Coordinator position both of which already existed. He stated the Director of the Office for now would also be the Fire Coordinator. Mr. Lemery confirmed the Office would also include the four Deputy Fire Coordinators, the EMS Coordinator and the three Deputy EMS Coordinators that now existed under the Fire Coordinator's Department. He concurred with Mr. Dusek that the positions of Civil Defense Director and Fire Coordinator would be merged into one position. Mr. Dusek stated the draft Local Law would have to be rewritten to accurately reflect the aforementioned

proposal.

Mr. Belden asked if the new Office was under the DPW would it still have to be approved by Civil Service. Mr. Dusek replied that was the case for any new position no matter what Department it was in. He stated he thought he would have to check with the Personnel Officer on whether or not the Director position would be exempt from Civil Service. Mr. Dusek queried if the sense was that if the proposal was going to get bogged down in a lot of red tape they might not be able to take that approach.

Mr. Lemery concurred. He stated if that was going to be the case, he would suggest that the existing Fire Coordinator position just be given the duties of the retired Civil Defense Director. Mr. Lamy advised he had already signed the paperwork for that transition to occur on March 1st. Mr. VanNess noted that was done temporarily until the status of the proposed changes had been resolved permanently. He concurred if there was a problem with Civil Service, the Committee would recommend that the Fire Coordinator's Office would assume the Civil Defense duties.

Mr. Lemery explained in that case they would continue in the way they do now and the Fire Coordinator position, the EMS positions and the Homeland Security duties would be taken out of the Building Codes Enforcement Department. Mr. Dusek asked where those positions would be placed. Mr. Lemery responded there was an Office of Fire Prevention & Control in place now with a budget code which EMS and Homeland Security also had. Mr. Dusek noted those were just budget codes. Mr. Lemery stated they were all currently responsible to the Fire Coordinator and that position was authorized under County Law. He confirmed for Mr. Dusek that the suggestion was to maintain the current Fire Coordinator position as it was now and to assign the Civil Defense duties to it and then to separate it from the Building Code Enforcement Department. Mr. VanNess stated then when Mr. Lemery retired (as Administrator of the Fire Prevention & Building Code Enforcement Department) the committee would recommend that he be the Fire Coordinator and the Office would include Civil Defense, EMS and Homeland Security.

Mr. Dusek advised the issue was if the Fire Coordinator position was taken out of the Building Codes Department it would have to be a stand-alone department. Then, he said, the question would be if the Statutory Law was sufficient or would a Local Law need to be done. Mr. Dusek commented if a Local Law was required then they were back to the same problem. He concurred with Mr. Lemery that a Local Law would be needed to create the Department of Fire Prevention & Control. Mr. Lemery explained under County Law the position of Fire Coordinator had always been an appointed position. Mr. Lamy noted he thought Mr. Dusek was saying the position of Director of the Office of Emergency Services still might be an appointed one. Mr. Dusek agreed that should be the case. However, he stated, there could still be an issue with Civil Service.

Mr. Dusek concluded it appeared the preference was to have a Civil Defense/Emergency Services Office and a Director if they were not under Civil Service. He asked if that would not be possible was the Fire Coordinator approach the alternate preference. Mr. VanNess confirmed that was correct. Mr. Dusek stated he would have something ready for the March 16th Board of

Supervisors meeting, but he would not guarantee what it would be. Mr. Lemery advised he would not be present for the board meeting.

Mr. Dusek asked if the Committee members' approved that he should explore either of the aforementioned approaches to the issue. It was the consensus of the Committee members that he should move forward in that direction.

Discussion ensued on a deadline for a decision on the issue. Mr. Lemery stated his retirement date was June 29<sup>th</sup> and he would want to come back to the new position on July 1<sup>st</sup>. Mr. Dusek concluded then he would bring his findings back to the Committee instead of to the next board meeting since the situation was not an emergency. Mr. Lamy reiterated that effective tomorrow Mr. Lemery was responsible for the Civil Defense duties. However, he stated, there was an emergency in that there were employees who were in limbo because they were caught halfway between Warrensburg and the County Center and halfway between the Code Enforcement Department and the Fire Coordinator's Office. Thus, Mr. Lamy commented the sooner the situation was resolved the better off the County would be. Mr. Dusek responded it was not an emergency because there were coverage and titles in place; and Mr. Lamy concurred.

Relative to the Local Law process, Mr. Dusek explained two board meetings would be needed to first introduce the Law and then to enact it. He stated he did not think he could have anything ready for the March board meeting because he did not know how long the Civil Service part would take. Mr. Dusek advised from a legal perspective, he did not see that this was an emergency. It was decided that Mr. Dusek would bring a draft Local Law to the regular Committee meeting at the end of March. Mr. VanNess agreed that would work out. Although, he said, Mr. Lemery would not be available then, Mrs. Putney would be if there were any questions. The Committee members concurred with the plan.

There being no further business to come before the committee, on motion by Mr. Belden and seconded by Mr. Haskell, Mr. VanNess adjourned the meeting at 12:21 p.m.

Respectfully submitted,

Katy Goodman, Secretary to the Clerk