COURTS AND LAW ENFORCEMENT COMMITTEE MEETING
March 8, 2018

Present: Legislators Greg Kulzer, Jerry King and Ron Burns, County Manager Ryan Piche, HR Director Chris Boulio, Sr. Building Code Officer Ward Dailey, Fire & Emergency Services Director Robert MacKenzie, III, and EMS Assistant Jennifer Maracchion, Sheriff Michael Carpinelli, Undersheriff Jason McIntosh and Dispatch Supervisor Cheryl LaLonde. Reporters Nick Altmire and Steve Virkler

Legislator Kulzer called the meeting at 8:38 a.m.

Legislator Burns made a motion to approve the 2/8/18 committee meeting minutes, seconded by Legislator King and carried.

Sr. Code Officer Ward Dailey distributed his report (attached)

He reported that every 3 years the State reviews the International codes and adopts code supplements to meet the State’s minimum standards, which take precedence. The adopted residential and commercial codes are about 25% and 18% respectively more efficient than the International Codes, for better windows and insulation, etc. The last codes were adopted in 2015 and are due for review this year.

National Flood Insurance Program: Municipalities having designated flood areas must adopt and enforce floodplain management regulations to enable their property owners to obtain flood insurance. Federal resources would not be available to communities in flood zones that do not have an ordinance or law regulating development in flood hazard areas.

The Villages of Castorland, Copenhagen, Croghan Harrisville and Port Leyden have designated a local official to administer flood damage prevention laws. Ward asked whether the Committee would like him to reach out to these municipalities to offer an Inter-municipal or Shared-services agreement to administer the flood laws. The Committee requested Ward to compose and forward a respective letter to each of the afore-stated Village Mayor and their Boards to offer the services.

Legislators Kulzer, King and Burns each indicated their support for Ward to propose his request and justifying documentation to the Human Resources Director to promote Keyboard Specialist Anne Keefer to a Sr. Keyboard Specialist.

The following dockets were approved by the Committee:

- Appropriate DA Forfeiture Proceeds to cover conference expense- $900.11
- Motion designating Temporary Probation Officer to permanent status effective 4/4/18
- Agreement between Probation Dept. and NYS Division of Criminal Justice for Alternative to Incarceration Program - $1,668.00 7/1/18 – 6/30/19

County Manager Ryan Piche reported ongoing discussion with the County Judge and clerks, law enforcement, district attorney and probation personnel relative to the “Raise the Age” legislation that will prohibit 16 year old offenders from being processed or housed at the jail effective 10/1/18. The group discussed actual prior cases to determine the change in process after 10/1/18. Law enforcement will be required to transport the youths to secured detention, as well as to any court appearances. Feasible alternatives for waivers or extension are being researched for a potential request to the State for approval. St. Lawrence County has proposed building a secured detention facility to serve the North Country region, while inquiring whether the State would fund construction. It is assumed the per-bed cost for housing juveniles would be commensurate with overall personnel and operational costs of the host County.
Personnel
No change in personnel

Munis

Audit
Budget is on track

State Mandates
In 2015 New York State adopted the International family of building codes, these codes are updated in 3 year cycles. With each new cycle of codes the state undertakes a review, amending the international code to meet the state’s minimum standards for building construction and fire prevention. These code supplements take precedence over the international code. A draft of the next cycle of the State addendum to the 2018 International Energy Code for New York buildings has been released for review and comment.

This proposed Supplement is referred to as New York Stretch Code-Energy 2018 and is roughly 25% more efficient than the residential provisions found within the 2018 International Energy Code-2018 and roughly 18% more efficient than the commercial provisions of ASHRAE 90.1-2016.

Department Statistics
Building permits to date 40
Annual junkyard inspections to date 0
Junkyard license renewal 0
State mandated inspections of businesses, multi dwellings and places of assembly to date 88

Report

The National Flood Insurance Program (NFIP) was established with the passage of the National Flood Insurance Act of 1968. In communities that have adopted a local ordinance or law regulating development in FEMA designated flood hazard areas, The NFIP program enables property owners in those participating communities to purchase flood insurance. a PARTICIPATING community must adopt and enforce floodplain management regulations / law that meet or exceed the minimum requirements of the Program. And file that law with FEMA. The New York State DEC contracts it services, administering the NFIP for Fema at the state level.

There is no Federal law mandating a municipality to participate in the NFIP. However Properties within non participating communities are not eligible to purchase flood insurance to protect themselves from flood losses.
Further, if within one year after being notified by FEMA of mapped flood Hazard areas within their jurisdictional boundaries and the municipality fails to join the NFIP within that period. That municipality will be sanctioned. This means that Federal agencies cannot provide financial assistance for buildings damaged within designated flood hazards areas.

To participate in the NFIP, a community must adopt and enforce floodplain management regulations / law that meet or exceed the minimum requirements of the Program. And file that law with FEMA. The New York State DEC contracts it services, administering the NFIP for Fema at the state level.

At present the County building and codes department, via inter - municipal agreements provide administration and enforcement of Flood Damage Prevention laws for the Towns of Diana, New Bremen, Lewis and for the Village of Lowville. The County Attorney is in conversation with the Town of Croghan to finalize an Intermunicipal agreement for this department to enforce that Towns Flood Damage Prevention Law

Local laws in the Towns of Osceola and Turin along with the Villages of Constableville, Lyons falls and Turin designate the Enforcement Officer as the administrator of their Flood Damage prevention Laws, since the county provides enforcement of both Zoning and the Uniform Codes these municipalities the county by extension enforces their flood damage prevention law.

But make note that the County does not have a formal inter-municipal agreement to enforce these federally mandated laws. I strongly feel that the County should have such a memorandum of understanding/ Intermunicipal agreement. The county should not have to be constrained to enforce these laws simply because their law designates a code official to enforce the law.

These laws were written in the late 80’s – early 90’s, far before the county provided uniform code and zoning enforcement to these municipalities. When the county agrees to enforce the mandates of the NFIP It is the county that is subject to an annual review by the DEC for the administration and enforcement of these town / village flood prevention laws.

Towns of Montague, Pinckney and Harrisburg, Fema has no designated Flood Hazard Zones Village of Copenhagen at this time is not a participant in the NFIP program.

The County does not provide administration and enforcement of Land use zoning laws in the Towns of Denmark and Martinsburg, and has no Intermunicipal agreement for enforcement of their flood Damage Prevention Laws

The County Does not provide administration and enforcement of Land use zoning laws or the Uniform Fire Prevention and Building Codes for the Towns of Watson, Greig, Leyden, Lowville and Lyonsdale as such the County does not provide enforcement of their Flood Damage Prevention Laws

The Town of West Turin is singular in that it has no adopted flood damage prevention law, even though the Town does have a significant Fema Designated Flood Hazard Area along the Black River

There exist the potential of this department to further administer and enforce flood damage prevention laws for 3 municipalities. As written the local flood damage prevention laws for the Villages of Castorland and Croghan designate the Village clerk as the administrator of their Flood Damage Prevention Law. Village of Port Leyden local law designates the Village Board as the Administrator of their Flood Damage Prevention law

Lewis County is an equal opportunity provider, and employer. Complaints of discrimination should be made known to
Lewis County Board of Legislators
With an Intermunicipal agreement, the County could provide a shared service to administer and enforce their local flood damage prevention laws. This department currently administers administration and enforcement of the Uniform Building Codes within these Villages.

Within the Village of Harrisville, the local law does not designate the administrator of the flood damage prevention other than directing that it is administered by the flood plain administrator. I have contacted the Village Clerk in an effort to determine who the administrator is; the Clerk did not know but stated she will research and contact me with the information.

**Town of New Bremen Flood Damage Prevention law**

On February 20th, *Mary Binder* an Environmental Program Specialist with the DEC contacted me to conduct the annual Community Actions Meeting in regards to the Town of New Bremen’s flood damage prevention law. Such meetings are a required component of the National Flood Insurance Program.

Mary stated that new Agricultural building and additions to existing agricultural building must be subject to flood plain development permitting as a component of the National Flood Insurance Program.

The State uniform fire prevention and building codes exempts agricultural structures from building permits, but agricultural structures are not exempt from review and flood plain development permitting when the construction is within a designated Fema flood Hazard zone flood.

Mary Binder further states that any County, Town or Village road work within a Fema flood hazard zones is subject to review and Flood plain development permitting.

I bring this to the legislator’s attention, because there is a general impression by the Legislator and public that anything agricultural is outside the review process when it pertains to this building and codes department.

New agricultural structures and additions to existing agricultural structures that are enclosed with four (4) walls can be damaged or potentially destroyed by flood. Such structures will have to demonstrate they are out of the flood plain with the submission of map amendment, or be of flood proof construction.

This NFIP standard for development within FEMA designated flood Hazard Zones applies to all municipalities that are participants in the

**Committee Review**

Regards,

Ward John Dailey
Sr. Code Official
9:00 a.m. Fire & Emergency Services Director Robert MacKenzie reviewed his self-explanatory report (attached).

Bob reported an increase for requested radio communications training.

He specifically commended volunteer firefighters who complete annual mask fit testing that includes a lung capacity test performed by a Lewis County General Hospital respiratory therapist. The process takes about 1 – 1 ½ hours and is above and beyond the volunteers’ commitment to fight fires.

Technical equipment upgrades have been completed for the Emergency Operations Center (EOC), as well as new carpeting and painting.

Legislator King commended Bob and Jennifer for their commitment and especially for all the evening meetings and trainings they provide. He added that fire personnel are recognizing and are appreciative for all the help from both of them. Bob added his commendation for all that Jennifer does.

9:08 a.m. Sheriff Michael Carpinelli. Undersheriff Jason McIntosh and Dispatch Supervisor Cheryl Lalonde

The following docket were approved:
1). Agreement w/NYS Homeland Security for Statewide Interoperable grant 1/1/18-12/31/19  $653,718
2). Agreement w/NYS Homeland Security for Public Safety Answering Points grant 1/1-12/31/18 - $138,118
3). Appropriate donations into Sheriff Dept. accounts for Parks & Recreation & Youth Programs - $1,043.71

The Sheriff requests to advertise a Request For Proposals (“RFP”) for E911 phone system maintenance. Cheryl LaLonde reported that Frontier has provided basic system maintenance for the past year. She proposes the renewal agreement include optional one-year extensions for up to 3 years. Legislator Kulzer made a motion to authorize advertising the RFP as requested, seconded by Legislator King and carried.

Cheryl reported the County used NY Alert in the past for mass notifications, but had changed to Hyper-reach at a cost of $19,500 for 3 years. The agreement is due to expire on 4/30/18. The State currently contracts with NY Alert through Ever Bridge, a private company, which works as well as or better than Hyper-reach. The State extends use of the NY Alert (Ever Bridge) system at no charge to the County. Legislator King made a motion to authorize the transition to Ever Bridge effective 5/1/18, seconded by Legislator Kulzer and carried.

Legislator King reported that the West Leyden Fire Department has concerns with their Fax alerts. Cheryl said she is researching with assistance from Information Technology staff to resolve the issues.

Sheriff Carpinelli inquired whether the County would consider authorizing cellular companies to place equipment on the County Osceola tower. Legislator King recalls that the County would consider company requests on their merit as received. Cheryl asked the Sheriff to refer any interested company to her for review. She said that any lease would be dependent upon on how much equipment and the location on the tower.

Undersheriff McIntosh reported the insurance company had declared a damaged patrol vehicle totaled and issued a check to the County. He will obtain a price quote for a replacement vehicle.
Sheriff Carpinelli cited the impending retirement of the full-time jail cook manager. In response to Legislator King’s inquiry, he recalled previously stating that possibly the 2 part-time cooks could handle all the work. Meanwhile, he has spoken with a Summit Food Company representative out of Pennsylvania. They provide a certified Correction’s-based food service. The company also services airlines. The frozen meals are covered in individual trays, but the Sheriff has yet to receive a price quote. The department already has the required freezer space, but would need to purchase a specialized microwave to handle the volume. The Sheriff has asked HR Director Chris Boulio whether it would be allowable to request correction officers to heat and deliver the meals to inmates. Summit Food Company would deliver the meals each week. If the service is deemed feasible, the Department would no longer need a full-time cook manager. However, someone would have to prepare and track food orders. The company can accommodate any special food orders ie. ethnic or any special dietary requirements.

Clinton and Herkimer Counties are also researching the Summit Food Company option for inmate meals.

Sheriff Carpinelli estimates 3-4 months to research and implement the food service. Therefore, he requests permission to immediately canvass for a full-time cook manager, pending Board approval, to be prepared to refill the position upon the current employee’s mid-April retirement. Legislator Burns made a motion to authorize the Sheriff’s request, seconded by Legislator King and carried.

Undersheriff McIntosh reported revamping the entire Parks and Recreation patrols. For the 2016-2017 snowmobile season two deputies were assigned on Saturdays and Sundays and averaged 200 patrol miles, compared to the 2017-2018 season during which three deputies were assigned Thursday through Sunday for around-the-clock patrols and averaged 1,200 patrol miles per snowmobile.

During the 2016-2017 snowmobile season $6,300 was expended, compared to $17,000 this season. The Department has one loaned Ski-Doo and owns four other snowmobiles; 2-2015 models, 1-2008 and 1-2005, the latter used for back-up patrols and trainings. The loaning program through Smith Marine of Old Forge is coming to an end, unless the County purchases the loaner at the end of this season. The owner has offered a 30% discount for a purchase cost of $8,721.80.

Legislator King asked whether the old snowmobiles could be traded in to offset the cost of new machines. Undersheriff McIntosh said he would like to have 6 snowmobiles, so that he could assign 2 deputies on 2 snowmobile patrols and have back up sleds when needed. He proposes to replace one snowmobile each year to avoid having to purchase multiple all at once. The State reimburses the County 50% of salary and snowmobile maintenance expense. The State reimbursement is 70% for boat patrols. The Committee indicated general agreement, but there was no authorizing motion to purchase the loaner snowmobile.

In response to Legislator King, Mr. McIntosh stated the budget of $40,000 for Parks and Recreation patrols is about 50% expended for this year. Legislator King appreciates all the efforts to increase recreation patrols, adding noteworthy law enforcement presence on the trails. There hasn’t been any deaths reported year-to-date. Sheriff Carpinelli relayed hearing favorable comments from businesses that families are returning to the trails.

Undersheriff McIntosh then turned to ATV’s, reporting the Department has one 2001 ATV. He proposes to purchase two (2) side-by-side UTV’s at an estimated price of $14,831 each, except lights and other small accessories. Law enforcement is exempt for the 1,000 lb. weight. He will inquire whether UTV purchases are eligible for the 50% State reimbursement, and supposes the purchase expenditure would require a County appropriation. It was also noted that Town Superintendents and Snowmobile Clubs offer law enforcement UTV/ATV storage at their barns at remote areas which lessens transporting time and cost.
Legislator King wished to defer approval to purchase UTV’s until the Ways and Means Committee has an opportunity to consider budget appropriations, therefore, there was no Committee recommendation.

Legislator King made a motion to recommend the Board approve refilling a part-time deputy sheriff and part-time civil employee, seconded by Legislator Kulzer and carried.

At 10:02 a.m. Legislator King made a motion to enter executive session for discussion on a matter that will imperil the public safety if disclosed, seconded by Legislator Kulzer and carried. Legislator Kulzer made a motion to return to the regular meeting at 10:28 a.m., seconded by Legislator Burns and carried.

At the request of Legislators Kulzer and King, the dates of the next two Committee meetings are hereby changed to April 5, 2018 and May 17, 2018 to begin at 8:30 a.m.

The meeting adjourned.

Respectfully submitted,
Terry Clark, Clerk of the Board
Training

1. Individual agency Fire radio training as requested.
2. New student EMT-B class started November 2, 2017 @ LCSR - 15 students (down 4)
3. EMT-B Refresher class started November 2, 2017 @ LCSR - 2 students
4. Mask Fit Testing 3/15/18 @ New Bremen Fire (for New Bremen & Beaver Falls)
5. 2018 BEFO Class hosted at 3-G Fire Glenfield Station started 1/11/18 - 14 students
6. Fire Officer One class starts March 12 at Croghan Fire Station – 15 students registered
7. 2018 IFO Class hosted at 3-G Fire Glenfield Station begins – April 5, 2018 (already 6 students)
8. CPR Training – Osceola 3/12/18
10. CPR/First Aid Training – West Leyden Fire 3/26/18 (Jen)
13. Exhausting CPR/First Aid schedule for month of April (to many to list)

Miscellaneous

1. Hazard Mitigation Plan Grant: kick off meeting scheduled 3/8/18 with Tetra Tech.
2. Update of MCI Plan in process and has been sent to the governance team at SU.
3. FY2017 SHSP grant is now in the process of obtaining quotes and making purchases for fulfillment.
4. Fire classifications updates for the CAD – waiting response from County Attorney.
5. Harrisville MOU for the Tower completed – needs signatures
Meetings since February 8th

1. 2/8 – Courts & Law Mtg
2. 2/8 – Radio Training: Beaver Falls Fire
3. 2/13-15 NYSEMA Conference – Syracuse
4. 2/13 – Conference Call with Soil & Water re: flooding
5. 2/15 – Mask Fit Testing – Castorland (Castorland & Copenhagen)
6. 2/17 - Radio Training: Castorland Fire
7. 2/20 – Water Rescue Drill Planning for Governance Project
8. 2/21 – Fire Advisory Board Mtg – Copenhagen Fire Station
9. 2/26 – Air Medical Mtg with Justin (LCSR) & Cheryl (Dispatch)
10. 2/27 – Radio Committee Mtg
11. 2/27 – Situational Awareness Training – Lyons Falls Fire
12. 2/28 – Meeting with Jeff N. – West Leyden Chief
13. 2/28 – Origin & Cause Mtg
14. 3/1 – Hazmat Drill Preplanning Mtg with KRAFT/Eric Lee
15. 3/6 – Tier 3 Training
16. 3/7 – Department Heads Mtg with County Manager
17. 3/7 – LCSR Board Meeting

All items in bold are night and weekend hours.

Coordinators Calls since last meeting:

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<th>Type of Call</th>
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<td>Structure Fires</td>
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<td>Grass Fires</td>
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<td>Commercial Vehicle (Truck) Accidents</td>
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<td>Meth Lab / Search Warrant</td>
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<td>0</td>
<td>MCI (Mass Casualty Incident)</td>
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Please feel free to contact me anytime.

Thank You For the privilege of allowing me to assist the gracious Volunteers of Lewis County who give unforgivingly of their time! It’s the volunteers that keep this county safe!!!

Respectfully,
Bob
R. A. MacKenzie III AEMT-P/CEM/CFC
Director of Fire EMS and Emergency Management