

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **FINANCE**

DATE: **MAY 6, 2009**

Committee Members Present:

Supervisors Stec
 Belden
 O'Connor
 Bentley
 Tessier
 Taylor
 Kenny
 Merlino

Committee Member Absent:

Supervisor VanNess

Others Present:

Frederick Monroe, Chairman
Hal Payne, Commissioner of
Administrative & Fiscal Services
Joan Sady, Clerk of the Board
Paul Dusek, County Attorney
JoAnn McKinstry, Deputy Commissioner of
Administrative & Fiscal Services
Kevin Geraghty, Budget Officer
Supervisor Champagne
Supervisor Pitkin
Supervisor Sheehan
Supervisor Sokol
Supervisor Thomas
Frank O'Keefe, County Treasurer
Todd Lunt, Director, Human Resources
Barbara Taggart, Administrator, Westmount
Health Facility
William Lamy, DPW Superintendent
Alyson Martin, *The Post Star*
Jon Alexander, *The Adirondack Journal*
*Please see attached sign-in sheet for all others
present*
Nicole Livingston, Deputy Clerk

Mr. Stec called the meeting of the Finance Committee to order at 11:26 a.m.

Motion was made by Mr. Kenny, seconded by Mr. Merlino and carried unanimously to approve the minutes of the April 8, 2009 Committee meeting, subject to correction by the Clerk of the Board.

Copies of the Finance Agenda were provided to the Committee members, and a copy of same is on file with the minutes.

Commencing the Agenda review, Mr. Stec apprised that Item 1 consisted of the requests for Transfer of Funds which were attached for Committee approval. He noted that Supervisory Committee approval had been obtained as necessary.

Motion was made by Mr. Belden, seconded by Mr. Bentley and carried unanimously to approve Item 1 as outlined above. The necessary resolution was authorized for the next board meeting.

Mr. Stec stated Item 2 was a referral from the Health Services Committee, Westmount Health Facility, requesting to discuss Capital Project No. H296.9550 280 - Westmount Sprinkler System and a proposed study by Clark Patterson Lee (CPL).

Barbara Taggart, Administrator of Westmount Health Facility, reminded the Committee members of the previous discussions concerning a design/build option for the mandated sprinkler system at the Facility; however; she stated, the County Attorney had advised that the design/build option was not allowable under State Law. She questioned if she should commence the RFP (Request for Proposal) process, or if Clark Patterson Lee should be retained as the current engineering firm to continue the estimate for the total project.

Mr. Belden asked how much it would cost to continue to retain Clark Patterson Lee and William Lamy, DPW Superintendent, distributed a copy of the proposal submitted by CPL, a copy of which is on file with the minutes. Mr. Lamy explained that the proposal was developed based on discussions between the DPW engineering staff, Ms. Taggart and CPL. He added that Ms. Taggart was trying to achieve the installation of a sprinkler system for Westmount Health Facility prior to the compliance date of August 2013. He noted that CPL would perform the activities listed in paragraph one of the handout as part of the scope of work for the Conceptual Study Report at a cost of \$5,000. Mr. Lamy concluded that the results of the study would produce a concept for the project, a budget for planning purposes that would detail the cost needed to go into final design, construction and inspection costs and a recommended contingency for the project at the time the construction was implemented.

Mr. Merlino questioned why three sprinkler companies could not be requested to examine the Facility and determine what the cost for the system would be. He added that costs of projects seemed to increase significantly when engineers were involved. Mr. Lamy replied that the Law required the seal of a licensed engineer or architect.

Paul Dusek, County Attorney, apprised in order to utilize the option recommended by Mr. Merlino, the RFP process needed to be followed. He stated that the RFP could specifically request a bidding company to have an engineer qualified to engineer a sprinkler system. He noted it still required a two-step process, release an RFP for engineering and then bid the project.

Discussion ensued regarding the legal issues with a design/build option.

Mr. Champagne questioned if these discussions could be postponed given the compliance date was not until 2013. Mr. Lamy clarified he was not suggesting construction at this time, they were trying to prepare the Committee in order to budget for the project properly. Mr. Stec agreed with Mr. Champagne and stated discussions concerning the sprinkler system could be re-visited at a later date.

Mr. Stec recommended that the request to allow the County to enter into design/build options for various projects should be referred to the Legislative & Rules Committee for further discussions. Mr. Dusek agreed with the recommendation.

Motion was made by Mr. Bentley, seconded by Mr. Belden and carried unanimously to refer the request to allow the County to enter into design/build options for various projects to the Legislative & Rules Committee for further discussions.

Continuing, Mr. Stec asserted Items 3A through D were referrals from the Human Services Committee. Item 3A, he said, was referred from the Employment & Training Administration, requesting to amend the 2009 County budget to increase estimated revenues and appropriations in the amount of \$414,000 to reflect receipt of Federal grant funds.

Motion was made by Mr. Belden, seconded by Mr. Bentley and carried unanimously to approve Item 3A as outlined above and the necessary resolution was authorized for the next board meeting.

Mr. Stec added Items 3B and C were referred from the Office for the Aging. Item 3B, he stated, was a request to amend the 2009 County budget to increase estimated revenues and appropriations in the amount of \$25,000 to expend Title IIIIE carry-over funds. He noted Item 3C was a request to apply for the American Recovery and Reinvestment Act (ARRA) Nutrition Program for the Elderly funding in the amount of \$26,539, with a local match of \$4,843.

Motion was made by Mr. Belden and seconded by Mr. Kenny to approve Items 3B and C as presented.

Hal Payne, Commissioner of Administrative & Fiscal Services, announced that it had recently been determined that the \$25,000 for the Title IIIIE carry-over funds did require a local match in the amount of \$6,250 and Christie Sabo, OFA Fiscal Manager, was present to discuss the issue further.

Ms. Sabo distributed a handout to the Committee members which outlined actual expenses of the OFA, a copy of which is on file with the minutes. Mr. Belden questioned if the required funds for the local share were included in the budget and Ms. Sabo responded in the negative. Mr. Payne reminded the Committee members that last year the OFA faced a shortfall of approximately \$60,000 for food bills. He added that this could offset the budget reductions and would generate \$40,000 in revenue if the \$11,000 expenditure was made.

Following discussions, Mr. Stec called the question and the motion was carried unanimously to approve Items 3B and C as outlined above, and the necessary resolutions were authorized for the next board meeting. *Please note: Subsequent to*

the meeting, it was determined that the requests in Items 3B and C included requests for transfer of funds from the Contingent Fund which were not addressed by the Committee; therefore the requests will be referred back to the Human Services Committee for approval and no action is necessary from the Finance Committee at this time.

Mr. Stec said Item 3D was referred from the Youth Bureau, requesting to amend the 2009 County budget to increase estimated revenues and appropriations in the amount of \$4,000 to reflect receipt of funds from the Alive @ 25 Program.

Motion was made by Mr. Kenny, seconded by Mr. Merlino and carried unanimously to approve Item 3D as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Stec expounded Items 4A and B were referrals from the Planning & Community Development Committee, Planning & Community Development. Item 4A, he said, was a request to close Capital Project No. H267.9550 280 - Quality Communities Phase II and to return any remaining funds to the General Fund. He added that Item 4B was a request to close Capital Project No. H268.9550 280 - GIS Software and to return any remaining funds to the General Fund.

Motion was made by Mr. Taylor, seconded by Mr. Bentley and carried unanimously to approve Items 4A and B as outlined above, and the necessary resolutions were authorized for the next board meeting.

Mr. Stec remarked that Items 5A and B were referrals from the Public Works Committee, DPW. He stated that Item 5A was a request to amend the 2009 County budget to increase estimated revenues and appropriations in the amount of \$178,078 to reflect receipt of an increase in CHIPS funding.

Motion was made by Mr. Belden, seconded by Mr. Merlino and carried unanimously to approve Item 5A as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Lamy announced he had received two new Master Agreements from the New York State Department of Transportation (NYS DOT) that pertained to the stimulus funding for paving projects. He added that notification was received that the County would be awarded up to \$746,000 in stimulus funds, with no local match required, to be used for projects that had been submitted by the County and had been reviewed and approved by NYS DOT. He explained that resolutions would be needed to accept the grant funds; to establish the Capital Projects; and a generic resolution to authorize the award of the bid. He further stated that in order to access the stimulus funds, the County would be required to contract out the actual paving project. He noted that he believed that DPW staff could do the engineering report, prepare the bid documents

and also do the construction inspection on the project rather than relying on an outside consultant to do such. Mr. Lamy advised that the resolutions would be needed by the May 15, 2009 Board of Supervisors meeting and he would prepare the resolution requests following today's meeting.

Motion was made by Belden, seconded by Mr. Bentley and carried unanimously to authorize acceptance of the grant, to establish the necessary Capital Projects and to award the bid to the lowest responsible bidder, and the necessary resolutions were authorized for the next board meeting. *Subsequent to the meeting, it was determined that the Capital Projects would be as follows: establishing Capital Project No. H301.9550 280- 1R- Resurfacing of Glenwood Avenue (CR #34) in the amount of \$407,000 for the purpose of construction and construction inspection of Glenwood Avenue, County Route 34, resurfacing; and establishing Capital Project No. H302.9550 280 - 1R - Resurfacing of Corinth Road (CR #28) - Indiana Avenue to VanDusen Drive, in the amount of \$339,000 for the purpose of construction and construction inspection of Corinth Road, County Route 28, resurfacing.*

Mr. Stec advised Item 5B was a request to establish Capital Project No. H300.9550 280- Fuel System Upgrades, Repair and Replacement, in the amount of \$350,000, with the source of funding to be A.9950 910 Transfers-Capital Projects, for the upgrades, repairs and replacements of fuel system components at the County's eight motor fueling sites.

Motion was made by Mr. Belden, seconded by Mr. Bentley and carried unanimously to approve Item 5B as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Stec stated Item 6 was a referral from the Support Services Committee, Board of Elections, requesting authorization for a new contract with NTS Data Services, LLC for rendered services out of the scope of the existing contract with NTS Data Services, LLC for the Special Election of March 31, 2009, in the amount of \$1,830.37.

Motion was made by Mr. Kenny, seconded by Mr. Taylor and carried unanimously to approve Item 6 as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Stec expounded Items 7A and B were referrals from the Traffic Safety Board. Item 7A, he said, was a request to amend the 2009 County budget to increase estimated revenues and appropriations in the amount of \$3,080 to reflect the purchase of a fatal vision STOP-DWI education kit for the Sheriff's Office. He added that Item 7B was a request to amend Resolution No. 309 of 2009 to increase the total amount from \$4,300 to \$4,500 for the purchase and installation of an on-board camera and to correct the code to A.3315 250 STOP-DWI Program Technical Equipment, as per the County Treasurer.

Motion was made by Mr. Bentley, seconded by Mr. Tessier and carried unanimously to approve Items 7A and B as outlined above, and the necessary resolutions were authorized for the next board meeting.

Mr. Stec apprised that Item 8 was the request for Finance Committee action which was required on the following item as approved by the Personnel Committee: Item 4A.

Motion was made by Mr. Tessier, seconded by Mr. Belden and carried unanimously to approve Item 8 as outlined above.

Mr. Stec announced additional items were referred to the Finance Committee from the Personnel and Budget Committees. He said that the Personnel Committee had approved the elimination of twenty-two positions within various departments throughout the County and had referred the same to the Finance Committee. Mr. Dusek recommended using the term abolish rather than eliminate.

Motion was made by Mr. Taylor, seconded by Mr. Belden and carried unanimously to approve the recommendation to abolish twenty-two positions within various departments throughout the County, and the necessary resolution was authorized for the next board meeting.

Mr. Stec advised another referral from the Personnel Committee was to research and pursue options for an early retirement incentive program.

Motion was made by Mr. Belden, seconded by Mr. Bentley and carried unanimously to research and pursue options for an early retirement incentive program. Mr. Dusek interjected that an outline needed to be developed and returned to the appropriate Committee or Committees for review.

Chairman Monroe requested Frank O'Keefe, County Treasurer, to address the Committee regarding a refund to the Word of Life. Mr. O'Keefe explained that the County was obligated to refund the Word of Life \$96,171.43, inclusive of that was \$14,057 in interest, due to the fact that they were declared tax exempt in 2005, 2006 and 2007. He explained that the County had never received the order exempting the Word of Life; however, he said, according to the County Attorney, legally the County had to make the payment. Chairman Monroe pointed out that the matter had been discussed several times at the Real Property Tax Services Committee meetings.

Discussion ensued concerning the notification process of a tax exempt property. Mr. Dusek advised that the order that gave rise to the refund was issued in October of 2008 by the Supreme Court; however, he noted, the County did not receive the order. He added that an agreement had been reached to roll back the interest to the date of the court order, which was a good result for the County. He noted that these were Real Property Article 7 Tax Assessment challenges, and under the Law, the Towns typically

defended these types of actions and there was no requirement that the Towns notify the County. In this particular case, he said, he did reach out to see if the County could become involved in the settlement; however, he stated, it was too late and the settlement had been reached between the Town, the school and the petitioners attorney. Mr. Dusek expounded he had since contacted all of the attorneys representing the Towns and requested that he be informed of any of these types of cases.

Discussion ensued. Following discussions, motion was made by Mr. Belden, seconded by Mr. Tessier and carried unanimously to authorize the County Treasurer to pay the refund due to the Word of Life, and the necessary resolution was authorized for the next board meeting.

Chairman Monroe distributed handouts concerning the lever voting system, a copy of which is on file with the minutes. He apprised that the County was not mandated to have electronic voting machines. There was only a mandate to have handicapped accessible machines, which, he said, could be a significant cost savings to the County by retaining the lever voting machines. He further stated there were a number of counties joining together to oppose legislation requiring that all lever machines be replaced and he recommended that Warren County do the same.

Motion was made by Mr. Belden, seconded by Mr. Tessier and carried unanimously to join the New York State Association of Towns and other counties in seeking County leadership and support for fiscal responsibility by staying with lever voting machines, and the necessary resolution was authorized for the next board meeting.

Mr. Payne informed the Committee that the Auditor had received a request for mileage reimbursement from an employee's home in the Town of Johnsbury to a meeting in Albany and back and he had refused authorization for the reimbursement. He explained that the policy stated that mileage reimbursement was paid from either the County Center or an employee's home, whichever was closer to the destination and this request did not follow the policy.

Mr. Pitkin suggested holding discussions relative to reducing the mileage reimbursement rate given the economic times. Mr. Payne noted that in reviewing the Travel Policy, he realized that the Board of Elections (BOE) was the only Department not required to use County vehicles and paid mileage and he recommended that the policy be changed as a cost savings measure.

Motion was made by Mr. Belden and seconded by Mr. Kenny to mandate the Board of Elections to use County vehicles for any travel, if available. Mr. Dusek interjected that the BOE was not the only Department exempted from the policy. He further recommended that the policy be reviewed prior to any action being taken.

Mr. Belden withdrew his motion and Mr. Kenny withdrew his second to the motion. The consensus of the Committee was that the policy be reviewed by the County Attorney and referred back to the Committee at a later date.

Mr. Thomas requested that the issue of refunds on tax exempt properties be referred to the Legislative & Rules Committee for further review.

Motion was made by Mr. Belden, seconded by Mr. Merlino and carried unanimously to refer the issue of refunds on tax exempt properties to the Legislative & Rules Committee for further review.

There being no further business to come before the Committee, on motion made by Mr. Bentley and seconded by Mr. Belden, Mr. Stec adjourned the meeting at 12:21 p.m.

Respectfully submitted,

Nicole Livingston, Deputy Clerk