

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **FINANCE**

DATE: **APRIL 11, 2012**

Committee Members Present:

Supervisors Thomas
Taylor
Sokol
Bentley
Merlino
Conover

Others Present:

Paul Dusek, County Administrator
Joan Sady, Clerk of the Board
Kevin Geraghty, Budget Officer
Supervisor Mason
Mike Swan, County Treasurer
Patricia Nenninger, Second Assistant County
Attorney

Committee Members Absent:

Supervisors Monroe
Wood
Kenny

Bob Swan, Undersheriff
Brian LaFlure, Fire Coordinator/Director, Office
of Emergency Services
Kate Hogan, District Attorney
Jeff Tennyson, Superintendent of Public Works
Don Lehman, *The Post Star*
Nicole Livingston, Second Deputy Clerk

Mr. Thomas called the meeting of the Finance Committee to order at 10:00 a.m.

Motion was made by Mr. Bentley, seconded by Mr. Merlino and carried unanimously to approve the minutes of the March 7, 2012 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 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. Taylor, 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. Thomas advised Item 2 was a referral from the County Facilities Committee, requesting discussion concerning the purchase and installation of an alarm interface for alarm notification at the Municipal Center at a cost of \$1,225 and the possibility of installing the alarm interface in all County Buildings for an additional cost. He added that if approved, a source of funding would need to be established.

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

Paul Dusek, County Administrator, explained that the current alarm system in the Municipal Center Building notified Mahoney Notify-Plus, who in turn contacted the Sheriff's Office, resulting in a two to three minute delay in response and the desire was to have the Sheriff's Office notified immediately to eliminate that delay. He added that discussion had been held relative to installing the same notification system in the Human Services Building; however, he said, it did not seem that the interface was necessary due to the security station located there which received immediate notification if there was an alarm.

In response to an inquiry concerning the cost of the notification system, Brian LaFlure, Fire Coordinator/Director of the Office of Emergency Services, replied that the cost to install the interface in the Human Services Building would be \$800. He further stated that the current alarm system in the Human Services Building already had the capability of sending the alarm notification to the security station and a computer in the Buildings & Grounds Office; and therefore, he noted, it would only require the addition of another license to install it on the computer in the Sheriff's Office. He confirmed that the two to three minute delay in notifying the Sheriff's Office was too long and needed to be resolved. Mr. Thomas suggested that the Committee approve the amount of \$2,500 to ensure that adequate funding was allocated for this action and he further recommended that the source of funding be a Contingent Fund transfer.

Mr. Conover amended his motion to approve the request to purchase and install an alarm interface for alarm notification at the Municipal Center and the Human Services Buildings for an amount not to exceed \$2,500, with the source of funding to be a Contingent Fund transfer and Mr. Bentley amended his second to the motion. Mr. Thomas called the question and the motion was carried unanimously to approve the request as outlined above, and the necessary resolution was authorized for the April 20, 2012 Board meeting. A copy of the resolution request form is on file with the minutes.

Mr. Thomas asserted Items 3A and B were referrals from the Health Services Committee, Health Services. Item 3A, he said, was a request to amend the 2012 County budget to increase estimated revenues and appropriations in the amount of \$6,000 to reflect funding for HIV Services.

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

Mr. Thomas added Item 3B was a request to amend the 2012 County budget to increase estimated revenues and appropriations in the amount of \$600 to adjust the Health Education Program to reflect the addition of revenues/costs related to CPR course training for Cooperative Extension staff that was not budgeted.

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

Mr. Thomas stated Item 4 was a referral from the Public Safety Committee, Sheriff & Communications, requesting to amend the 2012 County budget to increase estimated revenues and appropriations in the amount of \$2,500 to reflect receipt of funding from the Warren/Washington County Victim Impact Panel for DWI enforcement.

Motion was made by Mr. Sokol, seconded by Mr. Bentley 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 Works Committee. Item 5A, he said, was referred from DPW and was a request to authorize \$2.6 million in serial bonds to cover cash flow and local share funds for the Beach Road Reconstruction Project.

Motion was made by Mr. Bentley, 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 noted Item 5B was referred from Parks, Recreation & Railroad, requesting to amend the 2012 County budget to increase estimated revenues and appropriations in the amount of \$5,000 to reflect receipt of a grant from the Glens Falls Foundation in the amount of \$2,000 and Occupancy Tax funding award in the amount of \$3,000.

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

Mr. Thomas remarked that Item 6 was a referral from the Tourism Committee, requesting to amend the 2012 County budget to decrease estimated revenues and appropriations in the amount of \$45,910 to reflect a reduction in Matching Funds from New York State in the amount of \$22,955 and a reduction in the County match.

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

Mr. Thomas advised Item 7 was a referral from the County Administrator, requesting a Contingent Fund transfer in the amount of \$310 into Code A.1670 424 Mailroom Postage, to cover postage that was charged to the wrong department.

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

Mr. Bentley asked for an explanation on the request and Mr. Dusek stated that all of the County mail was consolidated and brought to Mailings Made Easy. He further explained that a group of mailings was either incorrectly labeled or the label was accidentally removed and Mailings Made Easy had guessed at which department should have been charged; however, he said, they had selected the wrong department. He remarked that the correct department that had sent the mailings could not be determined and therefore, he was recommending that a Contingent Fund transfer be approved to cover the cost of the mailings. He confirmed that the group of mailings did belong to the County.

Following the discussion, Mr. Thomas called the question and the motion was carried unanimously to approve Item 7 as outlined above, and the necessary resolution was authorized for the next Board meeting. A copy of the request for a Contingent Fund Transfer is on file with the minutes.

Mr. Thomas announced Item 8 was for Finance Committee action which was required on the following items as approved by the Personnel Committee: Item Nos. 1B, 2B, 2C and 5A. He noted that Items 1Biii and 2C were tabled at the Personnel Committee meeting and did not require action at this time.

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

Mr. Thomas referred to Item IV. Topics to be reported on/discussions/updates and noted Item 1 was a request from the Paul Dusek, County Administrator, to address the Committee regarding the State increase of District Attorney's Salary, as per the attached. Mr. Dusek added he did have two other matters to present to the Committee, as well.

With regard to the State increase of the District Attorney's salary, Mr. Dusek expounded that the State Legislature had allowed for an increase of all Judge's and District Attorney's salaries. He advised that the impact to Warren County would be an increase in the District Attorney's salary from \$119,800 to \$140,300 and he pointed out that the State was reimbursing the County for the difference in the salary. He referred to the attachment included in the Agenda packet which explained why these increases were approved, specifically that an increase in such salaries had not occurred since 1999 and it also reflected a comparison of what the salaries would have been if COLA (Cost of Living Adjustment) costs had been received over time and showed that the salaries were still below that. Mr. Dusek asserted that the increase in salaries was

set by the Legislature and therefore was Law. He reiterated that such increase would be covered by the State at least for this year.

Kate Hogan, District Attorney, confirmed that the increase was 100% covered by the State budget for this year and the New York State District Attorney's Association was advocating for State coverage to continue because they recognized the burden on smaller counties like Warren County.

Motion was made by Mr. Conover, seconded by Mr. Sokol and carried unanimously to approve the increase in the District Attorney's salary as passed by the State Legislature and outlined above. The necessary resolution was authorized for the April 20, 2012 Board meeting.

The next item that required action, Mr. Dusek said, pertained to the contract with the New York State Office for Indigent Legal Services, whereby the Public Defender's Office was allowed to take on appeals and receive a stipend for such. He informed that the contract was set to expire on May 31, 2012; however, he continued, funding was still available for the program and the State had approved the extension of those funds for an additional year through May 31, 2013.

Motion was made by Mr. Bentley, seconded by Mr. Taylor and carried unanimously to extend the contract with the New York State Office for Indigent Legal Services through May 31, 2013 as outlined above, and the necessary resolution was authorized for the April 20, 2012 Board meeting. A copy of the resolution request form is on file with the minutes.

Mr. Dusek apprised the last item he had to present to the Committee concerned the Warren County Fairgrounds. He recalled that the County had requested special State Legislation to sell the Fairgrounds property located in the Town of Warrensburg and said request had been denied last year for the following reasons: the County needed to have a meets and bounds survey description of the property completed; and because the sale was to a private individual, the County was required to have park property to replace it or the funds from the sale had to be invested in another County-owned park. He reminded the Committee that the offer to purchase the property was for the approximate amount of \$61,000. Mr. Dusek informed that during this time, the County was in the process of foreclosing on a three and a half acre parcel in the Town of Warrensburg with river frontage that had potentially been the subject of contamination and was valued at \$45,000. It was determined, he advised, that said parcel was comparable to the Fairgrounds and could be the substitution that was necessary to satisfy the Legislation, as long as the difference in price was put back into parkland properties.

Mr. Dusek reported that the Counsel for the Legislature had raised additional concerns, one being the issue of the former contamination of the aforementioned parcel and also the comparison of river frontage, which was less than the Fairgrounds. In addition, he said, concerns had arisen during the foreclosure process on the parcel relative to the New York State Department of Environmental Conservation (NYS DEC) monies that were utilized for the studies on the parcel and were paid by the Town of Warrensburg. He noted he was requesting the Committee to approve the continuation of proceeding with this matter. Mr. Dusek highlighted the risks associated with this as follows: the cost of the meets and bounds survey description of the Fairgrounds property because if the Legislation did not go through, the cost for that survey would be lost; however, he said, the successful bidder had indicated that he was willing to take that risk and pay the cost of the survey. He requested Trish Nenninger Second Assistant County Attorney, to outline the other legal concerns for the benefit of the Committee.

Mrs. Nenninger remarked that when the County began the tax foreclosure proceeding for the substitution parcel located in the Town of Warrensburg, it was done in conjunction with the Town under the process for an environmental restoration program. The Town had received a record of decision, she continued, that indicated the NYS DEC deemed no other action was necessary and there was no environmental easement on the property; and therefore, the Court issued an order authorizing the County to proceed with the foreclosure on that parcel. Mrs. Nenninger further explained that once the County took title of the parcel, if there was a responsible party issue or indication and pollution was found on that site, the County could face liability. She added that the structure of the statute that the Town of Warrensburg operated under did provide them protection against those types of liability; however, she noted, the County as the foreclosing entity, not as the grantee on the State project, did not receive the same limitations of liability protection.

Mrs. Nenninger reported that the New York State Office of Parks, Recreation & Historic Preservation and the Town of Warrensburg had agreed that the Town would be willing to take title of the parcel back and maintain it as a park as part of the Legislation for the land substitution if the Legislature would agree to such action. She noted the difference in price of the two properties, approximately \$16,000, would be invested in the aforementioned parcel as required by this Legislative proposal. She announced that the Senate would need the Legislation by April 30, 2012 and the Assembly by May.

Mr. Dusek mentioned that it was important to point out that because Warren County was selling a parcel of parkland and new parkland property was being created, there was no concern over which municipality held ownership, as long as the Town of Warrensburg agreed that the park would be open to all County residents.

Following discussion, motion was made by Mr. Conover, seconded by Mr. Merlino and carried unanimously to allow the County to continue pursuing the necessary Legislation as outlined above.

Mr. Thomas added Item 2 concerned the Response to the Budget Analysis Report from the County Treasurer as prepared by the County Administrator, which would be emailed when completed.

Prior to adjourning, Bob Swan, Undersheriff, requested permission to address the Committee. Undersheriff Swan advised the Sheriff's Office was in dire need of additional fleet vehicles. He informed that currently, they had fourteen vehicles in their fleet, all of which had over one hundred thousand miles on them. He recognized that five cars had been ordered with funds that were included in the 2012 budget and were expected to arrive in late May or early June. He requested the Committee to consider authorizing the purchase of five additional patrol cars at an approximate cost of \$125,000. Undersheriff Swan pointed out that it took ninety days for cars to be delivered from the day they were purchased.

In response to an inquiry as to how the purchase of five vehicles would be funded, District Attorney Hogan informed that it was permitted under Federal regulations to use Asset Forfeiture funds for anything that advanced narcotics prosecution and under State Asset Forfeiture, there was no limitation as to the use of said funds and they could be used for the purchase of equipment.

Mr. Geraghty recalled that during the budget process, it was believed that a revenue stream for the Sheriff's Office would be forthcoming that could fund the purchase of additional vehicles, although such funding would not materialize until next year. District Attorney Hogan confirmed that there was \$1 million worth of gold that was seized in Warren County and would be returned to the County as Federal Asset Forfeiture funds in a high six figure amount, which was in the process of coming to fruition. Mr. Merlino suggested that the County secure a Bond Anticipation Note (BAN) for one year for the purchase of the vehicles and said BAN could be paid with the anticipated Asset Forfeiture monies once received.

Following discussion, motion was made by Mr. Bentley, seconded by Mr. Merlino and carried unanimously to authorize the purchase of five patrol cars for the Sheriff's Office for an estimated cost of \$125,000, and to authorize a BAN for the same amount, which would be paid for with the anticipated Asset Forfeiture funds once they were received. The necessary resolution was authorized for the April 20, 2012 Board meeting.

Mike Swan, County Treasurer, referenced the County-owned property across the street from the Municipal Center which remained for sale. He stated that if the Board of Supervisors was still interested in proceeding with the sale of such, he suggested that

the asking price be re-evaluated and possibly pursue the idea of utilizing a realtor. He further recommended that the Board of Supervisors consider logging the property as a means of generating additional funds, prior to the sale.

Motion was made by Mr. Taylor, seconded by Mr. Bentley and carried unanimously to authorize the preparation and release of an RFP (Request for Proposal) for logging services on the County-owned property as outlined above.

There being no further business to come before the Committee, on motion made by Mr. Bentley and seconded by Mr. Merlino, Mr. Thomas adjourned the meeting at 10:50 a.m.

Respectfully submitted,

Nicole Livingston, Second Deputy Clerk