

SPECIAL BOARD MEETING - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

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A Special Meeting of the Town Board of the Town of Brighton was held Monday, February 23, 2009 following the Public Hearing of Proposed Local Law #2 for the year 2008 at 6:00 p.m. at the Brighton Town Hall, Paul Smiths, NY, with the following:

CALL TO ORDER:

Meeting was Called to Order by Supervisor David Knapp at 7:48 p.m.

ROLL CALL OF 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 four residents present and a representative of the media

GUESTS: None

NOTICE OF MEETING: Notice of this meeting was posted with the Public Hearing Notice on February 13, 2009 on the Town Clerk's Sign Board and at three local post offices and businesses. Notice was faxed to the Adirondack Daily Enterprise on February 13 and again on February 19, 2009 and was published on February 20, 2009.

- 1. AVOIDABLE ALARM LOCAL LAW:** Discussion was held on the outcome of the public hearing. Sheila Delarm said she has to wear her "Town Board" hat, the Fire Department asked the Town to pass this law because they cannot. She has not heard from one person who says this law is not fair. Until the Fire Department and the College go into a room and come up with a solution on their own this law is needed. She has been taking hits from the President of the College, she was elected because people knew she would not back down when the issues got tough. Lydia Wright said the Board is "hired" by the Town to protect the people of the Town. There are other laws that they are looking at also. They are not singling out any one person or building. Other entities have in-line alarms, are they not working properly or are they functioning properly. She wishes other community members had attended the public hearing besides the Fire Department members and College employees. She has not heard anyone in the community say "don't do this because it's not fair." The Board could go around and around about this. Jeffrey Leavitt said they could go around and around, lets move it forward and test it. They are all getting frustrated with it and he would like to stop wasting time discussing it. Supervisor David Knapp said his biggest concern is enforcement, he is not confident with the Attorney for the Town's saying it can be enforced. He has worked with the systems and it will be hard to enforce the law. A registration of systems law needs to be put in place. Lydia Wright asked how many other properties have the in-line alarm systems. Steve Tucker said there could be a dozen of them. Sheila Delarm said if a person calls in a false alarm it's a criminal offense, so why can a machine do it. Jeffrey Leavitt said the machine is doing its job properly, it's the person not turning off the alarm when doing work near it. Sheila Delarm said the law will not fix the problem but it is a great motivator. There was not very much action at the College until this law was proposed. Lydia Wright asked if the Fire Department has done all it can to avoid this law. Tom Tucker, from the Fire Department, said he was against the law in 2006. As Chief, he met with Susan Sweeney at the College in 2006 and 2007 to discuss the problem. The number of calls only escalated even though the College said it was working on the problem. Even the employees started burning food in the microwaves. He asked the College to get rid of the microwaves or put a switch on them. He was under the impression that the microwaves were going to be eliminated by 2008. Instead more microwaves were added to the new dorms as well as stoves. The Fire Department has gone above and beyond what it can do to solve this problem. The maintenance issue will eliminate some of the alarms. Sheila Delarm said one of the College employees said, as he left the public hearing, that it looked like the attorneys will get rich over this. She did not think this was a very nice thing to say about this issue. Tom Tucker said he would like to see the money go into the solution instead of fines and legal fees. Sheila Delarm said on January 5 there was a meeting with the College and Fire Department to discuss this issue, the College was looking into the Code to see what they could do. Tom Tucker said the College cannot get anything in writing from the NYS Code Office. Jeffrey Leavitt said the Code question came up in October 2008. Phil Delarm, from the Fire Department, said the microwaves were a problem before the two new dorms went on-line. It's the students using the stoves in the new dorms that are the problem not the microwaves. The students need to be educated. Tom Tucker said the College is promoting a larger "Green Footprint" but they are causing the Fire

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Department and Town to decrease it's "Green Footprint" by all the driving of vehicles to respond to these false alarms. Phil Delarm said the fire truck is also decreasing the "Green Footprint" as it's engine runs during the calls. Lydia Wright said the cost to run the fire department is increasing and it will effect the tax payers. The number of calls allowed and the fines was discussed. Jeffrey Leavitt compared the cost of the fine to a speeding ticket, if you have less offenses you get a break, if you have more offenses the fine is higher. Phil Delarm said the College is running a business and this will be a cost to do business or they can change things. David Knapp said the amount of the fine is what the students have to pay also after three alarms. Steve Tucker said he expected the College to negotiate a little bit with the Board but they did not. David Knapp said he would like to see the registration of alarm systems in the future. A form has been created to track avoidable alarms in the Town.

LOCAL LAW#1-2009

PREVENTION OF AVOIDABLE ALARMS IN THE TOWN OF BRIGHTON, FRANKLIN COUNTY, NY

Motion made by Supervisor David Knapp **to enact a local law entitled "Prevention of Avoidable Alarms in the Town of Brighton, Franklin County, New York", second** by Jeffrey Leavitt, **To Wit:**

WHEREAS, a pubic hearing was held on December 9, 2008 to hear public input on the proposed Local Law #2-2008, entitled "Prevention of Avoidable Alarms in the Town of Brighton, Franklin County, New York", and

WHEREAS, the proposed local law was changed based on input from the public hearing, and

WHEREAS, a second public hearing was held on February 23, 2009, and no further changes were made to the proposed local law,

NOW THEREFORE BE IT ENACTED by the Town Board of the Town of Brighton, Franklin County as follows:

SECTION I. TITLE

A local law titled "Prevention of Avoidable Alarms in the Town of Brighton, Franklin County, New York."

SECTION II. PURPOSE

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 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.

SECTION III. DEFINITIONS

For the purpose of this local law, the following words and phrases shall be defined as set forth below:

FIRE DEPARTMENT - those entities which provide fire protection to the Town of Brighton's fire protection district.

ALARM SYSTEM - any mechanical or electrical device that is designed or used for the detection of fire, smoke, heat or flame serving a building or buildings, and which device emits a sound or transmits a signal or message when actuated; or which is connected to a central station or answering service for the purpose of reporting such alarms to emergency agencies. Multiple fire alarm receptors covering more than one building on a property will be considered one alarm system.

AVOIDABLE ALARM - Any audible alarm and/or an electronically transmitted alarm to which the Fire Department responds when an emergency situation does not exist. An alarm caused by power outages or severe weather conditions when no emergency situation exists is not an avoidable alarm as defined herein. The transmitting of a message or signal due to an equipment malfunction or maintenance activity shall be deemed to be an avoidable alarm and not an emergency situation.

EMERGENCY - an urgent need for assistance or relief to protect against immediate and potentially catastrophic personal injury or property damages occurring at or in close proximity to the alarm premises.

ALARM - any form of notification, either audibly or electronically transmitted to the fire department representing an emergency situation.

ALARM USER - shall include any person, business or institution who owns, leases or employs an alarm system within the Town of Brighton.

RECEPTORS - Those components in an alarm system which detect smoke, heat, flame or fire, which are dispersed throughout a building or buildings.

SECTION IV. ALARM USER LIABILITY

Alarm users shall be liable for all avoidable alarms which result in the dispatch of the fire department.

SECTION V. CIVIL PENALTIES

An alarm user with an alarm system shall be liable for the following civil penalties for avoidable alarms in each calendar year:

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First through Third avoidable alarm.....No charge/Warning letter only
Fourth through twenty-fifth avoidable alarm.....\$250 Fine for each incident
Twenty-sixth and subsequent avoidable alarm\$500 Fine for each incident

SECTION VI. ADMINISTRATION

The town Code Enforcement Officer (CEO) shall be responsible for administering this local law. The CEO shall collect and keep records of all reported avoidable alarm incidents for each calendar year, and prepare matters for civil court.

SECTION VII. AVOIDABLE ALARM INCIDENT REPORTING

Within fourteen (14) days of an avoidable alarm incident, the fire department shall send the CEO a written Avoidable Alarm Incident Report, either by fax, e-mail, or first class mail. Such report shall include:

- The Alarm users name and address, if known;
- The date, time and location where the fire department was directed to respond to the avoidable alarm;
- A description of the incident which the fire department believes constitutes an avoidable alarm; and
- The name and signature of the fire department official completing the incident report.

SECTION VIII. HEARING PROVISIONS

- A. Within fourteen (14) day of receiving an Avoidable Alarm Incident Report, the CEO shall send a written notice of the violation and a copy of the Avoidable Alarm Incident Report to the subject alarm user by first class mail. Such written notice shall also reference the total number of violations by the alarm user for the year, and include either a warning letter or set forth a demand for the civil penalty owed for this particular violation. Such notice shall provide the alleged violator with the right to request a hearing or forward payment of the civil penalty within twenty (20) days of the date of the letter.
- B. If a hearing is requested, or no fine paid within the requisite time period, then the CEO shall commence a civil action in a court of competent jurisdiction seeking judgment against the alleged violator for all appropriate civil penalties, costs and expenses.
- C. The Town shall not seek judgment more than two years after the occurrence of the acts forming the basis of the violation.

SECTION IX. DISCLAIMER OF LIABILITY

The Town of Brighton and the fire department serving the Town of Brighton shall not be liable for any defects in the operation of emergency alarm systems nor for any failure to respond appropriately nor for any errors with respect to the installation, operation or maintenance of equipment, the transmission of alarm signals or messages or the relaying of such signals or messages.

SECTION X. SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this local law is for any reason held to be invalid by any Court of competent jurisdiction, such decision shall not affect the validity or the remaining provisions of this law.

SECTION XI. EFFECTIVE DATE

This local law shall be effective upon its filing with the New York State Secretary of State.

ROLL CALL VOTE: Aye 4 (Delarm, Leavitt, Tucker, Wright), Nay 1 (Knapp)

LOCAL LAW #1-2009 is duly enacted

- 2. **EMERGENCY RESCUE CONTRACT:** A copy of the Emergency Rescue Contract has been received from the Village of Saranac Lake, a public hearing needs to be held.

Motion made by Supervisor David Knapp, **second** by Jeffrey Leavitt, **to hold a Public Hearing on Thursday, March 12 at 6 p.m. for public input on the Emergency Rescue Contract with the Village of Saranac Lake, the Regular Board meeting will start at 7 p.m.**

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

- 3. **TOWN GARAGE ELECTRICAL SYSTEM:** The electrical system is not working properly. An electrical inspection has been completed and there are several code violations. The wires are overheating because there are two many wires in the conduits. Rick Stevenson did repairs to get the most serious problem solved. Supervisor David Knapp contacted Joe Garso of North Woods Engineering to discuss this problem. Bay View Electrical did the initial work and there should be a final electrical inspection. There has been communications with prior Town

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Supervisors to have electrical inspections performed in the Town by certified electrical inspectors. There has been no action on this request.

4. **BAR MEMBERS:** People have stepped forward to fill the positions. The Assessor said he would help interview the people.
5. **ICE CREAM SOCIAL:** Jeffrey Leavitt set the Ice Cream Social for Sunday, August 2.
6. **CELL PHONE TOWER AT PAUL SMITH'S COLLEGE:** An APA application has been completed for a Cell Phone Tower at Paul Smith's College. Jeffrey Leavitt spoke with Dan McEntee from Senator Betty Little's Office about the cell service in the Town. Verizon will keep in contact with Jeffrey Leavitt on this issue. There places in the Town where the lack of cell service is making it hard for people to get help when they have an accident.

ADJOURNMENT

Motion to Adjourn at 8:48 p.m. made by Supervisor David Knapp, **Second** by Jeffrey Leavitt, **Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0**

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk