

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: FIRE PREVENTION & CONTROL

DATE: MAY 24, 2007

Committee Members Present:

Supervisors VanNess
Bentley
Belden
Haskell
Geraghty
Girard
Sokol

Others Present:

Marvin Lemery, Administrator, Fire Prevention &
Building Code Enforcement
Karen Putney, Secretary/Code Enforcement Officer
Joan Sady, Clerk, Board of Supervisors
Paul Dusek, County Attorney
William Lamy, DPW Superintendent
JoAnn McKinstry, Deputy Commissioner of Adminis-
trative & Fiscal Services
Supervisor Gabriels
Supervisor Stec
Katy Goodman, Secretary to the Clerk

Mr. VanNess, Chairman of the Fire Prevention & Control Committee, advised that Mr. Bentley, Committee Vice-chairman, would chair the meeting because he had to leave the meeting early.

Mr. Bentley, Committee Vice-chairman, called the Fire Prevention & Control Committee meeting to order at 10:18 a.m.

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

Privilege of the floor was extended to Marvin Lemery, Administrator, Fire Prevention & Building Code Enforcement, who distributed copies of his Agenda packet to the Committee members. A copy of the packet is on file with the minutes.

Mr. Lemery pointed out the Agenda packet included copies of the Fire Prevention & Building Code Enforcement Department's Monthly Activity Reports for March and April (Agenda Item No. 1 A), the Budget Performance Reports for the four departments he oversees, resolution request forms for items that would be presented under the Fire Prevention & Control portion of the meeting (Agenda Item No. II B and C), a draft of a Local Law that would be reviewed (Agenda Item No. I C) and a Transfer of Funds request (Agenda Item No. II G).

Mr. Lemery noted the Activity Reports were self-explanatory. However, he advised, that additional statistics showed the number of permits that had been issued to-date were a behind where they were at this time last year. Mr. Lemery stated he was certain that in view of how the activities looked for May and their projections for the rest of the year, the numbers would definitely be in line with those from last year. He noted perhaps the revenues would exceed those of last year which was a banner year.

Next, Mr. Lemery spoke on the Local Law changes (Local Law No. 4 of 1983). He explained the changes were recommended by the State Codes Division and they related to the Building Codes Department. Mr. Lemery advised he had made the changes to the Law and he had provided Paul Dusek, the County Attorney, with a draft copy of the Local Law that included the changes. He stated he believed they would have some recommendations for the Committee members to consider by the next Committee meeting.

Privilege of the floor was extended to Mr. Dusek, and he concurred that would be the case. Mr. Lemery stated most of the changes were administrative in nature and they were being done to clean up some of the language in the Local Law that the Department operated under right now.

Privilege of the floor was extended to Karen Putney, Secretary/Code Enforcement Officer of the Department, and she confirmed that was correct. She stated they had already implemented many of the recommended changes to their record keeping system. Ms. Putney explained another change was that they would also have to provide the State with a report of the Department's activities at the end of the year. She advised they had also already put in place what was needed for them to be able to provide the Reports.

Mr. Lemery stated there was a recurring issue relative to the Budget Performance Report for the Homeland Security Department (A.3645 budget code). He apprised that the funds shown in the .110 object code for Salaries - Regular needed to be transferred into the .130 object code for Salaries - Part Time in order to accurately reflect where the salary for the part-time WMD (Weapons of Mass Destruction)/HAZMAT (hazardous materials) Coordinator was paid from. Mr. Lemery noted he had advised the Committee members of the situation a couple of months ago and he was not sure why it had not been corrected yet by the Treasurer's Office. He stated there was a Transfer of Funds request in the Agenda packet to correct the situation that would come before the Committee later in the meeting.

Mr. Lemery apprised there were also some discrepancies of a few pennies between the Treasurer's Office figures and the Department's figures in the Budget Performance Reports for the Fire Prevention & Control budget and the Building & Fire Code budget. He stated Ms. Putney had discussed the situation with the Treasurer's Office. Ms. Putney explained according to the Treasurer's Office, the differences were caused by an error in the way the Treasurer's computer system rounded off the figures for the cents in the year-end close out of the County's accounts. She stated that other than those differences, their figures and the Treasurers' figures agreed.

Mr. Lemery spoke on the use of the vehicles for the Building Codes Department. He reported in the first four months of this year the savings in mileage reimbursement costs to the County exceeded \$5,300. He explained that took into account the cost of gas at the County's pumps and the maintenance costs on the Department's three vehicles.

Mr. Lemery stated there was another issue he wanted to mention to the Committee members, although it did not require any action today. He reminded the Committee members that he would

be retiring in the near future. Mr. Lemery stated at some point Ms. Putney and he would put together some numbers to bring back to the Committee concerning the need for another Inspector in the Building Codes Department. He pointed out one of the Department's Agenda items (No. II B) was the resignation of a Fire Safety Officer. Mr. Lemery stated the Inspector worked 8.5 hours per week and there had been some philosophical differences between them. In addition, he said, some allegations were made that he investigated and determined were false. However, Mr. Lemery reported, the person did resign from the position. He advised he thought they could come up with a proposal to both fill that position and to handle the Building Inspector duties he had done with no impact to the budget. Mr. Lemery stated he would discuss this matter with the Committee members at the next meeting.

Mr. Haskell entered the meeting at 10:26 a.m.

Pursuant to the Fire Prevention & Control Agenda Items, Mr. Lemery discussed Item No. II A, Insurance Recovery funds for HAZMAT/WMD. He noted he had spoken about this item several months ago. He advised he had discussed the matter with Robert Lynch, Deputy County Treasurer, and a special revenue account would be established to accept those funds. Mr. Lemery explained under the County's contract with the City of Glens Falls for the HAZMAT Team, the County reimbursed the Glens Falls City Fire Department for the Team's time when they had to bring in an off-duty crew to provide the HAZMAT response vehicle to an incident. He stated at this time they billed whoever responded to the incident such as the insurance companies, etc., and the funds that were reimbursed for the Team's salaries would go into the County's General Fund for payroll use.

Then, Mr. Lemery apprised, any reimbursement for the funds used for the HAZMAT equipment would go into the new special revenue account to be used to replace the HAZMAT equipment. He stated Mr. Lynch would be setting up the account and he would bring the request to establish the account back to the Committee at a future meeting.

Pursuant to Agenda Item No. II B and C, Mr. Lemery requested approval of appointments to the Warren County Fire Advisory Board and the Warren County EMS Advisory Board. He noted that lists of the appointees to the Boards were included in the Agenda packet. Mr. Lemery stated there were no changes in the appointees listed for the Fire Advisory Board from the current Board. However, he advised, there were two vacancies on the Board that would need to be filled. Mr. Lemery stated he would be meeting with the Board in June and he would be bringing recommendations for the appointments back to the Committee.

Mr. Geraghty referred to the appointees listed for the EMS Advisory Board, and he pointed out that Kevin White was listed as representing the Warrensburg Emergency Squad. However, he advised, Mr. White was a member of the North Warren Emergency Squad. Mr. Lemery stated they would correct the request for the resolution.

Motion was made by Mr. Belden, seconded by Mr. Geraghty and carried unanimously to approve

the aforementioned requests, as presented, and to authorize the necessary resolutions for the next board meeting. Copies of resolution request forms and the aforementioned corrected list for the EMS Advisory Board are on file with the minutes.

Next, Mr. Lemery updated the Committee members on the status of the Fire Training Center (Agenda Item No. II D). He reported the Committees (from Warren and Washington Counties) that were working on the project were proceeding to have the engineers and architects provide sketches of the proposed facility they hoped to build. Mr. Lemery reported work was still being done on site studies and there had been some language issues with the contracts that were being worked out. He stated they would be meeting in early June with representatives of Adirondack Community College (ACC) to discuss the project. Mr. Lemery noted the College had a new President who wanted to be brought up to speed on the project. He advised the Committees had asked the engineers and architects to look at other sites in both Warren and Washington Counties and they would be doing that.

Mr. Lemery continued. He apprised they still had not received the Shared Services Incentive grant for the Training Center project, although they did have a letter stating they had been awarded the grant. Mr. Lemery advised he had checked with other Counties who were also to receive those grants and at this point, no one had received the funds. He commented he thought that was probably because of the change in the Governor's Office and it would be awhile before the funds were received. Mr. Lemery noted they had still been assured that each of the Counties would receive \$200,000 in grant funds. He confirmed for Mr. Bentley that the new President of ACC had come from a college that had a very similar facility to the Training Center. Mr. Lemery remarked that might make it easier for the new President to convince the College's faculty to establish a fire science curriculum at ACC if that was where the facility would be located.

Mr. Lemery stated Mr. Dusek would discuss the aforementioned draft of Local Law No. 7. (Note: Subsequent to the meeting it was determined that this proposed local law would be Local Law No. 6 of 2007). Mr. Dusek advised he understood the proposal was to merge the (County) Office of Civil Defense and the (County) Fire Coordinator's Office and that Mr. Lemery would serve as the head of the new Office. He referred the Committee members to the aforementioned copy of the draft Local Law and to Section 4. Mr. Dusek stated Section 4 created an Office of Emergency Services (OES) that would cover Natural Disaster and Civil Defense, Fire Coordination and an Emergency Medical Services (EMS) Coordination.

Mr. Dusek pointed out that pursuant to Section 6 of the draft Local Law the administrative head of the Office of Emergency Services would be the Fire Coordinator. He advised that rather than create a new position that could be subject to Civil Service problems, etc., the idea was that the easiest way to go was to put the Office under the responsibilities of the Fire Coordinator who would have oversight of the other aforementioned services. Mr. Dusek stated Mr. Lemery would continue as the Fire Coordinator and he would take over those additional responsibilities. He advised the title of Director under Section 6 was an error and that was one of the items in the draft Local Law that would need to be corrected.

Mr. Dusek stated Section 6, Items a - f, outlined the duties and responsibilities of the Office of Emergency Services which would include the Civil Defense and Natural Disaster duties that were previously handled by John Farrell, (former Director of Civil Defense), plus the duties of the Fire Coordinator. However, he explained, because there was a question about where the Warren County Cause and Origin Team would go that was left open for discussion today. Mr. Dusek stated although it was not outlined in the draft Local Law, Mr. Farrell was also the Coordinator of the grant-funded STOP-DWI Program and the Executive Secretary of the Warren County Traffic Safety Board. He stated they did not know where the Committee would want to place those functions and the Cause and Origin Team; however, they did need to be placed in the structure of the new Office.

Mr. Dusek stated most of the remainder of the draft Local Law was stock language. However, he noted, Section 7 reflected the idea that there would at least be a Deputy Director for the new Office. Mr. Dusek pointed out that pursuant to Section 8 the office personnel that would be assigned to the Office of Emergency Services would include the Deputy Fire Coordinators and the Deputy Emergency Services Coordinators and such other staff that the Board of Supervisors would determine from time to time.

Mr. Dusek invited the Committee members' comments on how they would like to coordinate the positions of the STOP-DWI Program Coordinator, the Executive Secretary of the Warren County Traffic Safety Board, and the Deputy Director of the Office and if that was what they were looking for in terms of the new Office.

Mr. Bentley asked if Amy Manney, (a County DPW employee), would be the Deputy Director of the Office. Mr. Lemery confirmed that was correct. He advised he understood that Ms. Manney had already been appointed by the County as the Executive Secretary of the Traffic Safety Board and as the STOP-DWI Coordinator. (Note: Those appointments were made by Resolution No. 139 of 2007).

Mr. Lemery advised that the Cause & Origin Team should remain under the oversight of the Fire Coordinator. Mr. VanNess agreed that should be the case. In addition, Mr. Lemery stated, Mr. Farrell had also chaired the Local Emergency Planning Council (LEPC). He advised the Council would still be needed and it should also be included in the new Office. Mr. Lemery confirmed for Mr. Dusek that the LEPC duties should be under the Fire Coordinator's duties.

Mr. Dusek stated he understood that currently, Ms. Manney was an Account Clerk for the County; and Mr. Lemery confirmed that was correct. Mr. Dusek asked if her title would be changed to reflect the new Office and Mr. Lemery replied he was not sure.

Privilege of the floor was extended to William Lamy, DPW Superintendent, who stated it had been discussed that Ms. Manney would become the Deputy Director, or whatever title the Committee chose for the new Office. However, Mr. Lamy noted, that was the tentative plan but it had not been acted on officially. Mr. Dusek advised he thought under this scenario the Deputy Director

title might be competitive which would require a test and she would have to rank in the top three applicants who took the test. Mr. Lemery concurred. He stated he understood if that were the case, perhaps Ms. Manney would be left in the Account Clerk title, and she would be designated in whatever way they chose. Mr. VanNess asked if she could have the Account Clerk title and also hold the aforementioned Executive Secretary and Coordinator titles or could the title be Confidential Secretary. Mr. Lemery confirmed for Mr. Dusek that the Account Clerk title was currently in the Bargaining Unit. Mr. Dusek explained that would mean the position's job duties would be defined by the Union and she would be asked to work over and above what the job duties were for that title. Mr. Lamy stated there had already been some cases where Ms. Manney had been required to work longer than the normal (Union) workday and she was paid overtime. Mr. Dusek stated that had to be done. Mr. Lamy noted that because Mr. Farrell's title was not in the Bargaining Unit overtime was not an issue.

Mr. Dusek stated in some cases it was correct that overtime was payable because a position was in the Bargaining Unit, although it was not dependent on that. He explained whether or not overtime was payable was dependent upon how a position ranked under Federal Law. Therefore, Mr. Dusek stated, it could still be conceivable that even if Ms. Manney's position was not in the Bargaining Unit they might still have to pay her overtime. He advised the general rule of thumb was that managerial and administrative-type positions in upper management did not have to be paid overtime. Mr. Dusek noted that was the basis for the misconception that the Union positions required overtime because most of those positions were not managerial.

Mr. Belden stated the previous discussion about the position was that it would not be in the Bargaining Unit. He suggested they should discuss with Richard Kelly, County Personnel Officer, how to handle the situation. Mr. VanNess stated he thought that was where the title of Deputy Coordinator of Emergency Services had come in and that would make her Mr. Lemery's Deputy. Mr. Lemery agreed that would make her the Deputy Director for Emergency Services. Mr. Dusek advised if the title was Deputy Director that could take her out of the Bargaining Unit for Union purposes. However, he stated, that would not address the Civil Service issue of a test being required for the position. Mr. Lemery commented he did not think that would be a problem for Ms. Manney. Mr. VanNess noted he thought that title would mean that Ms. Manney would handle Mr. Lemery's duties when he was out of the office. Mr. Dusek advised that would not be automatic and it would be up to State Civil Service.

Mr. Dusek stated if the Committee members agreed that was what they wanted to include in the Local Law, he could have the resolution prepared to introduce proposed Local Law No. 7 of 2007 for the June 15th Board of Supervisors' meeting and authorize the public hearing for the July 20th Board meeting.

Motion was made by Mr. Belden and seconded by Mr. VanNess to approve the proposed Local Law No. 6 of 2007 be introduced at the next Board meeting.

Mr. Haskell queried what the anticipated salary would be for the position. Hal Payne,

Commissioner of Administrative & Fiscal Services, responded that Ms. Manney's salary had already been established. Mr. Lamy clarified that the current salary was according to the Union contract for the current title. In addition, he stated, Ms. Manney would receive a stipend for handling the duties of the other two titles.

Mr. Haskell noted for the Deputy Director title there would not be anymore overtime pay, and he asked if Ms. Manney would be requesting a salary increase to make up for that loss. Mr. VanNess stated the intent had been that the new title would be kept at the current salary. Mr. Lemery said the amount of overtime had been very little. He noted he had not expected there would be any salary increases for this year; however, that was an issue that would have to be discussed at budget time. Mr. Haskell commented in view of the budget situation no one should expect to receive raises. He remarked if a big raise was expected for next year that idea should be eliminated now. Mr. Lemery responded based on the Budget Officer's remarks at the recent Department Head meeting, he did not think anyone was expecting a big raise for 2008. However, he commented, he thought after the Union negotiation process there would be some salary increases in 2008. Mr. Lamy stated the explanation for the salary increase was that it was to reflect the additional duties of the Traffic Safety Board Executive Secretary and the STOP-DWI Coordinator positions. He stated the salary increase was to the employee but it did not increase the budget.

Mr. Bentley called the question and the motion to approve the introduction of proposed Local Law No. 6 of 2007 and to authorize the public hearing for the July 20th Board meeting was carried unanimously.

Mr. Lamy advised Mr. Dusek that he had a copy of a Local Law that would remove the Civil Defense and Natural Disaster Division from the DPW structure. He asked if Local Law No. 6 would do that. Mr. Dusek responded there was actually another Local Law besides the one the Committee considered today which covered those changes to DPW's structure. That Local Law would also go to the Board of Supervisors, he added.

Messrs. Girard and VanNess left the meeting at 10:45 a.m.

Mr. Lamy queried if he should present that Local Law to the DPW Committee at its next meeting. Mr. Dusek replied he felt this Committee's motion would take care of both of the Laws. He concurred with Mr. Lamy that he could inform the DPW Committee about the Law.

Review of the Agenda continued, and Mr. Lemery spoke on the issue of office space for the new Department (Agenda Item No. II F). He commented he was aware that space was a problem for the County Departments. Mr. Lemery stated he had asked Frank Morehouse, Superintendent of Buildings & Grounds, to attend this meeting. However, he said, Mr. Morehouse had to leave to attend another meeting.

Mr. Lemery advised he still felt the best location for the new Department would be in the Radio

Room in the former Sheriff's wing (of the Municipal Center). He outlined that the space was appropriate because it was on the main floor of the building, it had its own generator power and there was direct access to the nearby radio towers located outside the building. Mr. Lemery explained from that location they could monitor the building's alarm systems and some other systems that were now in that area. He noted those systems were not monitored at this time. In addition, Mr. Lemery stated there was a small kitchen and bathroom that would be sufficient to use as an emergency operations center, if necessary.

Mr. Lemery recalled there had been discussion about locating the Office in the basement of the building. However, he advised, he did not think that would be a suitable location because Ms. Manney would be there alone in the afternoon because the Department Director/Fire Coordinator position would be part-time. In addition, he explained, a radon issue still existed in the basement and it was not handicapped accessible. Mr. Lemery concluded he felt there would be enough space to locate the Fire Prevention Office, the Natural Disaster and Civil Defense Office, EMS, Homeland Security, etc., in that one section and that would not cause any problems for anyone else.

Mr. Haskell (Chairman of the County Facilities Committee) stated the Area Utilization Committee (formerly the Space Committee) members, Mr. Morehouse and Mr. Payne had toured the Municipal Center and looked at the radio room. He advised there were two offices outside the main radio room they felt could be used for the Fire Prevention, etc., Offices because they intended to move the WIC (Women, Infants and Children) Office into the main radio room and then move the County Soil & Water Conservation District Office from Warrensburg into the space now occupied by WIC. He advised there was a serious mold issue in the Soil & Water District Office. There would still be the former Emergency Operations Center (EOC) Room in the basement of the Municipal Center, he added.

Discussion ensued, and Mr. Haskell acknowledged the radio room space was vacant until the Area Utilization Committee gave its final approval of the aforementioned plan. Relative to the aforementioned issue of the need to monitor the radios, he stated the Sheriff's Office monitored them now and would continue to do so. He remarked he believed the situation was being stretched as a way to obtain a lot of space. Mr. Lemery responded he did not think it was a lot of space or a stretch that they should be close to the radio towers. He advised they would need to put additional radios in the Office no matter where it was located. He added that the radios did not work in the basement. Mr. Haskell responded the EOC site for the Sheriff's Office was in the basement and the radios did work from there. Mr. Lemery responded that had not been the case during some tabletop drills from that room.

Mr. Geraghty stated he did not think any employees should be located in the basement, particularly a female. He expressed his concern that the stairs from the Probation Office went to the basement and a probationer could get down there by mistake. Mr. Geraghty acknowledged there was a lot of space in the area. However, he said, he did not think WIC should be located in the Fire Coordinator's area unless it had a separate entrance. Mr. Haskell said the plan was

to have a handicapped ramp to WIC's part. Mr. Geraghty noted he thought the original plan was to put the Building Codes Office in the radio room. Mr. Haskell explained that Department had enough room upstairs in the Annex (its current location) and they wanted WIC's space on the first floor of that building for Soil & Water. Relative to the issue of radon in the Municipal Center basement, Mr. Lemery commented that was a serious issue. Mr. Haskell advised Mr. Morehouse had a company coming in to do something about that situation. Mr. Lamy noted it would take some time to resolve that situation.

Mr. Haskell confirmed for Mr. Lemery the two offices he meant for the Fire Coordinator etc., were those formerly used for a Lieutenant and a Sergeant in the Sheriff's Office. Mr. Lemery confirmed for Mr. Geraghty that the WIC Office and the Fire Coordinator's Office would not mix. He explained WIC was in the same building as the Building Codes Department now and there was not a separate office for the Fire Prevention & Control Department. Mr. Lemery stated as Fire Coordinator he just had a desk in the Building Codes Office.

Mr. Lemery commented he would not mind sharing facilities with anyone and he understood the concerns about the space situation. Relative to funds for the renovations, Mr. Lemery apprised there were some funds available through Homeland Security that could be used to remodel office space.

Mr. Haskell moved that the issue of where to locate the Fire Coordinator and the related offices should be referred back to the Area Utilization Committee to have it reinvestigated and studied further. Mr. Sokol seconded the motion.

Mr. Lamy advised if the aforementioned space was going to be renovated that would take time and to study it for another month would not make it any larger. Mr. Haskell stated the Area Utilization Committee could meet next week to make a decision. Mr. Geraghty commented the Committee had already met and their decision had been changed. However, he said, no one had informed the rest of the Committee members about the changes. Mr. Geraghty asked who changed the first plan. Mr. Haskell replied he did not know who made the major decisions and he had been told that WIC would be moved, etc.

Mr. Geraghty stated he had been to the Soil & Water Building in Warrensburg and he did not know what the major mold issues were. Mr. Haskell responded the mold was in an old part of the cellar. Perhaps, Mr. Geraghty said, the building just needed some work. However, he apprised, the Town of Warrensburg could not afford to have the work done. Mr. Geraghty suggested the County should look at the building and try to keep the Soil & Water District Office there for two more years. He reiterated that the Town of Warrensburg did not have funds to renovate the building.

Mr. Stec entered the meeting at 10:58 a.m.

Mr. Bentley stated a motion was on the floor to refer the aforementioned issue back to the Area

Utilization Committee.

Discussion ensued on various aspects of the Area Utilization Committee, and Mr. Haskell asked who the Chairman of the Committee was. Mr. Geraghty stated the members were William Thomas, Chairman of the Board of Supervisors, Mr. Payne, Mr. Morehouse, Mr. Lamy, Mr. Haskell and himself. Mr. Belden asked what the Committee had thought about the Fire Coordinator's Office using the radio room after their tour. Mr. Lamy replied they had agreed that the space should be renovated to make it large enough to hold as many people from the Fire Coordinator's Office to OES that could fit in the space. Mr. Geraghty noted he had thought all the staff could fit in the area. However, he commented, apparently that had been changed.

Joan Sady, Clerk, Board of Supervisors, stated she had a list of the Committee's membership and Mr. W. Thomas' name was first on the list. However, she noted, it was a working group and she did not know if there was a Chairman or not. Relative to who changed the Committee's decision about locating WIC in the space, Mr. Haskell said he was told that WIC was going in the space. However, he stated, he did not know if that was the official direction. It was concluded that a meeting of the Area Utilization Committee on the issue would be scheduled for next week.

Mr. Bentley restated the aforementioned motion, and it was carried by majority vote, with Mr. Belden and Mr. Geraghty voting in opposition.

Concluding the agenda, Mr. Lemery requested approval of the Transfer of Funds relative to the salaries issue that he had explained at the beginning of the meeting. A copy of the resolution request form is on file with the minutes.

Motion was made by Mr. Belden, seconded by Mr. Geraghty and carried unanimously to approve the Transfer of Funds, as presented, and to refer it to the Finance Committee.

There being no further business to come before the committee, on motion by Mr. Belden and seconded by Mr. Sokol, Mr. Bentley adjourned the meeting at 11:04 a.m.

Respectfully submitted,

Katy Goodman, Secretary to the Clerk