

COURTS AND LAW ENFORCEMENT COMMITTEE MEETING

December 14, 2017

Present: Legislators Jerry King, Richard Chartrand and Greg Kulzer, County Manager Ryan Piche, Probation Director MaryJo Burkhard Fire & Emergency Services Director Robert MacKenzie, III, and EMS Assistant Jennifer Maracchion, Sheriff Michael Carpinelli, Undersheriff Jason McIntosh, Dispatch Supervisor Cheryl LaLonde and reporter Steve Virkler

Legislator King called the meeting at 8:30 a.m.

8:30 a.m. – Probation Director Mary Jo distributed and reviewed her update report (Attached)

Dockets approved:

- to authorize 2018 agreement with Jeff-Lewis Resolution Center for evidence-based programs for the adolescent population- \$12,000.00

-to authorize 2018 contract for public defense legal services w/Lewis Defenders-\$243,600.00

-to authorize 2018 contract for conflict defender services w/McClusky Law Firm - \$71,050.00

MaryJo reported there would be no need for secured detention at \$350/day unless for a very serious crime. The Department has not used non-secured detention for the past 2 years.

The group of various inter-agency stakeholders will be meeting 1/9/2018 for further discussion on how to implement requirements imposed by the Raise The Age (RTA) legislation. Most importantly, Mary Jo and others will take the opportunity to educate Judge Daniel King, who has agreed to participate in the group discussions.

The following dockets were approved on behalf of the District Attorney:

-authorizing 2018 Agreement w/Mark Tuttle for assisting Coroner w/death investigations as needed-Up to \$5,000. The Committee discussed changing this contract to pay for each response rather than a lump sum amount, but deferred a recommendation until after further review in early 2018. Ryan Piche will conduct in-depth

-authorizing Agreement w/John Cirando for appellate work - \$90/hr.

-appropriate DA Federal funds for travel expense-\$456.40

Cheryl LaLonde stated that the Crystaldale and Smith Road Towers were not used for the emergency communications system and all County equipment will be removed. Mohawk Networks may possibly use the Crystaldale tower to expand broadband, and the tower possibly has Hospital equipment. The value of the tower will be determined and a recommendation for its use.

All County equipment has been removed from the Copenhagen tower.

9:00 a.m. Fire & Emergency Services Director Robert MacKenzie reviewed update report (attached).

-A docket was approved appropriate NYS grant funds for purchase of fire protection hoods to be distributed to all local fire departments-\$7,000

Bob spoke about a fire commercial washer used by firefighters to clean their clothing of smoke and fire particles. They are special machines and recommend a citrus based detergent. One cycle takes 3.5 hours for a wash and dry cycle.

Bob reviewed his ongoing listed classes on the attachment. Fire radio training will be conducted on 12/15 in New Bremen, as well as classes at other fire departments. The advanced EMT courts will begin 1/15/18. The EMT-B refresher classes are offered for persons to retain their certified card status.

The recently completed BEFO class for entry level firefighters had six students that did not pass. However, Bob said those individuals have one year to take a subsequent class to complete only the stations that they failed.

Bob has received the first preliminary Mass Casualty Incident Plan, which basically reflects the transition of ambulance numbers to different locations.

The County's status of being the number one area for snow related accidents was reviewed by the Fire Advisory Board. Lewis County Fire Departments received their 16th annual recognition for have a 100% fire reporting record for which they received a \$1,000 grant award. Bob commended and credited all the volunteers who faithfully complete the reports.

Legislator King and Bob will be conducting pager testing on 12/15. Legislator King thanked Bob for his persistent radio training and outreach. Bob collaborates his training with adjacent Counties for interchange of radio policies.

At 9:30 a.m. Sheriff Michael Carpinelli distributed his update report (attached)

The following dockets were approved:

- Appropriate \$1,000.00 donations for Shop With a Cop Program
- Agreement 2018 w/One path Career Partners for inmate mental health services-\$2,500/month
- Agreement 2018 w/Transitional Living Services to inmate mental health services-\$150/hr.
- Agreement 2018 w/Black Creek Integrated Systems Corp for Sally-Port software management-\$12,108.25
- Appropriate grant funds for a defibrillator-\$2,274.71

As requested by Sheriff Carpinelli, Legislator King made a motion to authorize him to reappoint Matt Martin as a part-time officer to the Drug Task Force, seconded by Legislator Kulzer and carried.

Dispatch Supervisor Cheryl Lalonde explained there is a grant fund balance of \$86,980.27 for the emergency personnel line that is requested to be transferred to the Sheriff's equipment account to purchase computers specifically built for patrol vehicles (12). The computer screens are removable, include a scanner and have GPS

capability. The cost of the computers is estimated at \$60,000. Installation is estimated at \$35,000 with new modems and antennas. Undersheriff McIntosh relayed that Information Technology (IT) personnel feel that some of the existing modems and antennas would work with the new computers. IT personnel would oversee the computer installation process and determine compatibility. The new vehicles will be equipped initially and purchase for other vehicles as they are transitioned. The grant funds would be optimized but not exceeded. Cheryl affirmed the computers have a 3-year warranty. Undersheriff McIntosh stated the equipment is from a U.S. company with an ex-military owner. The owner has guaranteed a 24-hour turn around for required repairs. The computers are interchangeable with the County's existing system, and the IT would be able to work on them as needed.

Legislator Chartrand made a motion to present a resolution for the Board's consideration for transfer of the grant funds into the Sheriff's equipment account, seconded by Legislator Kulzer and carried.

The Committee recommends awarding the bid for the public safety radio system interoperability base stations to E.F. Johnson. Cheryl Lalonde reported that a local committee has been formed comprised of several stakeholders to oversee and respond to day-to-day system issues.

Cheryl reported that the Osceola tower has not yet been plowed out since the latest snowfall. Frank Archer had talked with the contractor who was stuck at the Gomer Hill tower, but assured the tower would be plowed out. Legislator King suggested possibly laying gravel and stone at the tower, but the cost would have to be considered.

Undersheriff McIntosh reported that a Sgt. would be scheduling personnel for all Parks and Recreation patrols in collaboration with Deputy Michael Leviker. Everyone agrees that utilizing strictly part-time personnel does not work. Full-time and part-time deputies will be trained and discretionally assigned for snowmobile, ATV and boat patrol. He stated they would optimally avail State-sponsored schooling/training for boat patrol at no charge; likewise from the NYSDEC for snowmobile patrol training.

The Sheriff then reported that Smith Marina in Old Forge would again be donating a Ski-doo snowmobile for law enforcement patrol during the upcoming season. An individual has been identified who will weld a bracket on the back and put the lights on the windshield that is acceptable to Smith Marina. However, the company requests the County purchase the machine at the end of the season at a discounted price and would allow installment payments, if necessary. If the Department was allowed to purchase the machine, the Sheriff stated it would be 3 or 4 years before another snowmobile would be needed.

Legislator King offered the Board's assistance to communicate with State representatives about any relative NYS Legislation and/or regulations to enhance or facilitate law enforcement operations.

Sheriff Carpinelli informed he has planned a 12/27/17 press conference and invited Jefferson County and State Forestry & Parks representatives.

The Sheriff requested a \$10,000.00 transfer from Contingency to cover outstanding inmate medical bills. Legislator Chartrand made a motion to present a resolution to the Board to transfer the funds, seconded by Legislator Kulzer and carried.

Sheriff Carpinelli reported that the device used to record 15-minute interval Correction Officer checks on inmates had broken, which creates Department risk/liability. A like replacement would cost \$700. However, the Commission of Corrections had cited the device does not meet regulatory standards, recommending replacement if the device broke down. Therefore, the Sheriff recommends replacement with a new system at a cost of \$3,000. Legislator King recommends deferring action until the Sheriff provides a complete proposal for review by County Manager Ryan Piche and his subsequent recommendation.

The Sheriff further reported the respective Sgt. would provide an update on the Drug Task Force at next month's Committee meeting. He relayed positive comments from a former drug addict, who admitted being caught unsuspectingly because of the collaborative efforts of the Drug Task Force and various law enforcement agencies.

The meeting concluded at 10:10 a.m.

Respectfully submitted,
Terry Clark, Clerk of the Board

12/14/17



Lewis County Building and Codes Department
7660 North State Street
Lowville, New York 13367
Telephone: (315) 376 5377
Fax: (315) 377-3137

Ward John Dailey

Donald Mallette

Timothy Widrick

Sr. Code Official

Code Official

Code Official

warddailey@lewiscounty.ny.gov

donmallette@lewiscounty.ny.gov

timwidrick@lewiscounty.ny.gov

December, 2017
Legislative Courts and Law Committee

Personnel

No change in personnel

Munis

Audit

Budget is on track

State Mandates

No changes

Department Statistics

Building permits to date 741

Annual junkyard inspections to date 15

Junkyard license renewal 0

State mandated inspections of businesses, multi dwellings and places of assembly to date 158

Report

Permits it is my recommendation that the following permits be reduced from the current three (3) year longevity to one (1) year.

- Demolition
- Septic

Vehicles During the August 10, 2017 meeting of this committee, it was stated that there is no county policy for the washing or cleaning of county vehicles. County vehicles are required to be maintained, which I infer to be kept clean, in the past my department along with other county departments washed county vehicles on county property, with county equipment free. It appears that option is no longer available. Mandating that departments expend funds to purchase tokens from a business such as Hannos to wash county vehicles. To date I have purchased \$200 dollars worth of tokens to wash the departments three vehicles. The issue with buying tokens is not only the new expenditure but also tracking. Currently the departments tokens are held in the treasures office where department members must sign for tokens as needed.

Does the County want to maintain the practice of purchasing tokens or explore an alternative?

Amendment of local law No. 9 of the year 2006

County of Lewis Local law No. 9 of the year 2006 provides for the administration and enforcement of the uniform fire prevention and building codes.

Article 18 of State Executive Law, specifically Subsections 381 and 382 provide the statutory authority for the development and implementation of the Uniform Building Codes. whereas Title 19 of the official compilation of rules and regulations of the State of New York, Chapter 32, Part 1203, provides the text of the Minimum standards for the enforcement of the Uniform Codes.

Title 19 nycrr Section 1203.3(a) (1) Directs that Building permits shall be required for any work which must conform to the Uniform Codes. Section 4(a) of County of Lewis local law Number 9 of the year 2006 mirrors this State mandate by requiring permits for work any that must comply with the Uniform Code.

Section 4 (i) of County of Lewis local law No. 9 of the year 2006 directs in part that building permits shall expire 36 months after the date of issuance. A building permit which has expired or become invalid pursuant to this section may be renewed with a new application, remittance of fee and approval of the code official

Title 19 nycrr does not limit the time in which a permit is valid.

Section 4 (i) of County of Lewis local law is more restrictive by limiting the validity of a permit to three years, but is in error by not requiring a new permit if the work associated with the original permit was not completed and a certificate of occupancy or a certificate of compliance not issued.

The Department of State instructs the legal phase of instruction offered to perspective code enforcement personnel. the Department of State reiterated to code enforcement officers that all municipalities have the right under home rule to adopt or amend local laws relating to its "property, affairs or government" as long as those laws are consistent with the provisions of the Constitution or of any general state or federal law.

County of Lewis local law No. 9 of 2006, Section 4 (i) is not consistent with State law and needs to be amended. At present, notices are sent to permit holders when their permit is nearing expiration, informing that: State Law directs that all projects, which require a Building Permit, also require a Certificate of Occupancy or Certificate of Compliance upon completion. The only exception would be a projects not started. That simply allowing a permit to expire without the issuance of a Certificate is unlawful. The notice directs that a certificate declares that a project has been approved by the Authority Having Authority in the jurisdiction, as substantially complete and complying with the intent of the applicable codes and standards in effect at the time of the issuance of the permit. Lastly, the notice makes a request that the permit holder contact the department to schedule an inspection or to discuss the status of the project.

As the local law is written I cannot require an applicant to renew a permit. Further the department does not have the space within the office to maintain expired permits indefinitely. As written the law allows for a permit to "time out". County law is consistent with state law in requiring the issuance of a certificate, but once a permit is timed out, that permit it is placed boxes within the records storage building where it is unlikely to be re-addressed.

Amending the local law to Mandate the renewal of an expired permit provides a venue to lawfully close an expired permit. I note that most notices of a permit to expire result in the voluntarily renewal. However many are not, requiring the renewal of an expired permit does not allow projects to simply fade away and be forgotten. Secondary is that mandating a new permit will generate a fee associated with that project.

The new statement within section 4(a) should read "A building permit which has expired or become invalid after 36 months pursuant to this section must be renewed with the submittal of a new building permit application payment of the applicable fee and review and approval of the permit application by the code official.

Property maintenance code

As I drive around the County there exist numerous properties that are in violation of the Property Maintenance Code (PMC), some of these structure are egregious.

The reason I bring this before the committee is that I have long been of an opinion that the maintenance of a property and structure has a direct bearing on that parcels real property assessment

Out of curiosity, I spoke to Real property Director Candy Akin, who in turn reached out to (2) two separate assessors; the county's most senior assessor appraises structures that are in poorly maintained by reducing the assessment of that parcel by an estimate of what it will cost to repair the structure.

The second assessor is one of the few within the county that annually reassesses parcels. The approach was different in that this assessor stated that a parcels value can see a reduction of 10% to 40 %, which can include reducing the assessment on adjoining parcels that are affected by the proximity of a poorly maintained structure and property

Based on those views the county is losing revenue due to the lack of an active property maintenance program. The extent of the number of parcels involved and by extension the loss of revenue, would require an inventory of the readily visible exterior properties and structures in the county

Condemned structure

A written complaint dated November 16 2016, pertaining to the Bruce E. Tabolt property located on 6910 Bank Street in the Village of Croghan, the complaint was investigated and the structure was condemned which equates to the structure not being habitable, the structure was placarded as condemned.

The structure was condemned for unsanitary condition; owners have accumulated several feet of paper, trash and rubbish throughout the house. The structure is unsanitary unfit for human habitation. The structure is unfit for its intended purpose and is definable as unsafe. The owner has vacated the structure. The structure is a blight on the surrounding properties.

It was my hope that by exercising patience the property owner would take steps to voluntarily clean the structure, but no effort has been shown. Throughout the summer the Village of Croghan mowed the lawns. In conversation with a neighbor, it was requested that this matter be readdressed.

Lewis county Local Law No.2 of 2007 is the local law providing for the repair or removal of unsafe equipment and collapsed structures. This law states that; "the Board of Legislators finds unsafe equipment and collapsed structures pose a threat to life and property in the County of Lewis." That Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general Deterioration.

That Vacant buildings that are not secured at doorways and windows also serve as an attractive nuisance for Youth who may be injured within, as well as a point of congregation by vagrants and Transients. A dilapidated building may also serve as a place of rodent infestation thereby creating a health menace to the community. Similarly, unsafe equipment may pose a threat to public health as well as risk of injury.

Section 1 of Lewis county Local Law No.2 of 2007 states that It is the purpose of this local law to provide for the safety, health, protection, and general welfare of Persons and property in the County of Lewis by requiring that such unsafe condition be repaired or demolished and removed.

Section 5, of Lewis County Local Law No.2 of 2007, states that the Code Enforcement Officer is responsible for Administration and enforcement of this law and that when the officer becomes aware of a building (whether vacant or Occupied) that may become a danger or unsafe to the public. Is open at the doorways-windows making it an attraction to minors, vagrants and trespassers, or may become a place of rodent infestation. Alternatively, presents any other danger to the health, morals or general welfare of the public, **or is unfit for the Purpose for which it may lawfully be used.**

Lewis County Local Law No.2 of 2007, directs that the Code Enforcement Officer shall investigate and report in writing to the Board of Legislators, findings and recommendations.

Section 6 of Lewis County Local Law No.2 of 2007directs that the Board of Legislators shall consider such a report and by resolution determine:

- If it is in the opinion that such a building is unsafe and dangerous
- Whether in addition to any other order of condemnation issued by the code official to order the repair of the same if it can be safely repaired
- Whether to order its demolition and removal
- In any event, to order that a Notice of its decision be served upon the property owners of record. with the Legislative notice containing the following information:
 - a. Provide the location of the violation.
 - b. Why the building is deemed unsafe or dangerous.
 - c. An order outlining the manner in which the building or equipment is to be made safe or and secure OR demolished and removed.
 - d. A statement that the securing or removal of such a building shall commence within 30 days of the service and be completed within 60 days
 - e. A date time and place of hearing before the Board of Legislators in relation to such dangerous or unsafe building with the hearing scheduled not less than 5 days from the date of service of the notice
 - f. A statement that in the event of neglect or refusal to comply with an order to secure or demolish and remove the building or equipment. The Board of Legislators is Authorized to provide for its demolition and removal, to assess all expenses thereof against the land on which the violation is located and to institute a special proceeding to collect the cost of the demolition ,to include legal expenses

It is my recommendation to the Board of Legislators that the County order the structure to cleaned of all paper , rubbish and garbage and disposed of in approved containers to a solid waste facility

Such recommendation is in keeping with the stated purpose of local law No.2 of 2007 to provide for the safety, health, protection, and general welfare of Persons and property in the County of Lewis by requiring that such unsafe condition be repaired or demolished and removed.

Committee Review

Regards,

Ward John Dailey
Sr. Code Official



OFFICE OF LEWIS COUNTY PROBATION

7660 North State Street, Suite 217

Lowville, New York 13367

Telephone: (315) 376-5358

Fax: (315) 376-1673

PROBATION DIRECTOR

Mary Jo Burkhard

SR. PROBATION OFFICER

Ellyn Losada

probation@lewiscounty.ny.gov

PROBATION OFFICERS

Sarah Bush

Matthew Morrow

Lisa Peebles

Michael Virkler

Memo

TO: Courts and Law Committee

FROM: Mary Jo Burkhard

DATE: December 14, 2017

Re: Probation Update

1. I believe we finally have a contract ready for your approval with the Jeff Lewis Resolution Center, in reference to offering evidence based programs for our adolescent population. The monies will come from our STSJP grant money, in the amount of \$12,000, with the county paying 38% and the State paying 62%. I do not see us accessing these programs very often but it will be good to know they are available when Raise The Age is initiated.
2. I am still waiting for the Children's Home to send us their 2018 contract renewal. I am sure they will be increasing their bed space cost, in light of RTA.
3. Our caseload numbers are as follows: 220 adult supervision cases, 33 pre-trial cases, 4 juvenile cases, 12 Drug Court cases, 33 CD/IID cases and 39 pre-sentences.
4. Our ongoing and unfinished business remains RTA. This will continue to be one of our primary focus areas in 2018 as there continue to be endless unanswered questions regarding the implementation. Our first meeting with all the interagency players, including Judge King, is Jan. 9, 2018. I will keep you posted!
5. I want to thank you for your ongoing understanding and support this year. You have allowed this department to continue to run as smoothly as possible in light of Ellyn's ongoing battle. Your willingness to create Mike's fulltime position and then allowing the officer's to be compensated for 40 hour work weeks has been greatly appreciated. I am very pleased with my staff and their dedication to ensuring community safety and offender accountability. I am so thankful that you also understand our responsibilities. Thank you and have a wonderful holiday.

Lewis County Emergency Management
5252 Outer Stowe St.
Lowville, New York 13367



Robert A. MacKenzie III, EMT-P/CEM/CFC

Courts & Law
December 14, 2017

Training

1. Individual agency Fire radio training as requested.
2. AEMT Course to begin 1/15/18 @ LCSR
3. New student EMT-B class started November 2, 2017 @ LCSR with 19 students
4. EMT-B Refresher class started November 2, 2017 @ LCSR 4 students
5. Health and Safety Officer Class hosted @ Constableville Fire running with 8 students.
6. CPR Training at BOCES on November 13, 2017
7. TIER 3 training to be scheduled for late January/Early February once new BOL members are in.
8. BEFO Class completed at Copenhagen Fire Station – 13 students (7 students passed)
9. Mask Fit Testing 1/18/18 @ Lyons Falls Fire (fir Lyons Falls & Port Leyden)
10. 2018 BEFO Class hosted at 3-G Fire Glenfield Station begins – January 4, 2018
11. 2018 IFO Class hosted at 3-G Fire Glenfield Station begins – April 5, 2018

Miscellaneous

1. RFP posted for the Hazard Mitigation Plan Grant. Proposals arrived and will be selecting and notifying selected firm on or by October 10, 2017. Docket for selection. Contract Status??
2. Update of MCI Plan in process and has been sent to the governance team at SU.
3. New Spontaneous Volunteer Management Plan has been forwarded to County Attorney. Seeking approval. Need a resolution for acceptance from the whole board if no questions.
4. FY2017 EMPG grant is now approved; paperwork will be soon submitted for fulfillment.
5. FY2017 SHSP grant is now in the process of obtaining quotes and making purchases for fulfillment.
6. Fire classifications updates for the CAD – waiting response from County Attorney.

Lewis County Emergency Management
5252 Outer Stowe St.
Lowville, New York 13367

Robert A. MacKenzie III, EMT-P/CEM/CFC



Meetings since November 7th

1. 11/9 – Courts & Law Mtg
2. 11/13 – Life Skills CPR instruction training @ BOCES 2 sessions
3. 11/14 – Radio Mtg – review of interop proposals
4. 11/16 – 911 Oversight Committee Mtg
5. **11/19 – Fatal Farm Accident Marks Farm w/follow up S.P.**
6. 11/20 – Assist with Commercial Vehicle Accident Scene
7. 11/27 – Mtg with LCSR Chief Justin Astafan
8. **11/27 – Public hearing Lyons Falls for trail**
9. 11/28 – Lewis County Radio Committee Mtg
10. **11/28 – Lewis County Fire Police Mtg**
11. 11/29 – MTg with Lifenet Air Methods Bryce Rowles
12. 11/29 – Mtg with SU governance team to review progress status
13. **11/29 – Lewis County Origin and Cause Team Mtg**
14. 12/1 – Radio Committee Mtg regarding Harrisville Tower and Mohawks
15. **12/1 – Lost Hunter Search**
16. **12/6 – CPR Instructor Mandatory Update Training**
17. 12/7 – Annual Law Enforcement Snowmobile Update Mtg
18. 12/8 – Mtg with Governance Team from SU for Emergency Mgmt detailed info.
19. **12/09 – Shop with a Cop**
20. **12/13 – Fire Advisory Board Croghan**

All items in bold are night and weekend hours.

Coordinators Calls since last meeting:

Amount	Type of Call
5	EMS / Accident Calls
0	Structure Fires
0	Grass Fires
0	Vehicle Fires
1	Hazmat Incident
0	Wires Down
2	Public Assist
1	Commercial Vehicle (Truck) Accidents
2	Meth Lab / Search Warrant
0	MCI (Mass Casualty Incident)

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



LEWIS COUNTY SHERIFF'S OFFICE

5252 Outer Stowe Street
P.O. Box 233
Lowville, New York 13367
Telephone: (315) 376-3511
Fax: (315) 376-5232

Michael P. Carpinelli
Sheriff

mikecarpinelli@lewiscounty.ny.gov

Jason A. McIntosh
Undersheriff

jasonmcintosh@lewiscounty.ny.gov

December 14, 2017

Personnel:

FT-Deputy – Cody Luebbert will starting Jan. 3, 2018. He is a lateral transfer, meaning no additional costs for training.

PT reappointment for Matt Martin while working under the Drug Task Force.

E911 – Cheryl will discuss PSAP grant and what is being appropriated.

Also discuss/update on radio project.

Parks and Recreation - Full-time officers will be paired with part-time officers. Sgt. Schmitt's (SRO) schedule is also being figured out for the summer. We will be sending some deputies to a free boating course in preparation of the boating season.

Jail –Inmate medical expense is in the negative (over \$3,000). Ask for money from contingency. Possibly \$10,000 as there are still some outstanding medical bills for 2017.