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May 27, 2015

Mayor James Calnon
Members of the Common Council
City of Plattsburgh
41 City Hall Place
Plattsburgh, New York 12901

Report Number: S9-14-45

Dear Mayor Calnon and Members of the Common Council:

The Office of the State Comptroller works to help city officials manage their resources efficiently and effectively and, by so doing, provide accountability for tax dollars spent to support city operations. The Comptroller oversees the fiscal affairs of local governments statewide, as well as compliance with relevant statutes and observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations and City Council governance. Audits also can identify strategies to reduce costs and to strengthen controls intended to safeguard assets.

In accordance with these goals, we conducted an audit of 10 municipalities (seven cities and three villages) throughout New York State. The objective of our audit was to determine if the use of municipal resources resulted in an effective enforcement of the Fire Code¹ (i.e., fire safety of buildings). We included the City of Plattsburgh (City) in this audit. Within the scope of this audit, we examined the City's process for evaluating fire safety plans and procedures for the period January 1 through December 31, 2013. Following is a report of our audit of the City. This audit was conducted pursuant to Article V, Section 1 of the State Constitution and the State Comptroller's authority as set forth in Article 3 of the New York State General Municipal Law.

This report of examination letter contains our findings and recommendations specific to the City. We discussed the findings and recommendations with City officials and considered their comments, which appear in Appendix A, in preparing this report. City officials agreed with our recommendations and indicated they have taken, or plan to take, corrective action. At the completion of our audit of the 10 municipalities, we prepared a global report that summarizes the significant issues we identified at all of the municipalities audited.

¹ 2010 Fire Code of New York State

Summary of Findings

We found that the City could improve its controls for evaluating fire safety plans and evacuation plans and confirming evacuation drills are performed for buildings in its jurisdiction. The City's Building and Zoning Department (Department) does not review or approve fire safety plans or evacuation plans, as required. The Department also does not confirm that buildings conduct the required number of evacuation drills each year. Therefore, we limited our testing to three buildings. We visited each building to obtain and review the building's fire safety plan and evacuation plan and determine if they complied with the 2010 Fire Code of New York State (Fire Code).

We found that a private school did not have a fire safety plan on file, and its evacuation plan was incomplete, and the remaining two buildings had incomplete fire safety and evacuation plans that did not comply with the Fire Code. The City does not confirm that buildings which are required to conduct evacuation drills actually preform them. The City also does not have a reliable list of buildings that are required to have a fire safety plan and evacuation plan on file and that are required to conduct evacuation drills.

Background and Methodology

The City has a population of approximately 20,000 residents and is governed by a seven-member Common Council (Council), comprising a mayor and six council members. The City's 2013 budget totaled \$22.9 million, which includes the City's Building and Zoning Department's budget of \$271,824. The Department is responsible for monitoring fire safety for about 475 buildings located in the City.

The Department Manager oversees the general management of the Department and Fire Code² enforcement. In an effort to monitor fire safety within the City, the Department's budget includes funding for an employee who is responsible for reviewing and approving fire safety plans (fire plans) and evacuation plans, as well as verifying the number of evacuation drills (drills) exercised at the buildings within the Department's jurisdiction.

The Fire Code³ establishes the minimum requirements for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing building, structures and premises. It also provides safety to fire firefighters and emergency responders during emergency operations.

The Fire Code requires both an approved fire and evacuation plan to be prepared and maintained for most buildings. The plans must be reviewed or updated at least once a year, or as necessitated by changes in staff assignments, occupancy or building layout. The plans must be available in the workplace for reference and review by employees, and copies must be provided to the code enforcement official upon request.

² The 2010 Fire Code of New York State is the most up-to-date version available (see also 19 NYCRR 1225.1 [c], which amends section 610 of the Fire Code). The Fire Code is part of the New York State Uniform Fire Prevention and Building Code.

³ 2010 Fire Code of New York State Chapter 1 Section 101.3

The Executive Law⁴ and New York State Codes, Rules and Regulations (NYCRR)⁵ generally provide that cities, counties, towns and villages are responsible for enforcing the New York State Uniform Fire Prevention and Building Code⁶ (Uniform Code). However, the State Education Department is responsible for Uniform Code enforcement with respect to school districts' and boards of cooperative education services' buildings.

Administration and enforcement of the Uniform Code generally are made through local law, ordinance or other appropriate regulation. However, a local government has the option to decline that responsibility; when this occurs, the responsibility passes to the respective county. Counties are afforded a similar option. If a local government and a county each exercise their option not to enforce the Uniform Code, the statute provides that the Secretary of State shall, directly or by contract, administer and enforce the Uniform Code.

The Uniform Code requires every city, county, town and village charged with enforcing the Uniform Code to maintain a system of records that supports its code enforcement activities. Buildings that contain an area of public assembly must be inspected each year, while all other buildings requiring a fire safety plan and an evacuation plan must have a fire safety inspection at least every three years. It also requires local governments to annually submit to the Secretary of State a report of their activities relative to administration and enforcement of the Uniform Code.⁷

We conducted our audit in accordance with generally accepted government auditing standards (GAGAS). Such standards require that we plan and conduct our audit to adequately assess those operations within our audit scope. Further, those standards require that we understand the management controls and those laws, rules and regulations that are relevant to the operations included in our scope. We believe that our audit provides a reasonable basis for the findings, conclusions and recommendations contained in this report. More information on such standards and the methodology used in performing this audit is included in Appendix C of this report.

Audit Results

Fire Safety Plan – Local governments must evaluate compliance with the Fire Code. Therefore, the City must verify that certain buildings in its jurisdiction have fire plans that comply with the Fire Code. The Fire Code establishes the seven basic requirements each fire plan must contain. For example, the fire plan must include a procedure for reporting a fire or other emergency. The fire plan also must have a list of major fire hazards associated with the normal use and occupancy of the premise, including maintenance and housekeeping procedures. Appendix B details the seven fire plan requirements.

A properly developed fire plan can help ensure that responsible parties notify building occupants of an emergency and that evacuations will occur when necessary. It can also ensure that responsible parties promptly notify the Department of an emergency and convey relevant information, such as identification of hazardous material. The Department is responsible for ensuring that each building

⁴ Section 381 (2)

⁵ 19 NYCRR Part 1203

⁶ See 19 NYCRR 1225.1

⁷ See 19 NYCRR 1203.4

requiring a fire plan has one that complies with the Fire Code. Furthermore, the NYCRR requires the City to keep records relating to the fire safety and property maintenance inspections it conducts.

Since Department officials said they do not review or approve fire plans, we limited our tests to three buildings.⁸ We visited each building to obtain and review the fire plan on file for compliance with the Fire Code requirements.

We found that a private school did not have a fire plan on file and that the remaining two buildings had incomplete fire plans that did not comply with the Fire Code. The building types and the missing fire plan components for each incomplete plan are detailed in Figure 1.

Figure 1: Missing Building Fire Safety Plan Components^a							
Building	Fire and Emergency Reporting	Life Safety Strategy	Site Plans	Floor Plans	Fire Hazards	Fire Prevention and Control System	Fuel Hazard Sources
Assisted Residential Facility			✓	✓	✓		✓
Preschool			✓	✓	✓	✓	✓

^a See Appendix B for the specific fire safety plan requirements.

We found no evidence that the Department approved or reviewed fire plans within the statutory timeframe. City officials informed us that they do not approve or review fire plans because they did not know they are required to do so.

The Fire Code states it was established, among other things, to ensure the protection of human life and property.⁹ Our review found that either the three buildings we visited did not have a fire plan or the plans were incomplete and did not comply with the Fire Code. Incomplete fire plans may lead to an increased chance of a loss of life or property damage.

Evacuation Plan – Buildings requiring a fire plan must also maintain an evacuation plan. The Fire Code establishes the eight basic requirements each evacuation plan must contain. For example, an evacuation plan must include emergency egress or escape routes and whether evacuation of the building is to be complete or, where approved, by selected floors or areas only. The evacuation plan also must include procedures for accounting for employees and occupants after an evacuation has been completed. Appendix B details the eight evacuation plan requirements. The Department is also responsible for ensuring that each building requiring an evacuation plan has one that complies with the Fire Code. Furthermore, the NYCRR requires the City to keep records relating to the fire safety and property maintenance inspections it conducts.

To determine if the Department reviews and approves evacuation plans as required by law, we also obtained the evacuation plans on file for the three buildings previously discussed. We looked

⁸ We judgmentally selected buildings that are occupied by children or elderly individuals or which have a high number of daily occupants or visitors.

⁹ 2010 Fire Code of New York State Chapter 1 Section 101.3

for evidence that the Department reviewed and approved each plan within the statutory timeframe. We also reviewed the evacuation plans for completeness with the Fire Code requirements.

We found that the three buildings' evacuation plans reviewed did not meet the Fire Code requirements. These three buildings comprised an adult residential facility, a preschool and a private school. For example, the private school's plan lacked seven of the eight required components. The plan lacked:

- Procedures for employees who must remain to operate critical equipment before evacuating.
- Procedures for accounting for employees and occupants after evacuation have been completed.
- The preferred and any alternative means of notifying occupants of a fire or emergency.
- Identification and assignment of personnel responsible for rescue or emergency medical aid.
- The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization.
- Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.
- A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided.

Similarly, the adult residential facility lacked two of the eight mandatory evacuation plan components and the nursery school's evacuation plan lacked three of the eight components. Like the fire plans, officials said they do not review or approve evacuation plans as required. As a result, the City has no assurance that each City building requiring an evacuation plan has one that meets minimum Fire Code requirements. In addition, building occupants may not be prepared to react to an emergency evacuation.

Evacuation Drills – The Fire Code also requires buildings to have a specified number of drills conducted each year. Drills help ensure that building occupants are prepared to respond to an emergency evacuation, and the drills can identify improvement opportunities. The number of drills required is based on how a building is used. For example, a private school is required to conduct 12 drills each year while an office building must conduct two. Appendix B details the building types and drill requirements. The City must verify that the required number of drills are being conducted each year and the Department is responsible for verifying that the drills have been performed. Furthermore, the NYCRR requires the City to keep records relating to the fire safety and property maintenance inspections it conducts.

We also obtained evidence to determine whether the required drills were conducted annually at the three buildings previously discussed. While we found that, in calendar year 2013, the three buildings did conduct the required number of drills, officials said they do not confirm that buildings conduct the required number of drills each year. As a result, the City has no assurance that drills are being performed at each building as required. When the required number of drills are not performed, building occupants are likely less prepared to conduct an emergency evacuation, which could affect an evacuation outcome.

Uniform Code Administration and Enforcement Report – The NYCRR¹⁰ requires each local government charged with administration and enforcement of the Uniform Code to annually submit to the Secretary of State a report of its activities relative to administration and enforcement of the Uniform Code (report). The City was unable to provide us with a reliable list of buildings that it must monitor to confirm compliance with the Fire Code, specifically, which buildings are required to have a fire plan, have an evacuation plan and conduct evacuation drills. The Department filed the City’s 2013 report with the Department of State.

Recommendations

The Department should:

1. Review and approve fire plans and evacuation plans in accordance with the Fire Code.
2. Keep documented evidence detailing when fire plans and evacuation plans were reviewed and approved.
3. Determine whether the required number of drills are conducted in accordance with the Fire Code and maintain documented evidence of these reviews.
4. Ensure that buildings requiring a fire plan and evacuation plan have plans that meet the minimum Fire Code requirements.
5. Identify which City buildings must have a fire plan and evacuation plan and which buildings must conduct evacuation drills.

The Council has the responsibility to initiate corrective action. A written corrective action plan (CAP) that addresses the findings and recommendations in this report should be prepared and forwarded to our office within 90 days, pursuant to Section 35 of the General Municipal Law. For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit Report*, which you received with the draft audit report. The Council should make the CAP available for public review in the Clerk’s office.

¹⁰ 19 NYCRR 1203.4

We thank City officials and staff for the courtesies and cooperation extended to our auditors during this audit.

Sincerely,

Gabriel F. Deyo
Deputy Comptroller

APPENDIX A

RESPONSE FROM CITY OFFICIALS

The City officials' response to this audit can be found on the following page.



James E. Calnon
Mayor

41 City Hall Place
Plattsburgh, New York 12901
T: (518) 563-7701
F: (518) 561-7367
mayor@cityofplattsburgh-ny.gov

December 18, 2014

[REDACTED]
Office of the State Comptroller
44 Hawley Street – Room 1702
Binghamton, NY 13901-4417

Dear [REDACTED]

The City agrees that our Fire Safety inspections had not included the components identified in this audit (Fire Safety Plan, Evacuation Plan & Emergency Evacuation Drills); it was not because we chose not to do them, but rather because we were not aware we were required to do so. We have consistently received our required 24 hours of in-service training each year, and none of our staff can recall this topic coming up in the State Code Training. This general audit by the Comptroller should help assure that training is offered going forward.

Immediately after the audit exit conference, we made the following procedural changes to help us comply with this requirement:

We have changed the ID of the parcels within the Fire Safety database from the Property Class (as received from the Assessor's office) to the Use Classification (as per the Building Code). This shows which properties require this Fire Safety Plan.

We have identified the specific properties that require this plan - 95 properties in total, which includes 8 that fall under this requirement on our residential Housing Inspection list as well.

We have begun doing this work - obtaining and verifying some of the ones that have this information already, and notifying the ones that might not.

We have developed a letter, along with an outline of what is needed to comply, for the occupancies that fall under this requirement.

We have ordered a new coordination software system that should be up and running within the next few months that should automate a lot of these issues.

Sincerely,

James E. Calnon
Mayor, City of Plattsburgh

APPENDIX B

FIRE EVACUATION PLAN, EVACUATION PLAN AND EVACUATION DRILL REQUIREMENTS¹¹

Fire Safety Plan Must Include:

1. The procedure for reporting a fire or other emergency.
2. The life safety strategy and procedures for notifying, relocating or evacuating occupants.
3. Site plans indicating the following:
 - 3.1 The occupancy assembly point.
 - 3.2 The location of fire hydrants.
 - 3.3 The normal routes of fire department vehicle access.
4. Floor plans identifying the locations of the following:
 - 4.1 Exits
 - 4.2 Primary evacuation drills
 - 4.3 Secondary evacuation routes
 - 4.4 Accessible egress routes
 - 4.5 Areas of refuge
 - 4.6 Manual fire alarm boxes
 - 4.7 Portable fire extinguishers.
 - 4.8. Occupant-use hose stations
 - 4.9 Fire alarm annunciations and controls.
5. A list of major fire hazards associated with the normal use and occupancy of the premise, including maintenance and housekeeping procedures.
6. Identification and assignment of personnel responsible for maintenance of systems and equipment installed to prevent or control fires.
7. Identification and assignment of personnel responsible for maintenance, housekeeping and controlling fuel hazard sources.

¹¹ We obtained the requirements for the Fire Safety Plans, Fire Evacuation Plans and Emergency Evacuation Drills from the 2010 Fire Code of New York State.

Evacuations Plans Must Include:

1. Emergency egress or escape routes and whether evacuation of the building is to be complete or, where approved, by selected floors or areas only.
2. Procedures for employees who must remain to operate critical equipment before evacuating.
3. Procedures for accounting for employees and occupants after evacuation has been completed.
4. Identification and assignment of personnel responsible for rescue or emergency medical aid.
5. The preferred and any alternative means of notifying occupants of a fire or emergency.
6. The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization.
7. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.
8. A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided.

Figure 2: Fire and Evacuation Drill Frequency and Participation Requirements		
Group or Occupancy	Frequency	Participation
Group A	Quarterly	Employees
Group A ^a	Three Annually	All occupants
Group B ^b	Two Annually	All occupants
Group B ^a	Three Annually	All occupants
Group E	Monthly ^c	All occupants
Group I	Quarterly on each shift	Employees ^d
Group R-1	Quarterly on each shift	Employees
Group R-2 ^a	Four Annually	All Occupants
Group R-4	Quarterly on each shift	Employees ^d
High-rise buildings	Annually	Employees
^a Applicable to college and university buildings in accordance with Fire Code Section 408.3 ^b Group B buildings having an occupant load of 500 or more persons, or more than 100 persons above or below the lowest level of exit discharge ^c The frequency shall be allowed to be modified in accordance with Fire Code Section 408.3.2. ^d Fire and evacuation drills in residential care assisted living facilities shall include complete evacuation of the premises in accordance with Fire Code Section 408.10.5. Where occupants receive habilitation or rehabilitation training, fire prevention and fire safety practices shall be included as part of the training program.		

Definitions of Each Group or Occupancy From the 2010 Fire Code of New York State With Examples:

Group A: Assembly Group A occupancy includes, among others, the use of a building for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption; or awaiting transportation. Examples include movie theatres, restaurants and arenas.

Group B: Business Group B occupancy includes, among others, the use of a building for office, professional or service-type transactions, including storage of records and accounts. Examples include banks, civic administration and outpatient clinics.

Group E: Educational Group E occupancy includes, among others, the use of a building by six or more people at any one time for educational purposes through the 12th grade. This

group also includes day cares with more than five children who are older than two-and-a-half years of age.

Group I: Institutional Group I occupancy includes, among others, the use of a building in which people are cared for or living in a supervised environment. Such occupants have physical limitations because of health or age; are harbored for medical treatment or other care or treatment; or are detained for penal or correctional purposes or other purposes in which their liberty is restricted. Examples include hospitals, nursing homes and jails.

Group R: Residential Group R includes, among others, the use of a building for sleeping purposes.

R-1: Residential occupancies containing sleeping units where the occupants are primarily transient in nature, including boarding houses (transient), hotels (transient) and motels (transient).

R-2: Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including apartment houses, boarding houses (nontransient), convents, dormitories, fraternities and sororities, hotels (nontransient), monasteries, motels (nontransient) and vacation timeshare properties.

R-4: Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than 16 occupants, excluding staff.

APPENDIX C

AUDIT METHODOLOGY AND STANDARDS

To complete our objective, we interviewed City and Department officials and reviewed procedures used to monitor drill logs, fire safety plans and evacuation plans to determine whether the City is effectively enforcing the Fire Code. We also reviewed the City's policies and procedures for approving/reviewing fire safety and evacuation plans.

We selected a judgmental sample of three buildings for the audit period by selecting buildings that are occupied by children or elderly individuals or have a large number of daily occupants or visitors. We obtained and reviewed each building's drill logs, fire safety plan and evacuation plan. We compared each building's fire safety plan and evacuation plan to the Fire Code to determine if the plans contained all required components. We also examined each plan to determine if the Department reviewed and approved each plan. In addition, we compared the number of drills each building owner conducted to the Fire Code to confirm whether the building owner conducted the required number of drills. We also interviewed officials to learn if they filed a report of the City's activities relative to administration and enforcement of the Uniform Code.

We conducted this performance audit in accordance with GAGAS. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.