

PUBLIC HEARING FOR PROPOSED LOCAL LAW #2 for the Year 2008

TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

February 23, 2009

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A Public Hearing was held on Monday, February 23, 2009 for the proposed Local Law #2 for the Year 2008 "Prevention of Avoidable Alarms", at 6 p.m. at the Brighton Town Hall, 12 County Road 31 (a.k.a. Jones Pond Road) in Paul Smiths, NY, with the following:

CALL TO ORDER:

The Public Hearing was Called to Order by Supervisor David Knapp at 6:04 p.m.
The Board recited the "Pledge of Allegiance to the Flag"

TOWN OFFICERS

PRESENT: Supervisor David Knapp

Council Members: Sheila Delarm, Jeffrey Leavitt, Steve Tucker and Lydia Wright

ABSENT: None

OTHERS PRESENT: Elaine Sater - Town Clerk

RESIDENTS: There were 23 residents and 1 representative of the media present

NOTICE OF MEETING: Notice of this hearing was posted on February 13, 2009 on the Town Clerk's Sign Board and at three post offices and businesses in the Town. Notice was faxed to the Adirondack Daily Enterprise on February 13, 2009 and mentioned in an article on February 13. The public notice was published on February 19th.

Supervisor David Knapp opened the hearing for public comments:

CITIZENS COMMENTS:

Ed Hoyt: Life time resident, in the fire service for over 30 years, tax payer, supports the local law. He is concerned with the safety of the volunteers and the students, RAs (Resident Assistants) are not doing their job of getting the students out of the dorms when the alarm goes off. He has been a fire safety officer and says education and training is the key to getting the fire alarms reduced. He would like to see the College, the Fire Department and the Town Board get educated about fire safety.

Susan Sweeney: Paul Smith's College representative, against the Law; the College has initiated several items to reduce the number of alarms. Bathrooms in a dorm were renovated due to steam activation of the alarm, heads of the alarms will be cleaned twice a year instead of the required once, education of the students on fire safety has been started, they will be fined and relocated if necessary. Safe cooking techniques have been initiated in the Upper and Lower St. Regis dormitories. The power on the microwaves has been reduced. The College believes the law is unnecessary, it does not prevent avoidable alarms, it is punitive, it is unjust and it is not targeted at a perpetrator but at the College, it is subject to challenge on the basis of its subjectivity, it is selective in that it targets only entities that report directly to the Fire Department. The education programs are working, they are seeing progress in the reduction of alarms. There is another way to solve the problem other than this law, the College is willing to work together to solve the problem.

Bob Eckert: Consultant for College in the past, wife is Board Member; has been disappointed by the actions of the parties involved, he compared the fire department and the College to two children who think something is unfair and go the parents (the Town Board) to solve their problem. The fundamental issue of "what's fair" has not been addressed by either side. The number of acceptable alarms is the "unfair" issue. He is still waiting to hear an acceptable number from either side. He would like to hear the College and the fire department come up with an acceptable number of alarms so both sides can win.

Bill Jost: Long time resident, tax payer, member of Fire Department, has had a great working relationship with the College in the past, was put on a committee to look at this issue and helped create the law. This is a life safety issue and a cost issue for the fire department, the morale of the volunteers is being affected, there are other properties in the Town that have in-line alarms and there will be more in the future so he is for this law to be in place before this becomes more of an issue and he thinks the Town owes it to the tax payers.

Phil Delarm: Member of Fire Department, father of Board member, things may be getting better at the College or they may not, he compared the 18 calls to the two new dorms since they came on-line in August 2008 (61% of calls) to the 17 calls so far for 2009 for the Fire Department. 10 were to the College, this is 61% of the calls.

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Tom Tucker: Tax payer, fire department member for 28 years, 2nd assistant Chief, has been Chief in past, brother to Board member, during the day the population in the Town doubles when people come to the College for work and school. In 2007, this law was the last thing he wanted to do to address this issue. He met with the College as Chief in 2007 to discuss what could be done, not much was done until this law was proposed to the Town Board. The call level is higher than he is comfortable with, there were three cooking fires this past week. There were calls due to maintenance people not shutting down the system before they went to work near it. The prison has cooking facilities in their dorms and the fire department does not get called there because the inmates have to stay with their food while it is cooking. If the prison closes in a few months, the fire department will have to pick up the calls there. On the safety side, a fire fighter in St. Lawrence County was responding to a false alarm and killed a motorist while trying to respond to the call. He hopes this Town never has such an incident. If the number of avoidable alarms could be reduced it would help the Fire Department. He hoped it would not come to this but its time for the law.

Matthew Schur: Student Affairs Officer at Paul Smith's College, he has been in housing and student life at several colleges, he has had the same conversation at those colleges. He has witnessed "false alarms" and may have a different definition than some, during September 11 (2001) he witnessed a false alarm where the fire fighters who had returned from the call to NYC had to respond, he understands the level of dedication of the volunteers and he appreciates it. The College relies on the volunteers and he thanked the fire department for their service. He said the RAs (Resident Assistants) are students and if anyone has a question they can speak to him about them. Their primary job is to get out of the dorms safely.

Susan Sweeney: Initiatives have been taken with contractors, there are protocols now in place for the maintenance department run by Sodexo, contractors are to report in with Campus Safety Office to reduce unnecessary alarms.

Dane Lewis: Employee at Paul Smith's College in Student Life for about 5 months, he thanked the fire department for their service and he understands why they are frustrated. He said the Fire Department will get the most calls from the College due to its size. The system is very sensitive and education of the students is needed. Passing this law is not the best decision at this time. The College is moving toward reducing the alarms and they need more time to educate the students.

Bob Eckert: Would like to underline the "unfairness" issue. His father-in-law is on the Fire Department and this is what he hears. He would like to know what is a reasonable target for the College and the Fire Department; what will make it acceptable to both parties. If this law is not passed will the College not pay so much attention to the alarms. Its about the system, not the people.

Phil Delarm: A fire under normal conditions doubles every 60 seconds, the longer it takes to respond to an alarm, the more the chance that someone will get hurt.

Roger Smith: Chief of Paul Smith Gabriels Volunteer Fire Department, has been in the Fire Department 20 years, has been Chief on and off for about 10 years. The calls at the College have been on the rise. The response time of volunteers is getting longer and longer, as people wait to see if it is another "avoidable alarm" at the College. He has even done this. They are losing valuable time due to the number of "avoidable alarms". The safety of the volunteers is also at risk when responding to a false alarm, they have to come down Easy Street Hill to get to the station and the snow banks are making it hard for people to see, he hopes they don't hit anyone on their way down the hill. He is concerned about the cost of responding to the number of false alarms. This money comes from the Town's contract and fund raising. There were 70 plus calls to the College in 2008 that were false and this costs money each time they roll out the truck. The College is working on reducing the calls. He is 100% willing to work with the College as they always have and always will. He thinks the law is needed to keep the College working on the problem and to keep the Fire Department from responding to shower steam and burnt food.

Mike Harrington: Past employee of the College, would like to know how many avoidable alarms have been responded to at other properties besides the College.

Roger Smith said he can recall 2 properties that had three calls each in the past.

Council member Jeffrey Leavitt: Former fire fighter, in the past there were 25 to 30 false alarms a year, now there are

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60 to 70 false alarms a year. Residents are asking him what will happen to their home if there is a fire, while the fire department is tied up at the College. This problem has been going on for a while. Due to the turn over of staff at the College this problem seems to be a new one, but it isn't. The people who are working on the problem now may not be around next year. He would like to see the College and the Fire Department sit down together and come to a consensus with an acceptable number of calls. Laws are punitive and selective by nature. He compared the law to the Vehicle and Traffic Law for speeding. The board is getting frustrated trying to find a number also. He thinks this needs to be wrapped up soon.

Council member Sheila Delarm: Life long resident, respects and appreciates the College. She cried the day the "Leaning Pine" was cut down. She attended basketball games when she was a child. The College and community were always one. They are not together as one entity any more. The Fire Department never hesitated responding to the College's alarms in the past. Now they feel it is unfair to them. This law is not going to stop the number of avoidable alarms but it is a motivator. Her biggest fear is the number of alarms and the students are not leaving the dorms. Someone is going to get hurt; as a mother this terrifies her. Someone's child, someone's father or mother, sister or brother, is going to die if this is not taken seriously. She has been personally attacked by people over this law, but to save a life she is willing to take the risk and support the law. She will change the law if she sees the number of alarms are coming down. She is willing to work with the College to resolve this issue. She would like to see the Fire Department and the College sit down together and get this issue solved. She thinks it's a disservice to the tax payers and residents that this has not been done yet.

Susan Sweeney: The law has not been passed yet, it is not too late to stop the law. If the initiatives are supported by the Town, the Fire Department, and the College, then do it. Stop the law and avoid additional time and expenses to everyone. Two Board members have said it should be done a different way, then let's do it another way. Its not too late to stop this law.

Phil Delarm: This issue was started in 2006, here it is 2009, some steps have been made; the steps could have been made faster.

Bill Jost: It is high time to have the law, there are other properties that this will affect as the Building Code changes. More camps are installing these alarm systems.

Mike Harrington: He said, based on what Roger Smiths said, there are no other entities that this law would effect in the Town. Only the College would have been penalized if this law had already been passed. He thinks it is hypocritical for the Board to say this law will affect the whole Town.

Supervisor David Knapp: There is no registration for in-line alarm systems in the Town. There are other properties with in-line alarms.

Roger Smith: The law will affect all the property owners in the Town.

Supervisor David Knapp: Said he has been back and forth with this issue since he took over the Supervisor position in October. He has worked for 15 years as an electrician in facilities maintenance in places with much larger systems than the College. He looked at other cities's alarm laws; they have registration procedures and charge a fee to register a system. The Town tried to address this with this law at first but it was removed. This needs to be addressed in the future. The fire department should know who has these alarm systems but at this time they do not. People are putting more sophisticated systems into their homes. The College is working with two systems, the alarms that need constant attention and the people setting them off. Education is needed for both systems. The detectors are working as they are supposed to, but are they in the correct places.

Mike Harrington: He is for a law for these systems but not this law. He thinks the law is selective.

Jeffrey Leavitt: The first version of this law had a split scale, but the college said at the last public hearing they did not want the Town to be selective with this law. Other towns's laws had only one category for alarms so the Board changed the law to one category so the law does not distinguish between large institutions and single family homes. To be

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selective and have a split scale would help the College but punish the tax payers and the life safety system or the fire department.

Discussion was held on how a law changes or doesn't change using speeding as an example.

Supervisor David Knapp: Said the Town has to start somewhere. Pick a number, if the law needs to be changed it will be. If the law isn't enforceable it will have to be changed.

Tom Tucker: It seems the College is now haggling over the price of the fine and the number of calls, if the number of alarms would go down this law can go away. It costs the fire department to respond to the calls.

Sheila Delarm: The Town Board asked for a number from the College and was given zero or one for every student which would be 700. This was not very reasonable so the Board picked three. There have been several changes to determine this so there is no "win-win" situation.

Supervisor David Knapp: Most other laws used 1 to 3 calls and \$250, the City of Rochester and the Town of Avon were used for these numbers.

Bob Eckert: Still asked "what's fair" . The Town board has worked hard on this law and they need to move on and get other Town business done. There is momentum to this issue. When you work for a company, you are employees of a system. Systems are short sighted and people chose to protect systems. The systems will perpetuate itself. He is not concerned with the College not hiring him for speaking out. It's not personal. The discussion still needs to take place to "make it fair".

Dane Lewis: The problem is there are avoidable alarms, the Town is tacking on a bill, but the alarms will still happen. There are more alarms because there are two new dorms. The Fire Department, Town Board, and the College need to come together to solve the issue. The College gets paid by the students not the Town. The students support the College and the College supports the Town. There is a need to find a creative solution to this issue to work together instead of the back and forth.

Lydia Wright: The Board has spent an enormous amount of time on this law and looking at other laws. The Board represents all the residents of the Town, each board member wears many hats and lives in the community. The Board has to look at the whole town and not just one entity, the College. They have to look at what is best for everyone in the community. She has a scanner and hears all the calls, especially at night. She is thankful for the volunteers and that she doesn't have to get out of bed. The time spent on avoidable alarms could take away from other calls, time is of the essence when there is a real emergency. The Board has not made up its mind on passing this law. There is a wide range of interest that the Board has to take into consideration.

Ted Palmer: Fire fighter and former Paul Smith's College employee, thanks to the Board for the time taken with this law, he is in favor of it. As he sees new development and houses coming into the area, the contractors, electricians and home owners need to get proper placement and proper alarms systems in place. There will be more alarm systems in future developments in the Town.

There were no further comments from the public.

Supervisor David Knapp thanked everyone for coming. He said he has never seen so many people come out for an issue and he was glad to see people taking an interest in this issue.

Motion to Adjourn the Public Hearing at 7:20 p.m., made by Supervisor David Knapp, **Second** by Sheila Delarm, **Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0**

Respectfully Submitted,

Elaine Sater, Brighton Town Clerk