

**Village of Ilion  
Public Hearing  
September 10, 2014**

Mayor Terry Leonard called the September 10, 2014 Public Hearing to order at 6:00 PM at the Village of Ilion Municipal Building Auditorium.

**Present:** Mayor Terry Leonard, Deputy Mayor Joanne Moore, Trustee Socolof, Trustee Hartmann, Trustee McKinley.

**Also Present:** Village Clerk Linda Coffin, Fire Chief James Trevett, Deputy Chief Dan Trevor, Fire Fighter Mike Conover.

**Public:** 20

**Purpose:** The purpose of the public hearing was to allow for public comment on the proposed Local Law 3-2014 entitled Fire Department Rapid Entry- Approved Lock Box” a local law to amend Chapter 113 of the Village of Ilion Codes.

**Pledge:** Pledge said by all present.

Mayor Leonard welcomed everyone to the public hearing and stated the purpose of the hearing as well as to introduce the members of the Village Board. He stated that Deputy Fire Chief Dan Trevor and Fire Fighter Mike Conover were present to give background information to the law proposal and the particulars of the Knox Lock Box.

**Presentation Fire Department:**

The first Knox-Box rapid entry system box was used after the construction of the new Rite Aid. The store had one installed and the Village Fire Department became familiar with the box system. Pamphlets were distributed with a description of the box. The fire officials indicated that current procedures mean that a large box in possession of the fire department holds all the keys for entry into a number of commercial, nonprofit, apartment buildings and churches. This means that they must sort through all of these when there is an emergency. There are increasing concerns regarding the possibility of illegal access to these keys, while at a fire. There are many instances where the locks have been changed but the fire department has not been notified. Currently there are 13 businesses and churches/non-profits using this system. The Fire Department previously has sent a letter to all businesses and nonprofits in 2011 asking that everyone voluntarily consider using the Know Box rapid entry system on the side of their building/business. A few came on board and then a second letter was sent and thus the number became 13. The idea was again presented to the Village Board under the previous administration for consideration and work began on a local law regarding the rapid entry system. The current board has supported the Local Law being written for consideration by the public. Since the request to complete this voluntarily has not worked it was felt that there was a need to make it mandatory by local law to have these boxes placed on commercial and multi-dwelling properties, gated properties, along with churches and organizations.

Firefighter Conover demonstrated the manner in which the entry box would work. This included the alarm tamper switch, dual lock options, the protective coating and internal components of the box. He explained that the cost for the box would be about \$350.00. The Fire Department would not be receiving

any of the money for the purchase of this box. Installation charges are separate and not included in this amount.

Mayor Leonard mentioned that while he was at Catholic Charities, they installed one of the boxes and found it useful and had no problems. It was their choice to do this. Their handy man installed it. Property owners could also include in the box listing hazardous materials in the building as well as any other hazards. The proposed law does not preclude the owner from requirements under SHA and others regarding the reporting of hazardous material and chemicals that could be in a building. The fire department went on to explain that the use of the box by them would save on having to make any type of forcible entry and they would not have to wait for the owner to get on the scene with a key. There have been times when the emergency may not be smoke or flames, but rather in winter broken pipes, where the fire department could just go in and shut off the water, while the owner gets on the scene.

**Question/Comments & Answer Session: C= Question/Comment, R-FD= Response Fire Department, R-VB= Response Village Board.**

C: Asked why there is a need for these boxes to be placed in Village of Ilion businesses.

R-FD: Explained the current process for handling the keys for each of the businesses during an emergency. FD stated that someone could get into the fire engine at the scene and have the keys that the fire department has with them.

C: Asked for what reason would the fire department find it necessary to enter a building/business without the owner.

R-FD: Stated that they may never need to enter someone's building or business, but what if they saw a flashlight in the building and needed to call the police and they could then enter to investigate.

C: Asked for clarification that this would mean that the police department would be able to enter at will, without permission or a warrant, etc.

R-FD: Explained that the purpose of the key is not to search for illegal items, but rather to be used in an emergency.

C: Asked if the current keys in the care of the fire department have been given to the Police for use in the past.

R-FD: Indicated that the police have had the key in an emergency. A legal search warrant would be needed for law enforcement in most cases.

C: Asked why the police department is being mentioned to use the key when the proposal local law is only for the fire department.

R-FD: Stated then the use of the entry key is not meant for the police to use.

C: Asked if when the fire department uses the entry key in the box, the owner is notified.

R-FD: Indicated absolutely. Any changes or additional contact information could be placed in the box with the key. The FD would not have to return to their station to locate additional contact information

should the owner be away and not available. Examples were given of some calls where this situation happened and the amount of time it took to get in contact with someone who could come and open the door, complete an inspection with the fire department and minimize any further damage.

R-VB: Mayor Leonard added that the Local Law proposal was not written to include the police having access.

Fire Chief Trevett: Also added that the justification behind the use of the Knox lock box did not involve use by the police, and only in rare cases such as a hostage situation would the keys be available to the police.

C: Asked how having one key that could fall into anyone's hands, or have a fire fighter forget he/she has the key in their pocket and leave with the one key that can open all the boxes in the Village and thus all the businesses, is better than the current system..

R-FD: Stated that there would be one key, but there would be a very tight procedure for use and return. There is also a pin # on each box and the department would be able to determine who last had access into the Knox box.

R-VB- Mayor Leonard said the police issue would be something the Village Board would need to look at in the future.

C: Asked how many times in the last 12 months had the fire department needed to have access into a building.

R-FD: The response was 4 times. However, this number can change.

C: The person stated this is a cost to the business owner. Asked why does it need to be mandatory and not voluntary. It was stated that this did not make any economic sense. It was questioned as to why this is being proposed when there should be efforts to interest businesses to come and stay in the Village of Ilion. It was felt that this would drive businesses away.

Chief Trevett: Stated that often in the wintertime, the major situation is broken water pipes. With the ability to enter, the fire department could turn off the water as the owner is coming to the building.

The sender of a letter delivered to the Mayor regarding this proposal, read the letter as sent. He stated in part that this proposal would be a burden on businesses. He finished by stating that possibly the fire department needs to give back all the keys to owners, it currently has. Suggested issuing a letter with the return, stating that fire department can no longer be responsible for the security of the keys, however if business owner wished to have the security of the fire department being able to have quick access into their property, then the Knox lock box would be the solution.

C: Another resident indicated that as the result of what this property owner had gone through with her buildings following the flooding in 2013, she planned to purchase and have installed the Knox lock boxes on her buildings.

C: A representative of the Ilion Winter Club presented a statement to the hearing and it was requested to be a part of these minutes as follows:

*“The Ilion Winter Club just celebrated our 100 year anniversary as a private social club here in the Village of Ilion*

*We (75 tax paying members) are animatedly opposed to this local law that we see as a direct invasion of our privacy that we have enjoyed here for the past 100 years.*

*We also have complete confidence that our highly trained Fire and Police Departments have the ability to gain access at will, to any building in the Village with the tools and skills that our tax dollars help fund.*

*I would caution you as a Board, that the “waiver of liability” may not cover you personally for being named in lawsuits should our security or other, be compromised by criminals. At the very least any legal action will cost the Village and us unnecessary dollars when we can ill afford it.*

*With business’s downsizing and no specific opportunities for business’s to locate in the Village, why give them another reason either not locate here or leave.*

*Can you image- our 101<sup>st</sup> year be the \_\_\_\_\_ Winter Club.*

*We are asking you to vote “No” to this local law.”*

The person finished by saying, it should be voluntary and the choice be with the property owner if they wish to have their key placed in a Knox lock box for more rapid response on the part of the fire department. It should be a personal choice not a legislative –mandatory one. It was stated that it was felt by the club members that this law would be taking away a freedom of choice.

C: It was asked as to how this Knox box would work for those places that have tumbler locks.

R-FD: Indicated that it would work on the same principle as the keys. The combination would be in the box.

C: Additional question regarding the need for this to be mandatory.

R-FD: Stated that it has been voluntary for the last 3 years, but only 13 have taken part in the program. It was stated that the fire department does not intend for this being use to invade the privacy of anyone. It is meant to help protect the fire fighters in trying to make entry into a building during an emergency.

C: It was asked if this law would even stand up in court.

R-FD: FD indicated that this is a law in many municipalities and is supported by many National Fire organizations and agencies.

C: Indicated that it was difficult to understand how the police would be able to use the same key to have access into these businesses.

R-VB: Stated that the law does not give the police any access to the key. If that were the intent, then the wording would need to be changed.

C: Indicated that it was great to be forward thinking to improve the Village. However, in regards to the Ilion Winter Club property it should be up to the club if they wish to have their building protected in this manner.

C: Question asked as to the exact number of entities that would need to purchase this box if this law were adopted. Wondered how this would work with Remington Arms.

R-FD: Answered that there would be approximately 50 businesses and 4 apartment complexes. Remington Arms would need to have something as well. They do have their own fire brigade and security guards are on duty at all times.

C: Questioned as to the number of doors or forcible entries the fire department has had to make in the past year.

R-FD: There have not been any, but again in the winter, they said, the broken pipes could be taken care of before causing extensive damage in the business.

C: It was suggested that maybe a questionnaire or survey could be sent to the businesses and those who would be under this law to see what they feel.

R-FD: Indicated that no survey has been completed.

R-VB: Stated the purpose of the Public Hearing was to accomplish the gathering of the feelings of business owners. This law is not a done deal and can be changed or not adopted at all. The notice of this law proposal was in the paper.

C: The question was asked as to why this would not also apply to residential property, because the fire department would need to have the same rapid entry. Asked if the Village Board members would wish to be forced to purchase one of these boxes for their homes.

R-VB: One board member indicted yes.

C: Asked what happens to any of the apartment complexes that already have a rapid entry box, but not the Knox box.

R-FD: Indicated that they would need to replace their box with the Knox.

C: Asked what would happen if the key gets lost for the box and/or from the Knox box.

R-VB: Stated that there must be trust in the public for the public safety folks who are protecting the residents and business owners every day. These people are responsible to be sure of the whereabouts of the key to get into the box and for the key(s) they take from the box.

There being no further comments or questions, Mayor Leonard declared the public hearing adjourned at 7:00 PM.

Respectfully submitted  
Linda Coffin, Village Clerk