WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **FINANCE**

DATE: **AUGUST 8, 2012**

Committee Members Present:		**Others Present:**
Supervisors	Thomas	Daniel G. Stec, Chairman of the Board
	Taylor	Paul Dusek, County Administrator
	Sokol	Martin Auffredou, County Attorney
	Monroe	Joan Sady, Clerk of the Board
	Bentley	Kevin Geraghty, Budget Officer
	Wood	Supervisor Mason
	Kenny	Supervisor Strainer
	Merlino	Supervisor Westcott
	Conover	Mike Swan, County Treasurer
		Jeff Tennyson, Superintendent of Public Works
		Maury Thompson, *The Post Star*
		Thom Randall, *Adirondack Journal*
		Nicole Livingston, Second Deputy Clerk

Mr. Thomas called the meeting of the Finance Committee to order at 10:25 a.m.

Motion was made by Mr. Bentley, seconded by Mr. Sokol and carried unanimously to approve the minutes of the July 11, 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 Mrs. Wood, seconded by Mr. Taylor and carried unanimously to approve Item 1 as outlined above. The necessary resolution was authorized for the next Board meeting.

Mr. Thomas advised Items 2A and B were referrals from the County Treasurer. Item 2A, he said, was a request for a Contingent Fund transfer in the amount of $5,000 to Code A.1325 439 County Treasurer-Misc Fees & Expenses, to pay the banking fees for TD Bank that were not budgeted, as a result of a change in policy at TD Bank.

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

Mr. Monroe questioned what the fees were for and Mike Swan, County Treasurer, explained that TD Bank had changed their entire municipal banking policies and they were charging fees for having money in the bank based on balances in each of the accounts. He asserted the charge to the County was going to be approximately $4,500 a month and because TD Bank had not notified the Treasurer's Office prior to the change, no funds had been budgeted to cover these costs. As a result, Mr. Swan said, the County had transferred 90% of their accounts from TD Bank into Glens Falls National Bank; however, he noted, because a few accounts had to remain open in TD Bank to cover checks and wire transfers, the County was responsible for a certain amount of fees up to June 30, 2012 for a total of $3,250. He apprised he was requesting $5,000 due to a few accounts remaining open at TD Bank and there would be associated fees for those.

Chairman Stec entered the meeting at 10:30 a.m.

Mr. Thomas called the question and the motion was carried unanimously to approve Item 2A as outlined above. The necessary resolution was authorized for the next Board meeting.

Mr. Thomas stated Item 2B was a request to establish Capital Fund A 893.00 Reserve, Environmental Testing, to establish a fund to conduct testing on tax delinquent parcels that may have environmental problems, with the source of funding to be 50% of the revenue in excess of the $100,000 budgeted revenue for 2012 and 25% of the $100,000 budgeted revenue for each year thereafter.

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

Mr. Swan informed this was an attempt to take proceeds from the land auction and place them in a fund in order to perform testing on tax delinquent properties that could possibly be contaminated. He further stated that under State Law, a County was allowed to take temporary title to a property that may have contamination and do the testing to determine such, prior to making a judgement as to whether or not to foreclose on the property.

Mr. Thomas called the question and the motion was carried unanimously to approve Item 2B as outlined above. The necessary resolution was authorized for the next Board meeting.

Mr. Thomas noted Item 3 was a referral from the County Facilities Committee, Buildings & Grounds, requesting to amend the 2012 County budget to increase estimated revenues and appropriations in the amount of $809.28 to reflect receipt of tool replacement insurance recovery.

Motion was made by Mrs. Wood, seconded by Mr. Bentley and carried unanimously to approve Item 3 as outlined above. The necessary resolution was authorized for the next Board meeting.

Mr. Thomas asserted Item 4 was a referral from the Health Services Committee, Health Services, requesting to amend the 2012 County budget to increase estimated revenues and appropriations in the amount of $14,250 to remove the Office of Homeland Security grant funds from the Bioterrorism Department and create its own revenue and expense codes, as requested by the State.

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

Mr. Thomas advised Items 5A through C were referrals from the Public Safety Committee. Items 5A and B, he said, were referred from the Sheriff & Communications. He stated Item 5A was a request to amend the 2012 County budget to increase estimated revenues and appropriations in the amount of $1,600 to reflect receipt of funds from the Warren-Washington County Victim Impact Panel Fund and the Sunkiss Balloon Festival.

Motion was made by Mr. Taylor, 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 a request to amend the 2012 County budget to increase estimated revenues and appropriations in the amount of $2,334 to reflect receipt of funds from the Warren County Probation Department and the City of Glens Falls Police Department for the Offender Watch Software used to track sex offenders.

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

Mr. Thomas noted Item 5C was referred from the Office of Emergency Services, requesting to amend the 2012 County budget to increase and decrease estimated revenues and appropriations in the amount of $33,202 to remove the Office of Homeland Security grant funds from the Homeland Security Program and create its own revenue and expense codes, as requested by the State.

Motion was made by Mr. Sokol, seconded by Mrs. Wood and carried unanimously to approve Item 5C as outlined above, and the necessary resolution was authorized for the next Board meeting.

Mr. Thomas stated Items 6A through C were referrals from the Support Services Committee. He remarked Item 6A was referred from the Board of Elections, requesting to amend the 2012 County budget to increase estimated revenues and appropriations in the amount of $5,795 to reflect receipt of reimbursement from the HAVA (Help Americans Vote Act) grant.

Motion was made by Mr. Conover, seconded by Mrs. Wood and carried unanimously to approve Item 6A as outlined above, and the necessary resolution was authorized for the next Board meeting.

Mr. Thomas apprised Items 6B and C were referred from the County Administrator. Item 6B, he said, was a request to close Capital Project No. H241.9550 280 Health & Human Services Building that was established to fund the building design.

Mr. Monroe questioned if there were any funds remaining in this Capital Project and Mr. Dusek replied in the negative.

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

Mr. Thomas added Item 6C was a request to close Capital Project No. H245.9550 280 Renovate Cooperative Extension Building that was established in 2004 to do renovations, and return remaining funds to the General Fund.

Mr. Dusek advised there was a balance of approximately $11,000 in this Capital Project.

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

Mr. Thomas announced Item 7 was for Finance Committee action which was required on the following items as approved by the Personnel Committee: Item Nos. 1, 5 and 6.

Motion was made by Mr. Sokol, seconded by Mr. Kenny and carried unanimously to approve Item 10 as outlined above.

Mr. Thomas referred to Item IV. Topics to be reported on/discussions/updates and noted Martin Auffredou, County Attorney, had requested permission to address the Committee on Items IV. 1A through C. He stated Item IV. 1A concerned a proposed resolution approving the bicentennial logo and approval of its use; he noted a draft resolution was provided for the Committees' review.

Mr. Auffredou expounded the County Historian had contacted him regarding the adoption of the bicentennial logo as the official logo for the County and he had assisted in preparing the draft resolution before the Committee members today. He pointed out that the Bicentennial Committee had spent a considerable amount of time determining how to authorize the use of the logo, as was outlined in the draft resolution, which he reviewed in detail. He added that the Bicentennial Committee desired to produce commemorative items utilizing the logo as determined to be appropriate for the bicentennial celebration. Mr. Auffredou noted the logo would not be allowed for use for commercial or solicitation purposes by any businesses or organizations other than those approved by the Bicentennial Committee.

Mrs. Wood commented that she was the Supervisor representative on the Bicentennial Committee and she acknowledged the amount of work the Committee had put forth in determining the appropriate use of the logo.

Motion was made by Mrs. Wood, seconded by Mr. Bentley and carried unanimously to approve the bicentennial logo and approval of its use, and the necessary resolution was authorized for the next Board meeting.

Mr. Thomas noted Item IV. 1B was a request to amend Resolution No. 273 of 2011, authorizing extension agreement with ACS Enterprise Solutions-State and Local Solutions, Inc. to extend termination to December 31, 2012.

Mr. Auffredou explained this contract was used by the County Clerk's Office for imaging and indexing services, as well as hardware/software maintenance support and the contract extension had expired on May 23, 2012. He mentioned the terms and conditions would remain the same as the previous contract and the funds were allocated within the County Clerk's Departmental budget to cover the cost.

Motion was made by Mr. Conover, seconded by Mr. Monroe and carried unanimously to approve Item IV. 1B as outlined above, and the necessary resolution was authorized for the next Board meeting. A copy of the resolution request form is on file with the minutes.

Mr. Thomas acknowledged Item IV. 1C was a request for an executive session to discuss pending litigation; however, he suggested that the Committee review the Pending Items list prior to entering into an executive session.

Mr. Thomas directed the Committee members to the Pending Items and remarked Item 1 was for the County Attorney to review the law relative to the foreclosure process and the County Land Auction and the possibility of Realtors marketing the properties for sale, as opposed to an auctioneer and report back to the Committee.

Mr. Auffredou recalled that his Office had reviewed this matter and reported on such in the past. He advised the research revealed that the County could not enter into a process of Realtors marketing properties for sale, as was specifically outlined in Article 11 stating the auction process was the only option available. He noted he would confirm that the matter was previously addressed at the next Committee meeting.

Mr. Thomas said Item 2 was for the County Attorney to contact Erie County's Attorney's Office to discuss the legal theory of the 911 lawsuit and on what basis they were proceeding, and report back to the Committee with his findings.

Mr. Auffredou informed he had contacted the Erie County's Attorney's Office, although there was not much activity to report on at this time. He added that he had expressed Warren County's interest in participating in the lawsuit and he would continue to follow up on the issue.

Mr. Thomas added Item 3 was an update on the preparation of an RFP for Realtor services and obtaining a forester to re-evaluate the County-owned property located across the street from the Municipal Center to provide an opinion on such. Mr. Thomas apprised that Mr. Dusek continued to work on that item.

Prior to the executive session, Mr. Monroe mentioned the recent announcement made by Governor Cuomo relating to the State purchasing the former Finch land for $50 million. He said that the State had been reducing the County's reimbursement for Social Services programs and had claimed they had limited funds for such, which in turn had impacted and reduced the services the County provided to the elderly population. Mr. Monroe noted that the Adirondack-wide bodies had taken an opposing position on this matter and had adopted resolutions expressing opposition. He asserted that if the State used the $50 million to purchase this working forest land, it would displace many workers in the woods, truckers and mill workers. He pointed out that this purchase was contrary to the State Land Master Plan which provided that because the forest product industry was so important to the academy of the Adirondacks, the State should not normally buy highly productive forest land unless it was threatened with development. Mr. Monroe opined that action should be taken by the County to express its' displeasure and request that an equivalent amount of money be made available to Adirondack local governments to help improve the economy to create an economic development plan and the necessary infrastructure to replace the jobs that would be lost due to this $50 million expenditure.

Motion was made by Mr. Monroe, seconded by Mr. Bentley and carried unanimously to authorize a resolution expressing the County's displeasure with the State's $50 million land purchase and to request that an equivalent amount of money be made available to Adirondack local governments to help improve the economy to create an economic development plan and the necessary infrastructure to replace the jobs that would be lost due to this $50 million expenditure. The necessary resolution was authorized for the next Board meeting.

Mr. Thomas reminded the Committee that an executive session was needed. Mr. Auffredou announced the executive session was requested for the purpose of discussing pending litigation of the Counties versus the Hudson River Black River Regulating District.

Motion was made by Mr. Bentley, seconded by Mrs. Wood and carried unanimously that an executive session be declared pursuant to Section 105 (d) of the Public Officers Law.

Executive session was declared from 10:53 a.m. to 11:23 a.m.

The Committee reconvened. Pursuant to the executive session, Mr. Auffredou requested a resolution to authorize the County to continue joining with Washington, Saratoga, Rensselaer and Albany Counties with an application to the Court of Appeals regarding the opinion of the Supreme Court Appellate Division Third Department in the matter of the five Counties versus Hudson River Black River Regulating District with such legal services provided by the law firm of Miller, Mannix, Schachner & Hafner, LLC, with the understanding that the expenses for such legal services for Warren County should not exceed $5,000; and to authorize a new agreement with Miller, Mannix, Schachner & Hafner, LLC for said legal services based on the foregoing.

Mr. Dusek recommended that the amount be increased not to exceed $10,000 because he felt $5,000 would not be enough to cover the associated costs. He added regular reports would be provided to the Committee on the amount spent.

Motion was made by Mr. Monroe, seconded by Mr. Bentley and carried unanimously to authorize the County to continue with the aforementioned appeal of the Counties versus Hudson River Black River Regulating District with such legal services to be provided by the law firm of Miller, Mannix, Schachner & Hafner, LLC for an amount not to exceed $10,000, with the source of funding to be a Contingent Fund transfer as outlined above, and the necessary resolution was authorized for the next Board meeting.

Mr. Thomas pointed out Item IV. 1C was the response to the Budget Analysis Report from the County Treasurer as prepared by the County Administrator, which would be emailed when completed.

There being no further business to come before the Committee, on motion made by Mr. Bentley and seconded by Mr. Sokol, Mr. Thomas adjourned the meeting at 11:30 a.m.

Respectfully submitted,

Nicole Livingston, Second Deputy Clerk