

## **PUBLIC SAFETY MEETING**

### PUBLIC SAFETY MINUTES FOR WEDNESDAY, July 5, 2017

#### **Present:**

Marte Sauerbrey	Legislative Chairwoman
Dennis Mullen	Public Safety Chairman
Ed Hollenbeck	Legislator
Bill Standing	Legislator
Joy Bennett	Probation Director
Gary Howard	Sheriff's Office
Mike Simmons	Director of Emergency Management Office
Frank Okrasinski	Fire Coordinator

#### **Absent:**

Bob Williams	Deputy Director EMO
Dale Weston	Legislator

#### **Guests:**

Stu Bennett – County Coroner

#### **Approval of Minutes:**

Motion to approve minutes from June 6, 2017 meeting made by Ed Hollenbeck and seconded by Bill Standing. All in favor. So carried.

#### **PROBATION:**

Joy Bennett, Probation Director, presented the following information to the committee. Reports are attached.

#### **Budget Status:**

**2017:** On track except for the DWI supervision fee. This is low. It is at 30% now where it should be at 50-60%. Everything else is on target. Due to ATI funding being cut in the state budget, the revenue line for that will not be met.

**2018** – Asked Rita to add a line in the budget for evidence based programs required by Raise the Age Legislation. Director will also be budgeting for a new phone. She has always used her personal cell but due to the new rules in county policy encryption, she would like to keep personal calls separate from business calls and emails.

#### **Issues:**

1. **RAISE THE AGE LEGISLATION:** The Director passed out a flow chart. Due to the types of crimes charged against Youth in Tioga County, the workflow under Raise the Age shouldn't be too bad, the first year. The biggest expense for 2018 will be the evidence based programming, which will be in the form of purchased

workbooks for the PO's to use with youth. The following year, 2019, will be higher expenses due to purchasing more evidence based programs. Had a meeting with other departments affected by RTA re budgeting for 2018. The County Attorney advised he would like to setup a meeting with the DA and County Law Enforcement to go over the statute and what Tioga will do in the future. We are under the tax cap and should be able to get reimbursed for what we spend.

2. **ATI BOARD MEETING:** Meeting is scheduled 7/20/17 and will review the Program Plan again. All 3 programs had funding cuts and reduced goals.
3. **MOU WITH SMART START:** This is continuing. The handheld will be linked to a person and not a vehicle, and will have to be blown into 4x/day.
4. **COPA SUMMER CONFERENCE:** Director's presidency ended on June 28.

#### **ATI PROGRAMS:**

- ❖ **COMMUNITY SERVICE:** doing good

5. **COURT ORDERED INVESTIGATIONS:** This # is down by approximately thirty investigations.

#### **Personnel:**

- Unfunded PO Position

#### **Resolutions:**

None

#### **BUREAU of FIRE:**

Frank Okrasinski, Fire Coordinator, presented the following information to the committee. Reports are attached.

Spending a lot of time with Sgt. Duvarney and Chairwoman Sauerbrey and talking about Narcan.

**Budget Status:** At 61%. Coordinator is bringing forward encumbered funds from 2015. Legislative Chairwoman Sauerbrey asked if the money that was found be used. Chief Budget Officer, Rita Hollenbeck stated it has to be used by August 1. If the plan for spending this money has changed, Ms. Hollenbeck will need a copy of the new plan. The Fire Coordinator had received an extension to spend these encumbered funds by August 3.

#### **Resolutions:**

- Bring forward encumbered funds from 2015
- Late resignation of EMS Coordinator – The critical stress manager does not want to take this position so will have to look for someone to fill it.

### **CEPA:**

- Trying to get some better coverage on Route 34. One consideration is to move things to Round Top in Sayre, PA or Prospect Hill in Barton. Looking to see which would work the best.

### **Special Team Activities:**

- **HAZMAT CALL:** Sunoco station by Red Roof Inn called for spill cleanup. A gasoline pump was damaged. Mr. Okrasinski realized that when a call was made for a spill cleanup and you weren't the caller, they wouldn't talk to you.
- **REPORT ON FIRE INVESTIGATION VAN:** Installation has begun. Received donations from some Fire Departments and other places.
- Looking to replace the Tahoe in next year's budget. Another plan is to replace the Search and Rescue vehicle with a transit type vehicle.

### **Interoperability Grant:**

- Status Report: Exercise completed using interoperability channels. Didn't test whole trailer but everything did seem to work.

### **Other Grants:**

- Trying to finalize the 2012 grant before the dipping into the 2016 grant.

### **Other Activities:**

- None

### **Statistics:**

Fire and EMS calls for service YTD are 3105.

### **SHERIFF:**

Sheriff Howard presented the following information to the committee. Reports are attached.

### **Personnel Issues:**

- ◆ Road Patrol: On July 12, a deputy will be leaving. Waiting to hear about a transfer. If we don't take the transfer then we will go to the civil service list.
- ◆ E911 Emergency Communications Center: Currently have two vacancies. One vacant position will be filled by the Records Clerk which will then create a vacancy within that department. The other vacancy will be a provisional appointment.

**Litigation Issues:** Currently have two civil litigations pending. The Sheriff hasn't heard anything in about 3-4 weeks on it.

**Budget:** On track except for inmate medical. See attached resolutions. Right now with six inmates boarded out. We keep checking to see if we can bring them back to our jail but due to classification we can only bring four back.

**Current Projects:**

1. **Backup E911 Building Project:** Still waiting on Carmichael. Moving backup from DPW to Carmichael where it will reside for the rest of its life.
2. **Audit of Inmate Medical contracts:** Looking into Correctional Medical Care contract from 2009-current. Looking for phone records, contracts, any meetings, copies of checks, etc. This will hopefully be going out this week.
3. **Audit from Commission of Corrections:** The Commission was down last week (Tues-Thurs) and will be coming back in a few weeks to look at a few other things they didn't have time to look at while they were here. The jail received a 99% good health. They always want to change something. No big problems with them.

**Miscellaneous:**

1. **ATI:** Legislative Chairwoman Sauerbrey talked about an event coming up on August 19 where the ATI will be doing some work on the county office building prior to the event.

**Resolutions:**

1. Contingency Funding – Housing Inmates in Other County Jails
2. Contingency Funding for Jail Inmate Medical

**OFFICE of EMERGENCY MANAGEMENT**

Mike Simmons, OEM Director, presented the following information to the committee. Reports are attached.

**Budget:** On target.

**Resolutions:**

1. Authorize the Submission of Homeland Security Grant Application (SHSP17 and SLETPP17)
2. Authorize the Submission of 2017-2018 Hazardous Materials Emergency Preparedness Grant Application (HMEP)

**Monthly Activity:**

1. **Grants:**
  - a. After the original plan went through, EMO had to send an amended plan in which FEMA wanted to know where the two utility poles were going to be installed. These poles sit on top of an archeological site which now has to be reviewed by the FEMA Archeologist. Work has now stopped.

- b. EMO would like to buy portables for the SWAT team members out of the SHSP17 grant. The other \$52,000 would be slated for the EMO department.
- 2. **Incidents involving EMO Response:**
  - a. Wind storm on Main Street – determined it was “flat winds”.
- 3. **Local Emergency Preparedness Committee:**
  - a. A committee was in place years ago and had fallen apart. Assistant EMO Williams is working to re-establish this committee. The committee works with different industries to see what chemicals are on-site. EMO Director passed out handouts.
- 4. **EMO Vehicle**
  - a. The Interceptor, aka Explorer, are priced right around \$30,000, some under some over. Pickups are around the same price. Committee Chairman Mullen said it is the cheaper way to go because they build hundreds of thousands of the interceptors at one time.

**Legislative Chairwoman Sauerbrey:** “If you were thinking of making a full time EMO/Fire person, you’ll have to put it in your budget; or make a plan and start working on it next year.

**Committee Chairman Mullen:** We are one in a few counties that do not have a full time EMO. We could look into merging these two positions together. I would like to get with Tom McCartney and see what he feels is best. We need to be cognizant about a serious incident. Frank knows, you work a lot more hours that what you’re being paid for. [EMO Director] Mike (Simmons) and [Fire Coordinator] Frank (Okrasinski) will work together to come up with a plan by September.

Motion to go into executive session by Bill Standinger and seconded by Ed Hollenbeck.  
Motion to go out of executive session by Bill Standinger and seconded by Ed Hollenbeck.

**ADJOURNED:**

Meeting adjourned at 3:35pm

Respectfully Submitted,

Arrah Richards  
Payroll Clerk/Typist

# ATTACHMENTS:

## Public Safety Committee Meeting

Probation Department Report

July 5, 2017

### **Budget Status:**

2017 Budget: on track

2018 Budget: will put in cost of evidence based programming

### **Issues:**

1. Raise the Age Legislation -
  - Meeting 6/15/17 at Probation- Departments involved with RTA were invited. County Attorney would like to schedule meeting with law enforcement and DA end of this year or early next year to discuss training of officers on law changes.
  - DCJS/OCA/NYSAC all have workgroups regarding creating policy around programming and funding
2. ATI Board meeting is scheduled for 7/20/17 @ 1:30pm - will review Program Plan again -- analysis of jail data and goals for three programs PTR & CS and Mental Health Clinic's substance abuse treatment program for felons.
3. Continuing the MOU with Smart Start for hand held IID. Will resubmit request assistance with funding for this program from STOP DWI after they receive additional state money for IID monitoring. Will be using program with defendant given a different plea offer by DA's office for a DWI arrest.
4. Attended COPA summer conference 6/25-6/28/17

### **ATI Programs:**

- ❖ Electronic Monitoring - 0 units in use. Reviewing new company to contract with
  - ❖ Community Service - Crews consistently scheduled for Saturdays and Sundays with full crews.
  - ❖ Pre-Trial Release - Currently have 22 defendants released from Tioga Co. Jail by a Justice Court or the County Court:
    - 11 are released RUS meaning they report in person weekly to the Department and follow court orders for: urine testing, alcohol/drug evaluations, etc.
    - 11 are released PTR meaning they telephone in weekly to the Probation Department to report any changes in their address or status.
5. **Juvenile Delinquency Services:** 3 Juvenile Delinquency Appearance Tickets were issued by law enforcement in June 2017 all for misdemeanor level offenses. Group of four youth in Newark Valley harassing and throwing rocks at an adult in the Village Square. YTD: 16 JDAT received
  6. **Alternative to Detention Programming:** Probation has 0 youth in detention.
  7. **Court Ordered Investigations:** 64 investigations for Tioga County courts (Criminal, Family and Surrogate) due in the next 60 days.
  8. **Supervision:** 311 cases ordered by Tioga County courts & Family Court
  9. **Violation of Probation petitions:** 68 violation petitions pending against probationers in criminal & family courts

### **Personnel:**

- Unfunded PO position

### **Resolutions:**

- None



**TIOGA COUNTY BUREAU OF FIRE**

*103 Corporate Drive, Lower Level  
Owego, New York 13827*

Frank Okrasinski  
Tioga County Fire Coordinator

(607) 687-8467  
or (607) 687-8466  
Fax (607) 687-6872  
Email: OkrasinskiF@co.tioga.ny.us

**Agenda Public Safety Meeting July 5, 2017**

162 hours for the month of June or 38 hours per week

**BUDGET**

Revenue received: \$9,518.41

Budget at 61%

**RESOLUTIONS**

Bring forward encumbered funds from 2015

Late resolution for EMS coordinator coverage

**PERSONNEL**

Resignation of EMS Coordinator

Resignation of CISM leader

**MEETINGS**

**CEPA**

Search & Rescue and Chiefs at Weltonville

Radio system upgrade for Western end of the county

*Dedicated to the Advancement of the Fire Service*



**TIOGA COUNTY BUREAU OF FIRE**

*103 Corporate Drive, Lower Level  
Owego, New York 13827*

**SPECIAL TEAM ACTIVITIES**

Hazmat call: Gasoline pump damaged at Sunoco in Owego on 17C.

Fire Investigations: Arbys in Owego Cigarette fire

Report on Fire Investigation van: Installation of bulkhead has been completed ready for emergency lighting. Plans are in place for building interior shelving etc.

**INTEROPERABILITY GRANT**

Status report: Buildings are in place and now waiting for NYSEG to turn on power to the new buildings. Equipment is being moved according to the new installation plan. Popple and Candor have been graded Carmichael is almost ready for grading.

Exercise completed using interoperability channels and Mutualink with Broome County

**OTHER GRANTS**

Still waiting for the 2012 grant to finalize before beginning the 2016 grant.

**OTHER ACTIVITIES**

Nothing significant meeting to report

*Dedicated to the Advancement of the Fire Service*





**TIOGA COUNTY BUREAU OF FIRE**

*103 Corporate Drive, Lower Level*

*Owego, New York 13827*

**STATISTICS**

Fire and EMS calls for service 3105 year to date 631 for May 21 per day

*Dedicated to the Advancement of the Fire Service*

# Tioga County Sheriff's Office



DATE: June 23, 2017  
TO: Sheriff Howard  
RE: July (2017) Public Safety - Reference Notes

## **Personnel Issues:**

1. *Civil Office*
  - a) All positions are filled.
2. *Corrections Division*
  - a) All full time positions are filled.
  - b) There are (11) part-time CO vacancies.
3. *Road Patrol*
  - a) All full time Patrol Deputy positions are filled.
  - b) Currently have (2) "Unfunded" road patrol positions vacant.
4. *E911 Emergency Communications Center*
  - a) Recent trainee has resigned. Unable to handle the position. This has now created to vacancies. Plan on filling one position with a provisional hire from in-house. Vera Clark who presently works in our Records Division has applied and will be hired provisionally until a civil service test is held. Will conduct interview for the other vacancy and will interview from a civil service list to replace the vacant records position.

### **Labor Issues:**

1. TCLEA negotiations are underway

### **Litigation Issues:**

1. There are currently two civil litigations pending. No status to report.

### **Budget:**

1. Accounts are tracking well, except for Inmate Medical account and the need to create and fund for boarding inmates out of facility. Attached are two resolutions. The first one deals with re-funding the Inmate Medical account. This account pays for all “off-site” medical billings. With this transfusion, our working balance to see us through the remainder of the year will be around \$23,000. The second resolution is to pay to board out inmates at other county jails. Conservative estimate is \$25,000 a month. We believe that the \$175,000 will be sufficient for the remainder of the year. We currently have 6 inmates boarded out.

### **Current Projects:**

1. Backup E911 Building Project – The movement of our backup center from DPW to the radio tower site on Carmichael Hill is on hold pending the installation of the new radio tower building.
2. Currently complying with an audit of our Inmate Medical contracts by the NYS Comptroller’s Office. Audit covers contracts/procurement from 2009 to present.
3. Commission of Corrections performed a Cycle Evaluation (Audit) of our jail operations during the last week of June.
4. Average daily inmate population through June 23<sup>rd</sup> was 87.

### **Miscellaneous:**

1. ATI worked 672-man hours during the month. Work included:
  - Road trash pickup
  - Painted fence at the County Office bldg.
  - Loaded tires at the County highway
  - Performed labor for Rural Ministry

REFERRED TO:

PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION G04

CONTINGENCY FUNDING –  
HOUSING INMATES IN OTHER  
COUNTY JAILS

WHEREAS: The NYS Attorney General's Operation "Un-Wise" investigation resulted in the incarceration of more than twenty-three drug suspects in the Tioga County Jail; and

WHEREAS: The inmate population at the jail has exceeded the allowable available bed space set by the NYS Commission of Correction; and

WHEREAS: The NYS Commission of Correction has approved a substitute jail order providing for the housing of Tioga County inmates at other county jails until which time they can be housed at the Tioga County Jail; and

WHEREAS: The Sheriff has no funds to pay for housing Tioga County Inmates in other county jails, now therefore be it,

RESOLVED: That contingency funding is appropriated to pay for the housing of Tioga County Inmates at other County Jails as follows:

From: Contingency A1990 540715 (Transfer )	\$175,000
To: Jail Account A3150 540140 (Contracting Services)	\$175,000

REFERRED TO:

PUBLIC SAFETY COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. G05

CONTINGENCY FUNDING FOR  
JAIL INMATE MEDICAL

WHEREAS: The Sheriff is experiencing higher Medical Expenses than expected in the Jail; and

WHEREAS: Contingency funding is necessary to pay for inmate medical expenses offsite, now therefore be it,

RESOLVED: That the following contingency funds be appropriated as follows:

From: Contingency Account A1990 540715 (Transfer)	\$15,000
To: Jail Account A3150 540370 (Medical Expense)	\$15,000

Budget: On target for the year. See attached spreadsheets

Resolutions: Authorize the submission of Homeland Security Grant Application (SHSP 17 and SLETPP 17)

Authorize the submission of 2017-2018 Hazardous Materials Emergency Preparedness Grant

Monthly Activity:

1. Meetings Attended
  - a. Sponsored Lake District NYSEMA meeting conducted at the Public Safety Building
  - b. County Fire Chief's Meeting at Weltonville
  - c. Attended MUNIS training in preparation for 2018 Budget planning.
  
2. Grants
  - a. We are still working with Doug Camin (IT) and NYSDHSES and FEMA to get approval to continue with the Fiber-Optic and Microwave link. FEMA must approve the modified plan before Doug can move forward with the project. The amended plan included the installation of two utility poles along Ballou Rd. which was not identified in the original plan. The installation of these poles is now under review by the FEMA Archeologist. The modified plan was submitted 8 weeks ago.
  
  - b. The Office of Emergency Management received notice from NYS Homeland Security that Tioga County is eligible to receive \$69,980 under the SHSP17 and SLETPP17. Of this grant, \$52,485 is available to Emergency Management and the remaining 25% or \$17,485 must go to law enforcement. The application had to be received in Albany by 6/16/2017 which made it necessary to submit the application prior to the Public Safety Committee meeting. Tentative plans for the grant proceeds will be to utilize the Emergency Management portion to hire a contractor to Complete the COOP Plan and develop an exercise to test the plan. The law enforcement portion will be used to purchase radios for the Sheriff's SWAT Team members. Resolution submitted.
  
  - c. The Office of Emergency Management received notice from NYS Homeland Security that we are eligible to apply for a Hazardous Materials Emergency Preparedness (HMEP) grant in the amount of \$6206.00 Of this, Tioga County must match with 20% or \$1034.00. Tentative plans for the proceeds of this grant will be to hire a consultant to assist us in updating the Tioga County Hazardous Plan. Resolution submitted.

3. Incidents involving EMO Response
  - a. Emergency Management, along with David Nicosia of the Nation Weather Service, investigated an area along Main Street near St. Patricks Church where wind from a storm had blown down several trees, power lines, and caused minor damage to several houses. It was determined that the damage was caused by "flat winds" with gusts estimated to be approximately 50 – 60 miles per hour.
  
4. Local Emergency Management Committee
  - a. Assistant EMO Williams is working to re-establish the Tioga County Local Emergency Preparedness Committee (LEPC) which has not been active for an unknown period of time. A draft set of bylaws have been written utilizing guidance from NYS Emergency Management. A copy is attached for Committee review and discussion at the August meeting.
  
5. EMO Vehicle
  - a. Information obtained from the NYSOGS Mini-Bid site for completed contracts between Vendors and Municipal Agencies. A list of completed contracts for appropriate type vehicles will be presented at the PSC meeting.

REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -17

AUTHORIZE THE SUBMISSION OF  
HOMELAND SECURITY GRANT  
APPLICATION  
(SHSP 17 and SLETPP 17)  
EMERGENCY MANAGEMENT  
SHERIFF'S OFFICE

WHEREAS: The Office of Homeland Security has issued a grant of \$69,980 to Tioga County. The grant will be used for the development of the Continuity of Operations Plan. Once the grant is awarded, 75% (\$52,485) will be appropriated to Emergency Management (SHSP17); and 25% of the monies (\$17,495) will be appropriated to the Sheriff's Office (SLETPP17) for radios for the SWAT team; and

WHEREAS: Tioga County protocol is to seek permission prior to submitting said application. However, due to the short notification period, the Tioga County Emergency Management Office had to submit an application for this funding by June 16, 2017; therefore be it

RESOLVED: That the Tioga County Emergency Management Office be given authorization to apply for this grant, after the fact, to be in compliant with county policy.



REFERRED TO:

PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -17

AUTHORIZE THE SUBMISSION OF 2017-2018  
HAZARDOUS MATERIALS EMERGENCY  
PREPAREDNESS GRANT APPLICATION  
(HMEP)  
EMERGENCY MANAGEMENT

WHEREAS: The Office of Homeland Security has issued a grant of \$6,206 to Tioga County. The grant will be used to update the County's Hazardous Materials Response Plan. Once the grant is awarded, 20% (\$1,034) will be County funded monies; and

WHEREAS: Tioga County protocol is to seek permission prior to submitting said application. However, due to the short notification period, the Tioga County Emergency Management Office had to submit an application for this funding by June 21, 2017; therefore be it

RESOLVED: That the Tioga County Emergency Management Office be given authorization to apply for this grant, after the fact, to be in compliant with county policy.

Tioga County Emergency Management Office

Local Emergency Planning Committee

Bylaws

June 2017

**I. Name of the Committee**

The name of the committee shall be the ***Tioga County Local Emergency Management Planning Committee***, hereafter known as LEPC.

**II. Powers and Duties**

The LEPC has been established pursuant to section 301 (c) of the Public Law 99-499, ***The Emergency Planning and Community Right to Know Act of 1986, (100 Stat 1738-58, October 17, 1986)***. The LEPC shall have all the powers and duties conferred upon it by said Law, and as it may from time to time be amended. The principal duty of the LEPC shall be to develop an emergency response plan for the County of Tioga and its included municipalities, and to review such plans annually. This plan shall contain at a minimum, all the elements set forth in PL 99-499 for such plans.

**III. Membership**

The members of the LEPC shall be recommended by the LEPC Nominating Committee, approved by majority vote of the LEPC membership and appointed by the New York State Emergency Response Commission (SERC) pursuant to PL 99-499. The membership shall include the following:

- A. Elected Local Official (or designee): Tioga County Chair of the Legislature
- B. Elected State Official (or designee): a member of the New York State Legislature representing a district lying wholly or partially within Tioga County.

- C. Civil Defense representative: The Tioga County Deputy Director of Emergency Preparedness of the Tioga County Emergency Management Office.
- D. Community Emergency Coordinator: The Tioga County Director of Emergency Management
- E. Law Enforcement representative: The Tioga County Sheriff (or designee)
- F. Firefighting/HAZMAT representative: The Tioga County Fire Coordinator (or designee)
- G. A representative of the New York State Police
- H. First Aid representative: The Tioga County EMS Coordinator (or designee)
- I. Health representative: A representative of the Tioga County Health Department.
- J. A representative of the Tioga County Soil and Water Office.
- K. A Transportation Safety Representative
- L. A media representative
- M. A community representative
- N. Facility Owners representatives

**IV. Alternative Members**

- A. Each member may nominate an alternate to assume his or her duties and position on the LEPC in his or her absence. The alternative may vote only in the absence of the member.

- B. Nominations for representatives and alternate members can be made in writing or by verbal motion from the floor to the LEPC Chair and approved by the majority of the votes cast.

**V. Officers**

- A. The LEPC shall at its first meeting elect by a majority vote a Chairperson and Vice-Chairperson. Said Officers shall serve a term of one year. Elections for these two officer ships shall thereafter be held annually.
- B. The power and duties of the Chairperson shall be to preside at meetings of the LEPC, appoint such standing and special subcommittees as shall be needed to conduct the business of the LEPC, serve as the non-exclusive spokesperson for the LEPC, and such other powers and duties as are customary for the presiding Officer of similar committees and boards.
- C. The powers and duties of the Vice-Chairperson shall be to preside over meetings of the LEPC and carry out such duties as may be directed by the Chairperson.

**VI. Conduct of Meetings**

- A. The LEPC shall meet as often as is necessary to conduct its business, and in no event less often than once annually.
- B. The LEPC shall conduct no business in the absence of a quorum of its members, a quorum being a majority of the membership as set forth in Article III of these Bylaws. In the event that a quorum is not present, informational sessions may be conducted.

- C. The LEPC shall conduct its business by means of resolutions duly adopted by a majority of the membership. No motion, resolution, or other parliamentary instrument shall prevail unless it receives a majority of the votes cast.
- D. The LEPC shall be deemed to be a PUBLIC BODY of the County of Tioga within the meaning of the New York State Open Meetings and Freedom of Information statutes, except as those statutes may be superseded by applicable Federal Law.
- E. Except as otherwise provided in these Bylaws, the LEPC shall conduct its business in accordance with Robert's Rules of Order.

**VII. Public Participation and Access to Information**

- A. The public is encouraged to participate in the work of the LEPC by attendance at meetings and, when in order, by addressing the LEPC.
- B. The public shall be notified of meetings of the LEPC in accordance with applicable provisions of the New York Open Meetings Law, specifically by advance notice given to the local public media by the Tioga County Emergency Management Office.
- C. At least once annually, the LEPC shall advertise and conduct at least one meeting in which members of the public shall be invited to address the LEPC on matters which they believe should be considered in the emergency response plan.
- D. At least thirty days before the adoption of the emergency response plan or any revision to that plan, the LEPC shall publish a summary of the provisions of the proposed plan or any revision to that plan, and shall hold at least one hearing to receive comments from the public thereon. Minutes of the public comments shall be made, and the LEPC shall take due note of the public comments in its deliberations prior to

the adoption of the emergency response plan or its revision. The LEPC shall further adopt by resolution a response to the public comments, including action taken by the LEPC with respect to the comments, prior to adoption of the emergency plan or any revision.

- E. Copies of the emergency response plan with adopted amendments and revisions shall be distributed (may be accomplished through the Tioga County website) to:
  - 1. Cognizant State and Federal authorities;
  - 2. Each municipality within Tioga County
  - 3. All police, fire and EMS agencies with in Tioga County;
  - 4. All 'covered facilities' within Tioga County (within the meaning of PL 99-499)
  - 5. All public libraries within Tioga County
  - 6. Local media
  - 7. The Tioga County Legislature; and members of the LEPC

#### **VIII. Public Access to Information**

- A. The Tioga County Office of Emergency Management is hereby designated as the secretariat of the LEPC.
- B. The Deputy Director of Emergency Preparedness of the Tioga County Emergency Management Office is hereby designated as the Coordinator of Information pursuant to Section 301 (c) of PL 99-499.
- C. The emergency response plan, material safety data sheets (MSDS), lists described in Section 311 (a) (2) of PL 99-499, inventory forms, toxic chemical release forms, and follow up emergency notices shall be made available to the general public, consistent with the trade secret exceptions in Section 322 of PL 99-499, upon request to the Tioga County Emergency Management Office. On request by an owner or operator of a facility subject to the requirements of Section 312 (d) (2) of PL 99-499, the LEPC shall withhold from disclosures under this Section the location of any specific chemical required by Section 312 (d)

(2) of PL 99-499 to be contained in an inventory form as Tier II information.

- D. The LEPC shall annually publish a notice in the local newspapers that the emergency response plan, material safety data sheets (MSDS), and inventory forms have been submitted under this Article. Such notice shall announce that members of the public who wish to review any such plan, sheet, form or follow up notice may do so at the Tioga County Emergency Management Office.
- E. Subject to the approval of the LEPC, the Coordinator of Information shall develop and promulgate procedures for processing requests from the public for information under Section C of the Article. Such procedures shall parallel as closely as possible the existing Tioga County procedures under the New York State Freedom of Information Act, provided they are consistent with the requirements of PL 99-499 and these Bylaws.
- F. As recommended by the New York State Emergency Response Commission (SERC), and in addition to hardcopy (paper) Tier II submissions, the Tioga County LEPC will accept the same electronic Tier II submission per the NYS E-Plan Implementation Guide, October 2007, p.2, to satisfy reporting notification to the LEPC, which the SERC accepts to satisfy reporting notification to the State. As further recommended by the SERC in the NYS E-Plan Implementation Guide, October 2007, p.3, the Tioga County LEPC designates the individuals occupying the following positions as "Authorizing Authority", and "Authored User", for so long as those individuals occupy those positions:
  - 1. Authorizing Authority – Tioga County Deputy Director of Emergency Preparedness
  - 2. Authorized Users:
    - a. LEPC Chair
    - b. Tioga County Director of Emergency Management
    - c. Tioga County Fire Coordinator
    - d. Deputy County Fire Coordinator/s

**IX. Subcommittees**

The Chairperson shall appoint such standing and special subcommittees as the LEPC shall deem necessary to conduct its business.

**X. Legal Counsel**

The Tioga County Attorney or his/her designee shall serve as legal counsel to the LEPC.

**XI. Amendments to the Bylaws of the LEPC**

These Bylaws may be amended at any time by an affirmative vote of two-thirds of the membership present at a business meeting, as defined in Article VI, Section B.

Draft