

PUBLIC HEARING FOR PROPOSED LOCAL LAW #2 for the Year 2008
TOWN OF BRIGHTON - FRANKLIN COUNTY, NY
December 9, 2008

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A Public Hearing was held on Tuesday, December 9, 2008 for the proposed Local Law #2 for the Year 2008 "Prevention of Avoidable Alarms", at 7 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 7:06 p.m.

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 and Attorney for the Town Scott Goldie

RESIDENTS: There were 15 residents and 2 representatives of the media present

NOTICE OF MEETING: Notice of this hearing was posted on December 3 on the Town Clerk's Sign Board and December 3 at three post offices and businesses in the Town. Notice was also published in the Adirondack Daily Enterprise on November 25 and December 4.

Supervisor David Knapp read the purpose of proposed Local Law #2 for the year 2008 as follows:

"It is the purpose of this local law to promote the health, safety and general welfare of the residents of the Town of Brighton by reducing the number of avoidable false alarms, thereby ensuring that fire and rescue emergency personnel will be available for actual emergencies. Avoidable alarms unnecessarily drain resources and require emergency responses which increase the risk of accidents and delay responses to real emergencies."

The history behind this law is that the Paul Smiths-Gabriels Volunteer Fire Department (PSGVFD) felt they were being called out significantly more often than necessary for alarms that were reported but were not necessarily an emergency.

Citizens Comments:

Lee Robert: He has not heard of any efforts by Paul Smiths College (the College) to reduce the amount of false alarms at the college. He was a member of the PSGVFD for 10 years; he got frustrated with responding to false alarms. He asked if the number of alarms increased when the number of students increased. He stopped being a member of the PSGVFD because he felt guilty about not responding when he knew the alarm was false. He doesn't understand why the security at the College are not able to respond to the alarms then call the PSGVFD if it's a real emergency. They could be trained to respond and the training should be free. This would reduce the number of false alarms. The students are also not responding to alarms because they think they are false alarms.

John Quenell: Provided data for avoidable alarms for the past 3 months at the College. He projected an annual rate of 150 avoidable alarm based on 37 avoidable alarms during the period September 11 to December 8, 2008. He said there has been a huge increase in alarms, 61, 65, and 62 over the past three years. The data shows the causes of the avoidable alarms, the majority are from cooking (17) and steam from the showers (5). There are 7 of unknown origin. He spoke with people at the College about three years ago about this problem and asked them to consider removing microwaves from the dorm rooms. He said the College's reply was that they had a contract that still had a year on the lease for the microwaves. No more was discussed on this issue. This year two new dorms were added that have microwaves and electric stoves and false alarms have increased. The data is also broken down by location of the alarms, days of the week, and time of day. The two new dorms have the most avoidable alarms, Saturday and Sunday are the days with the most alarms, and the times between 8 p.m. to 10 p.m. and 12 noon to 2 p.m. have the most alarms. He wishes this local law was in effect a year ago, it is long overdue. There is a lack of improvement in avoidable alarms at the College. Section 2 of the Local Law, Definitions, Avoidable Alarms, is too wordy and needs to be made clear cut and simple. Wording from the original law submitted should be used " False Alarm: An audible alarm and/or an electronically transmitted alarm to which the Fire Department responds when an emergency situation does not exist." The wording of the draft came from four other local laws from the Town of Bethlehem, Town of Cornwall, Village of Cove Neck, and Town of East Hampton. The Town of North Elba also has a Local Law from 1991, their definitions of a false emergency alarm

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is “any message or signal actuated by an alarm device to which the Lake Placid Volunteer Fire Department responds that is not the result of a fire.”

Pat Willis: Is concerned with the number of avoidable alarms, she is worried in light of the fact that the number of firemen showing up at the College is decreasing. Due to actual fires at the College in the past, it should be in the strong interest of the College to correct this situation. This law being proposed could be the impetus to correct this situation.

Tom Willis: Asked who else is having false alarms, is this a problem elsewhere or only at the College

Supervisor David Knapp: Said there have been camps with the same problem in the past

Susan Sweeney: People need to understand that the College is very interested and trying to address the issue. The new dorms have been on-line for three months. They were modeled to attract students to the college. The buildings and systems have been designed by professionals and approved by the Code Enforcement Officer (CEO) of the Town. The College is sensitive to the volunteers that are responding to the calls. They are working with the NYS Fire Code. The College security are not members of the PSGVFD so they cannot respond to calls. They are looking into single versus multiple alarms responses. They are dealing with 18 to 22 year old students who are not used to automatic alarms systems. There is a training issue that is significant for these students. The College is implementing a program in the Spring to address this issue with penalties. There is a difference between a “false alarm” and an “avoidable alarm”. The systems are functioning properly, an alarm goes off when sufficient heat from burnt food sets it off. There are some legal issues with this local law: Section 2, Purpose, “avoidable false alarm” an alarm is not “false” if the equipment is responding appropriately. In Section 3 Avoidable Alarm - “Carelessness” is used to define the term, but “Carelessness” itself is not defined. It is clear that this word is used in a definite way in this law. There is no exemption for other causes of false alarms that are beyond the control of the system owner, such as power surges, undetected mechanical failures, or malfunctions. Questions whether “natural phenomenon” would apply to animals. Squirrels chew on wiring and could trigger an alarm. This law is only for alarm users and does not address people who call in alarms. Section 7 - Who will certify the avoidable alarm incident report, will the fire department determine if the alarm is avoidable and on what will it be based. Will the investigation take place immediately, who will certify as to the cause of origin of the alarm, will the fire department secure the scene until the certified inspectors arrives to protect the integrity of the scene. The fines that are being proposed are of such a substance it would seem that anyone being charged with an avoidable alarm would want to understand what the evidence is based on, just as in any other criminal or wrongful activity would be based. Section 8 - Who will conduct the hearing, What is the burden of proof and who bears the burden of proof. This is not clear in the law.

Robert Eckert: Disclosed that he is the husband of a fire fighter and has done work for the college, this issue needs to be solved. The question is are the people involved motivated enough to find a solution to this problem. This local law was submitted before the two new dorms came on line. The law is to give pain so people are motivated to solve the avoidable alarm problem. Does the college believe it can get the numbers down, if not they will fight this law. If so, the law will not be such a painful item to them. There are many ideas being voiced that may or may not be true. The alarm systems works, the larger structure (the building) may not be working. The ventilation system may not be designed correctly. The CEO may not be experienced enough to know about institutional systems. The security people who would check on a single alarm and find a real fire would lose 3 to 5 minutes of response time. That could mean losing a building. HE addressed motivating the students to leave the building or not cause the alarms. Training and policies need to make it painful for the students. He is in favor of this local law, but is most concerned with the wording of the law so the Town is not spending lots of money in litigation with this law. People have pointed out different issues with the law that could be challenged.

Lee Robert: The security members can be trained and become members of the PSGVFD, there is a mechanism in the Fire code to allow them to be trained and be fire department members. The students’ apathy may apply to some but not to all. Is the law effective, will it effect him in his home. There is a big waste of resources due to the false alarms. He has not heard anyone addressing that the students may be come more apathetic and there will be loss of life when there is a real emergency. Was the CEO trained in institutional code as opposed to housing code, there is a big difference. Has the College, the fire department, and the town officials sat down and discussed the ideas before tonight.

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John Quenell: Said yes there were meetings. Seton Hall in New Jersey in 2000 was the scene of a tragedy. There had been several false alarms and then there was arson and three students died. He spoke with the CEO who seems to be extremely knowledgeable. The buildings are up to code but that is not good enough for this situation. The windows are large enough in the building, but the ventilation system for the kitchens in the new dorms is not enough. An air exchange system in the kitchen is needed. He mentioned Supervisor David Knapp's profession as a chef and wondered if he would use the kitchen as is without an air exchange system in place. The smoke alarm could be changed to a heat alarm. He has spoken to the CEO who has to approve this. He has not heard a response from the college on this idea.

Pat Willis: Asked why steam is setting off a "smoke" alarm.

Supervisor David Knapp: The alarm detects particles in the air, such as smoke, steam, dust, etc.

Susan Sweeney: The number of 37 alarms and extrapolating it to 150 potential alarms is not a fair number. There are only two semesters when the dorms are fully occupied and Summer usage rate is low. The issue of switching out smoke and heat detectors is being looked into, she received a letter addressing this. There are concerns with the design of the facility. The detectors would need to be rearranged due to the arrangement of the sleeping quarters.

Mike Harrington: Said he enforces the policies for students and is in charge of the housing facilities. He has been a fire volunteer in another town so he understands the fire department's issue. The people who are helping them with the residential facilities are well versed in the construction of the buildings. The Fire Marshall gave approval of these facilities, also. The CEO was not the only person who approved the buildings. His concern with the law is that penalizing the students will encourage them to work around the system by covering up the alarms to keep them from functioning properly. The law will also discourage people from putting alarm systems in their camps and homes that patches directly into the Fire Department. They will want to avoid the severe penalties. He asked how the number 6 for receptors was determined, why isn't there a third section for institutions. It seems the law is targeting the College. The CEO will be handling the calls, if the money is going to pay the CEO's salary this could be a conflict of interest. He understands the majority of the funding will go back to the Fire Department. The College is working on the issue, they are not looking for loopholes, they are looking for feasible solutions. There has to be an economic balance as they are a business.

Robert Eckert: He is concerned with the issue of wasting volunteer resources. One volunteer has already quit to have a better use of his time. The volunteers do not get paid to respond to alarms, they use their own vehicles and gas. They don't get paid to fund raise. He would hope that if he ever has a fire at his home that has several buildings, there will be enough volunteers to respond. He knows from talking to volunteers that they are tired in general from responding to so many alarms that are not fires. He wants to reduce the burden to the volunteers. The volunteers worked with the college a few years ago when there was a death at the college. They voluntarily closed off access to the college to keep people from bothering the college as they dealt with the situation, with no thanks from the college. He has not heard what would be a reasonable number of false alarms; what would the college propose to be a reasonable number of alarms before a penalty is imposed. There was no counter proposal from the College. The community resource is getting burnt out, there is friction starting between fire fighters and security at the College. This will only get worse as time goes on if the number of alarms is not reduced. There needs to be a solution to this issue and the law is the only solution he has heard so far.

Roger Smith: Fire Chief of PSGVFD, he is in favor of this law. They go to the college for many false alarms, out of 136 calls so far this year, 70 were false. The college will not be the only one to suffer if this continues, the number of volunteers responding are decreasing. Yesterday, there were two false alarms at the College and one possible structure fire at Bay Pond. He was even considering not responding himself. The volunteers are thinking twice about responding. The College is trying to do what they can; but this law will generate a faster fix to the problem. The volunteers will feel better about responding if this law is put in place.

There were no further comments from the public.

Motion to Adjourn the Public Hearing at 8:10 p.m.,made by Supervisor David Knapp, **Second** by Jeffrey Leavitt,

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Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk