

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **FINANCE**

DATE: **JUNE 8, 2011**

Committee Members Present:

Supervisors Thomas
Taylor
Goodspeed
Belden
Monroe
VanNess
Kenny
Merlino
Conover

Others Present:

Daniel G. Stec, Chairman of the Board
Paul Dusek, County Attorney/Administrator
Joan Sady, Clerk of the Board
Kevin Geraghty, Budget Officer
Supervisor Bentley
Supervisor Girard
Supervisor McDevitt
Supervisor Sokol
Supervisor Strainer
Supervisor Wood
Frank O'Keefe, Treasurer
Rob Lynch, Deputy Treasurer
Mike Swan, Director, Real Property Tax Services
Jeff Tennyson, DPW Superintendent
Rob York, Director, Office of Community
Services
Don Lehman, *The Post Star*
Nicole Livingston, Deputy Clerk

Mr. Thomas called the meeting of the Finance Committee to order at 10:30 a.m.

Motion was made by Mr. Merlino, seconded by Mr. Conover and carried unanimously to approve the minutes of the May 11, 2011 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.

Prior to commencing the Agenda review, Mr. Thomas extended privilege of the floor to Frank O'Keefe, Treasurer, who had requested to address the Committee.

Mr. O'Keefe apprised he would like to discuss tax searches with the Committee members. He explained that currently, his Office performed tax searches for lawyers, brokers, and many others. He referred to a program that was available to assist in tax searches that cost approximately \$6,000. He noted that funding would be requested for inclusion in the 2012 budget for this and he proposed implementing the program this year and determining a source of funding for such.

Motion was made by Mr. Belden and seconded by Mr. VanNess to approve the request to implement a new program to assist in tax searches.

Mr. Kenny questioned if a fee would be attached for those that accessed this information and Mr. O'Keefe replied in the negative. Mr. O'Keefe further explained that he would recommend no fee for these services because the revenue the County would receive would be minimal, and currently his Office charged \$1 a year for a tax search.

Rob Lynch, Deputy Treasurer, asserted that this would be an upgrade to the Office's current tax collection system. He clarified that the total cost for this program would be \$6,600.

Discussion ensued with regard to possible options for funding the request for 2011. Following discussions, motion was made by Mr. Goodspeed, seconded by Mr. Merlino and carried unanimously to table the request for this year.

Commencing the Action Agenda review, Mr. Thomas stated Item 1 were 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. Monroe, seconded by Mr. Kenny and carried unanimously to approve Item 1 as outlined above. The necessary resolution was authorized for the next board meeting.

Mr. Thomas advised Item 2 was a referral from the County Facilities Committee, requesting to amend the 2011 County budget to increase estimated revenues and appropriations in the amount of \$11,861 to reflect receipt of insurance reimbursement for a fleet vehicle.

Motion was made by Mr. Conover, seconded by Mr. Taylor and carried unanimously to approve Item 2 as outlined above. The necessary resolution was authorized for the next board meeting.

Mr. Thomas asserted Item 3 was a referral from the County Treasurer, requesting to establish a Reserve for Railroad repairs in the General Fund and to set up a separate bank account to deposit reserve funds.

Motion was made by Mr. Conover and seconded by Mr. Monroe to approve the request as presented.

Mr. Kenny asked where the money would come from to feed this fund and Paul Dusek, County Attorney/Administrator, responded that this would be the money that was anticipated to be received from the Operator of the railroad. Mr. Monroe questioned if an amount should be specified and Mr. Dusek advised the amount was triggered by the provisions in the contract and that could be noted within the resolution to clarify the parameters. Mr. Monroe suggested that the motion include that the Reserve Fund would not exceed \$1 million.

Mr. Conover amended his motion to include the Reserve for Railroad repairs in the General Fund for an amount not to exceed \$1 million. Mr. Monroe amended his second to the motion. Mr. Thomas called the question and the motion was carried unanimously to approve Item 3 as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas apprised Item 4 was a referral from the Human Services Committee, Employment & Training Administration, requesting to amend the 2011 County budget to increase estimated revenues and appropriations in the amount of \$42,986 to reflect receipt of State grant funds to administer the Summer Youth Employment Program.

Motion was made by Mr. Belden, seconded by Mr. Merlino and carried unanimously to approve Item 4 as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas apprised Items 5A and B were referrals from the Public Safety Committee, Office of Emergency Services. Item 5A, he said, was a request to amend the 2011 County budget to increase estimated revenues and appropriations in the amount of \$1,375 to reflect receipt of Homeland Security grant funds.

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

Mr. Thomas added Item 5B was requesting approval of an agreement with the Soil & Water Conservation District to assume the duties of the Hazard Mitigation Coordinator at an annual cost of \$16,000, and to approve a source of funding for same.

Motion was made by Mr. VanNess and seconded by Mr. Taylor to approve the request as presented.

Mr. Thomas noted that a description of the services provided by the Hazard Mitigation Coordinator was distributed to Committee members, a copy of which is on file with the minutes. Mr. VanNess apprised he was pleased with the selection of the Soil & Water Conservation District to assume the duties of the Hazard Mitigation Coordinator and it was well worth the initial investment. Mr. Dusek stated that for this year, the amount needed to fund this position would be \$8,000 and recommended that the source of funding be a transfer from the Contingent Fund.

Mr. Thomas called the question and the motion was carried unanimously to approve Item 5B as outlined above, with the source of funding to be a transfer from the Contingent Fund in the amount of \$8,000, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas informed Items 6A and B were referrals from the Public Works Committee. He stated Item 6A was a request to authorize a \$2.5 million Bond Anticipation Note (BAN) to include first instance 100% costs for repair of various road, bridge and railroad infrastructure.

Motion was made by Mr. Belden and seconded by Mr. Conover to approve the request as presented.

Mr. Thomas recognized Mark Wescott from Congressman Gibson's Office was present to address this matter. Mr. Wescott announced that Congressman Gibson had toured the damage in Thurman and found it to be devastating. He further stated that the Congressman would be contacting a Senior Director of FEMA (Federal Emergency Management Agency) today in a lobbying effort on behalf of the County. Secondly, he continued, Governor Cuomo had submitted a letter to the President of the United States requesting that the region be declared a disaster area. He advised he would keep the County Board abreast of any new developments.

Mr. Monroe wondered what impact the proposed tax cap would have on emergency situations such as this. Mrs. Wood replied that she had asked Senator Little that question and the Senator's response was that there must be some sort of emergency provision but she did not have a clear answer at that time and advised that the Board of Supervisors would have to vote against observing the tax cap. Mr. Conover added that although repairs had been made, the County's infrastructure was still very vulnerable.

Mr. Kenny questioned how much of the \$2.5 million bond requested would be utilized for railroad repairs and Jeff Tennyson, DPW Superintendent, estimated \$30,000 for materials and the damage was being addressed by his crews. He noted that a retaining structure located adjacent to the Harrisburg Road Bridge would cost approximately \$250,000 to repair and the remainder of funds would be used to correct road damage. Mr. Belden asked what the term of the bond would be and Mr. Dusek answered he was currently reviewing that and recalled that the bond associated with the 2005 washout required special State Legislation allowing for a five year bond. He added he would provide an answer at the June 17, 2011 Board meeting.

Mr. Geraghty suggested that the Chairman of Board send a letter to Senator Little and Assemblywoman Sayward regarding the tax cap and the implications of this washout on the tax cap, requesting they advocate for the County and each of the towns affected.

Mr. Thomas called the question and the motion was carried unanimously to approve Item 6A as outlined above, and the necessary resolution was authorized for the next board meeting.

Motion was made by Mr. VanNess, seconded by Mr. Monroe and carried unanimously to authorize the Chairman of Board to send a letter to Senator Little and Assemblywoman Sayward regarding the tax cap and the implications of this washout on the tax cap, and requesting they advocate for the County and each of the towns affected.

Mr. Thomas remarked Item 6B was a request to establish Capital Project No. H324.9550 280 2011 Storm Damage in the amount of \$2.5 million, to repair various County roads, bridges and railroad infrastructure due to storm damage, with the source of funding to be a BAN.

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

Mr. Thomas reported that there was an additional item referred from DPW, Item 6C, that was not on the Agenda, requesting a transfer of expenses from County Road Project to Capital Project No. H324.9550 280 2011 Storm Damage, for an amount up to \$147,987.

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

Mr. Thomas said Item 7 was a referral from the Social Services Committee, Youth Bureau, requesting to amend the 2011 County budget to increase estimated revenues and appropriations in the amount of \$14,982 to reflect receipt of State funds for Community Agency Program contracts.

Motion was made by Mr. Taylor, seconded by Mr. Conover and carried unanimously to approve Item 7 as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas apprised Item 8 was requesting a Contingent Fund transfer in the amount of \$2,500 to Code A.1010 440 Legislative Board-Legal/Transcript Fees for legal services regarding the appeal against the Adirondack Park Agency (APA) as authorized by Resolution No. 255 of 2010. He noted that the invoice for legal services was received in April, 2011.

Motion was made by Mr. Belden and seconded by Mr. Monroe to approve the request as presented.

Mr. Monroe reported that there were four claims filed, two of which were won and the other two were appealed and argued last week in the Appellate Division in Albany. He concluded that a decision should be reached in six to eight weeks.

Mr. Thomas called the question and the motion was carried unanimously to approve Item 8 as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas remarked Item 9 was requesting a resolution of support for the Community Services Block Grant and he stated a sample resolution was attached for review.

Motion was made by Mr. VanNess and seconded by Mr. Merlino to approve the request as presented.

Mr. Kenny requested that the blank information in the sample resolution be completed prior to presentation to the Committee. Mr. Goodspeed recommended that the request be approved and the authority given to Mr. Dusek to provide the necessary information for the June 17, 2011 Board meeting.

Mr. Thomas called the question and the motion was carried unanimously to approve Item 9 as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas advised Item 10 was a request for mutual non-disclosure agreement by Aeon Nexus regarding review of County purchases.

Motion was made by Mr. VanNess and seconded by Mr. Goodspeed to approve the request as presented.

Mr. Dusek explained that Aeon Nexus had proposed to review certain purchasing information in the County to determine if they could save the County money in purchasing and they would provide a report to the County with their findings. Initially, he said, this was a service that Aeon Nexus would provide free of charge and if there was assistance that they could provide, the appropriate Committee would be presented with the information. He added that because this dealt with software and techniques that were proprietary, Aeon Nexus has requested the County to sign a non-disclosure agreement.

Mr. Thomas called the question and the motion was carried unanimously to approve Item 10 as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas asserted Item 11 was a request to reintroduce Local Law No. 2 of 2011 entitled "A Local Law Limiting Protest Activities Before, During and After Funeral Services in the County of Warren" due to a publication error; thereby rescinding Resolution Nos. 250 and 330 of 2011.

Motion was made by Mr. Kenny, seconded by Mr. Conover and carried unanimously to approve Item 11 as outlined above, and the necessary resolution was authorized for the next board meeting.

Concluding the Action Agenda review, Mr. Thomas informed Item 12 was a request for Finance Committee action which was required on the following items that were approved by the Personnel Committee: Item Nos. 1, 2A and 2B.

Motion was made by Mr. Conover, seconded by Mr. VanNess and carried unanimously to approve Item 12 as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas referred to Item IV. Topics to be reported on/discussions/updates and noted Items 1A and B were requested by Mr. Dusek. Item 1A, he said, was an update on the rail line washout.

Mr. Dusek informed that last week a report was received that the rain storms had washed away a bank supporting rail ties, a sink hole was found and another defect area was found on the rail line. He expounded that Mr. Tennyson assessed the rail line and the damage and had determined that his staff could resolve the problems at a low cost. He added the problem was now under control and in the future, there were contract provisions should a similar event occur, in which the Operator would be responsible for the costs of repairs for an amount up to \$50,000.

Chairman Stec announced that the signing of the Operator contract would be held at 10:00 a.m. on Friday, June 10, 2011 at the North Creek Train Station and he encouraged the Supervisors to attend.

Mr. Dusek remarked the next item was for a discussion relative to DPW regarding Federal Aid Projects and consultant agreements. He recalled that the County had adopted a resolution in early 2011 which authorized various road projects. The resolution, he continued, stated that Warren County, subject to execution of a grant agreement with New York State Department of Transportation (NYS DOT), was authorized to enter into certain agreements with engineers. He asserted that the problem was that the State had not yet returned the executed grant agreements to the County; therefore, he said, technically the County was not authorized to sign agreements with engineers to commence work on these certain projects. He noted that

this would lead to a delay in all County projects. Mr. Dusek advised that the Federal notification stating that Federal funding was available, had been received.

Mr. Tennyson confirmed Mr. Dusek's statements, and he suggested that in the future, the resolutions and/or the contracts be based on Federal authorization, as opposed to State authorization.

Motion was made by Mr. Goodspeed, seconded by Mr. Taylor and carried unanimously to authorize consultants for Federal Aid Projects to move forward with the first phase of construction pending receipt of signed NYS DOT agreements. The necessary resolution was authorized for the next board meeting.

Mr. Thomas commented Item 2 was the response to the Budget Analysis Report from the County Treasurer as prepared by JoAnn McKinstry, Assistant to the County Administrator, which was attached for review.

There being no further business to come before the Committee, on motion made by Mr. Kenny and seconded by Mr. Belden, Mr. Thomas adjourned the meeting at 11:35 a.m.

Respectfully submitted,

Nicole Livingston, Deputy Clerk