

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: FINANCE, PERSONNEL & HIGHER EDUCATION

DATE: MARCH 31, 2016

COMMITTEE MEMBERS PRESENT:

SUPERVISORS CONOVER
SEEBER
SOKOL
SIMPSON
MERLINO
DICKINSON
GIRARD
FRASIER
BEATY
MCDEVITT
BRAYMER

OTHERS PRESENT:

KEVIN GERAGHTY, CHAIRMAN OF THE BOARD
BRIAN REICHENBACH, COUNTY ATTORNEY
AMANDA ALLEN, CLERK OF THE BOARD
FRANK THOMAS, BUDGET OFFICER

SUPERVISORS BROCK
LEGETT
MACDONALD
MONTESI
STROUGH
VANSELOW
WOOD

REPRESENTING SUNY ADIRONDACK:

DR. KRISTINE DUFFY, PRESIDENT
ANN MARIE SOMMA, VICE PRESIDENT FOR ADMINISTRATIVE SERVICES &
TREASURER
JOANN MCKINSTRY, ASSISTANT TO THE COUNTY ADMINISTRATOR
BETSY HENKEL, FORMER FISCAL MANAGER, WESTMOUNT HEALTH
FACILITY
MIKE SWAN, COUNTY TREASURER
JACKIE FIGUEROA, COUNTY HUMAN RESOURCES DIRECTOR
PATRICIA NENNINGER, PERSONNEL OFFICER
PATRICIA AUER, DIRECTOR, PUBLIC HEALTH
SHAWN LAMOUREE, UNDERSHERIFF
GEORGE STEC, TOWN OF QUEENSBURY RESIDENT
TRAVIS WHITEHEAD, TOWN OF QUEENSBURY RESIDENT
DON LEHMAN, *THE POST STAR*
CHRISTINE SCANLON, *SUN COMMUNITY NEWS*
SARAH MCLLENITHAN, DEPUTY CLERK OF THE BOARD

Please note, the following contains a summarization of the March 31, 2016 meeting of the Finance, Personnel and Higher Education Committee; the meeting in its entirety can be viewed on the Warren County website using the following link:

<http://www.warrencountyny.gov/gov/comm/Archive/2016/finance/>

Mr. Conover called the meeting of the Finance, Personnel and Higher Education Committee to order at 10:00 a.m.

Motion was made by Ms. Seeber, seconded by Mr. Dickinson and carried unanimously to approve the minutes of the previous Committee meeting, subject to the Clerk of the Board.

Copies of the meeting Agenda were distributed to the Committee members and a copy of same is on file with the meeting minutes.

Commencing the Agenda review, Mr. Conover offered privilege of the floor to anyone present who would like to speak at this time, but no response was given.

Moving on to the Action Agenda, Mr. Conover offered privilege of the floor to any SUNY Adirondack representatives wishing to address the Committee.

Dr. Kristine Duffy, *President, SUNY Adirondack*, advised the College looked forward to being able to update the Committee on their activities on a monthly basis. She thanked the Committee for their support on the NSTEM *Nursing, Science, Technology, Engineering, Mathematics*) and WORC (*Workforce Readiness Center*) Projects which were underway at the College. She stated that Ann Marie Somma, *Vice President for Administrative Services & Treasurer*, would be providing the Committee with a brief update on the NSTEM Project and answer any would questions the Committee members may have.

Ms. Somma provided an overview of the status of the NSTEM Project during which she distributed the documents relating to the vision; *copies of which are on file with the minutes*. Following Ms. Somma's presentation Dr. Duffy gave an update on the SUNY Adirondack budget which they were in the process of preparing for the next program year. She also mentioned the ribbon cutting ceremony for the Business Central Office which she said Ms. Seeber had attended. In conclusion she informed they were working with Ms. Seeber on criteria in order to select another student from Warren County to honor at the May graduation ceremony.

Mr. Conover announced that they would be skipping to Agenda Item 6B which concerned a referral from the Criminal Justice Committee, *Sheriff & Communications*, concerning a claim regarding the case of Russo v. Warren County.

Mr. Reichenbach advised an executive session was required to discuss a confidential settlement and pending litigation against the County.

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

Executive session was held from 10:10 a.m. until 10:26 a.m.

Upon reconvening, Mr. Conover announced no action was taken during executive session.

Mr. Conover called for a motion concerning Agenda Item 6B.

Motion was made by Ms. Braymer, seconded by Mr. Dickinson and carried unanimously to authorize the Chairman of the Board to execute an agreement compromising the claim regarding case of Russo v. Warren County and authorizing a transfer from the Contingent Account in the amount of \$25,000 to pay the County's insurance deductible, and the necessary resolution was authorized for the April 15th Board Meeting.

Resuming the Agenda review with Item 2, Mr. Conover presented a request to approve the transfers of funds as attached for Committee approval.

Motion was made by Mr. Girard, seconded by Mr. Dickinson and carried unanimously to approve the request and the necessary resolution was authorized for the April 15th Board Meeting.

Mr. Conover announced Agenda Items 3A-E consisted of requests/items to be discussed by the Personnel Officer and/or Human Resources Director. He advised Item 3A included a request to authorize Patricia Nenninger, *Personnel Officer*, to attend the NYS Association of Personnel and Civil Service Officers Conference to be held on June 5-8, 2016, and for authorization to waive the GSA Rate requirements included in the Travel Policy for attendance at said Conference.

Motion was made by Mr. Dickinson, seconded by Mr. Merlino and carried unanimously to approve the request and the necessary resolution was authorized for the April 15th Board Meeting.

Privilege of the floor was extended to Jackie Figueroa, *Human Resources Director*, to review Agenda

Items 3B-E. Ms. Figueroa apprised Agenda Item 3B, pertained to the tracking of vacancies filled since the last Committee meeting; she noted that a reporting of these positions was included in the Agenda and she encouraged anyone with questions to contact her directly. Moving on, she explained that Agenda Items 3C-D related to each other and were a compilation of resolutions dating back to 1996 which had been amended several times since then. She said she had compiled all of these resolutions to provide one resource for County employees to reference. Mr. Conover asked whether any action was required and Amanda Allen, *Clerk of the Board*, advised because a policy was being amended a resolution was required.

Motion was made by Mr. Dickinson, seconded by Mr. Sokol and carried unanimously to approve Items 3C and 3D, as presented and the necessary resolution was authorized for the April 15th Board Meeting.

E) Proposed changes to Warren County Plans and Policies - time and attendance system procedures.

Ms. Figueroa explained Item 3E concerned an update to the "Schedule A" portion of a prior resolution relating to time and attendance system procedures in order to correctly reflect the listing of exempt positions.

Motion was made by Mr. Dickinson, seconded by Mrs. Frasier and carried unanimously to approve Item 3E and the necessary resolution was authorized for the April 15th Board Meeting.

Mr. Conover apprised Agenda Item 4 included a request from the County Treasurer for a Contingent Fund transfer in the amount of \$8,111.93. He said the reason for this request was because, as noted previously by the County Attorney, it appeared that the County would continue to pay the Performance Assurance portion of the Siemens Co-Generation contract.

Motion was made by Mr. Girard and seconded by Ms. Braymer to bring the matter to the floor for discussion.

Mike Swan, *County Treasurer*, informed that \$8,111.93 was the total amount of money required to pay for the Performance Assurance portion of the Siemens Co-Generation contract through the end of the year so that he did not have to keep returning to the Committee for further requests. He apprised if the matter concerning Siemens was resolved the funding would be returned to the Contingent Account.

JoAnn McKinstry, *Assistant to the County Administrator*, stated that before the end of the year additional funding may be required from the Contingent Account. She explained that currently the County had excess unemployment funds because the County had not received the number of claims originally anticipated which meant there was funding available to transfer within that budget; however, she noted, Mr. Swan recommended that the Contingent Account be used to fund this expense because the funding available would be required for other expenses. Mr. Swan added it was nice that they had some funding available to pay for the unanticipated expenses which had come out of the closing. He mentioned if excess funds were still available at the end of the year they would return the funding to the Contingent Account and use these funds instead. Mr. Conover questioned the balance of the Contingent Account and Mrs. McKinstry responded as of this morning it was \$268,000.

A discussion ensued following which a motion was made by Mr. Girard, seconded by Mr. Sokol and carried unanimously to table the matter pending an update from special counsel.

Agenda Item 5, Mr. Conover stated, included a referral from the County Facilities Committee, *Buildings & Grounds*, for a Contingent Fund transfer in the amount of \$20,000 to fund the retention of engineering services through NYSERDA FlexTech program to review the savings reported under the Municipal Center Energy Performance Contract, as was authorized by Resolution No. 45 of 2016.

Mr. McDevitt inquired whether any potential engineers had been interviewed and/or hired for this

purpose and Mr. Conover responded that Jeffery Tennyson, *Superintendent of Public Works*, had reviewed a draft of the RFP at the March 23rd meeting of the County Facilities Committee and it was determined that he should work with the County Attorney to finalize the document with input from the District Attorney before it was brought back to Committee for approval.

A discussion ensued following which a motion was made by Mr. McDevitt, seconded by Mr. Girard and carried unanimously to approve the request and the necessary resolution was authorized for the April 15th Board Meeting.

Mr. Conover announced Agenda Item 6 consisted of a referral from the Criminal Justice & Public Safety Committee, *Public Defender*, to amend the 2016 County Budget in the amount of \$3,500 to reflect the receipt of grant funds from the New York State Office of Indigent Legal Services.

Motion was made by Ms. Braymer, seconded by Mr. Dickinson and carried unanimously to approve the request and the necessary resolution was authorized for the April 15th Board Meeting.

Continuing to Agenda Item 7, Mr. Conover reviewed the referrals from the Health, Human & Social Services Committee, which included the following:

Countryside Adult Home -

- 7A) Request to amend the Departmental Table of Organization to reduce the hours of the Account Clerk #3 position from 24 hours per week to 20 hours per week effective April 18, 2016, as well as for permission to fill the position which is currently vacant due to termination.

Motion was made by Mrs. Frasier, seconded by Mr. Simpson and carried unanimously to approve the request and the necessary resolution was authorized for the April 15th Board Meeting.

Department of Social Services -

- 7B) Request to amend the Departmental Table of Organization and Salary Schedule to create the new position of Intake Clerk #7, *Grade 4, Annual Base Salary of \$27,027*, effective April 18, 2016, as well as for permission to fill the position due to creation.

Mr. Conover questioned whether a position was being abolished and Mr. Sokol replied in the affirmative. Mr. Conover confirmed with Mr. Sokol that the salary for the position being created was lower than the one being abolished.

Motion was made by Mr. Sokol, seconded by Mrs. Frasier and carried unanimously to approve the request to delete the position of Social Welfare Examiner #34, *Grade 8, Annual Base Salary of \$32,771*, and create the new position of Intake Clerk #7, *Grade 4, Annual Base Salary of \$27,027*, effective April 18, 2016 and the necessary resolution was authorized for the April 15th Board Meeting.

- 7C) Request to amend the Departmental Table of Organization and Salary Schedule to create the new positions of Caseworker #34 and #35, *Grade 16, Annual Base Salary of \$39,979*, effective April 18, 2016, as well as for permission to fill the positions due to creation.

Chairman Geraghty advised that in order to reduce their significant overtime expenses the Department of Social Services would like to hire two new Caseworkers that could work in different areas of the Department. He pointed out this would alleviate some of the overtime expense within the Department while also improving efficiency for them. He noted 68% of the salary expense was covered by the State; therefore, he stated, he was fully supportive of it in his role as Chairman/Interim County Administrator.

Motion was made by Mr. Simpson, seconded by Ms. Seeber and carried unanimously to approve the request and the necessary resolution was authorized for the April 15th Board Meeting.

Public Health -

- 7D) Request to amend the Departmental Table of Organization and Salary Schedule to create new temporary position of Supervising Public Health Nurse, Annual Salary \$68,973.84, effective April 22, 2016 in order to cover for an employee who will be out of work on a long-term medical leave.

Pat Auer, *Director of Public Health*, advised that she had spoken with Ms. Nenner regarding this position which was necessary due to the Department having a Nurse who was out of work on a long-term medical leave. She said she would be moving one of her current employees into the position temporarily for coverage at no additional cost to the County.

Motion was made by Mr. Dickinson, seconded by Mr. McDevitt and carried unanimously to approve the request and the necessary resolution was authorized for the April 15th Board Meeting.

- 7E) Request to establish a weekend and holiday hourly rates for per diem Registered Nurse and LPN Nurse Technicians.

Ms. Auer stated that due to a decrease in staff the Nurses within their Department were required to work more weekends than they had previously. She apprised that increasing their per diem rate for weekend/holiday coverage would allow them to be more competitive with other Certified Home Health Agencies in Warren County.

Motion was made by Mr. Simpson, seconded by Mr. Dickinson and carried unanimously to approve the request and the necessary resolution was authorized for the April 15th Board Meeting.

- 7F) Request to amend the 2016 County Budget in the amount of \$1,095 to reflect the actual amount of funding received for the Lead Grant which was more than anticipated.

Motion was made by Ms. Braymer, seconded by Ms. Seeber and carried unanimously to approve the request and the necessary resolution was authorized for the April 15th Board Meeting.

Mr. Conover advised Agenda Item 8 pertained to a referral from the Park Operations & Maintenance Committee to amend the 2016 County Budget in the amount of \$3,500.10 to reflect the receipt of funds from an insurance recovery.

Motion was made by Mr. Dickinson, seconded by Mr. Merlino and carried unanimously to approve the request and the necessary resolution was authorized for the April 15th Board Meeting.

Moving on to Agenda Item 9, Mr. Conover outlined the referrals from the Public Works Committee, *DPW*, as follows:

- 9A) Request to amend the 2016 County Budget in the amount of \$50,000 in anticipation of Household Hazardous Waste Assistance Program which will provide \$25,000 in grant funds; a source of funding for the remaining \$25,000 local share is requested.

Mr. Conover advised that the Contingent Account would be used as the source of funding to pay for this expense. Mr. Swan indicated the need for clarification as to what was expected here, as he was unsure whether \$25,000 would be transferred from the Contingent Account or \$50,000. He continued, his understanding was that \$25,000 of the cost would be covered by a grant through the NYSDEC (*New York State Department of Environmental Conservation*) that had not been applied for yet. Mr. Conover informed that a \$50,000 transfer from the Contingent Account was required and when the County received the \$25,000 reimbursement from NYSDEC the funds would be returned to the Contingent Account.

A discussion ensued following which a motion was made by Mr. Dickinson, seconded by Mr. Merlino and carried unanimously to approve the request and to identify the Contingent Fund as the source of funding for the entire amount (\$50,000), and the necessary resolution was authorized for the April 15th Board Meeting.

- 9B) Request to amend the 2016 County Budget in the amount of \$50,000 to create a new budget line D.5112.8250, *CR16 Bay Street*, which will be funded by a transfer from Budget Code D.5142 410, *County Road, Snow Removal-County, Supplies*.

Motion was made by Mr. Merlino, seconded by Mr. Simpson and carried unanimously to approve the request and the necessary resolution was authorized for the April 15th Board Meeting.

Agenda Item 10, Mr. Conover stated, included a referral from the Support Services Committee, *County Attorney*, requesting a transfer of funds in the amount of \$49,000 from the Contingent Fund to cover the costs of retiree and separation payouts which were not accounted for in the 2016 Budget, as well as for the budget increase for the difference in salary amount for the Confidential Secretary position.

Ms. Braymer asked for further explanation on the request. Brian Reichenbach, *County Attorney*, explained that there were retirement payouts that had not been included within this year's budget for the Department. He stated the payouts had already been made and totaled slightly more than \$30,000 for the former County Attorney, both former Legal Assistants and the former First Assistant County Attorney. He continued, the budget had included salaries for the replacement of those employees; however, he noted, it did not include the two part-time positions he had working in the office. He advised in order to hire a Confidential Secretary he required additional funding to cover the salary.

Motion was made by Mr. Dickinson, seconded by Mr. Girard and carried unanimously to approve the request and the necessary resolution was authorized for the April 15th Board Meeting.

Chairman Geraghty recalled it had been previously suggested that the County establish a Capital Reserve Account to cover the cost of these retirement payouts. He mentioned there was no way to budget for this type of expense unless you were aware of an employee's intent to retire.

A discussion ensued following which it was determined Chairman Geraghty would look into the matter and report back to the Committee.

Privilege of the floor was extended to Chairman Geraghty as the Acting County Administrator to address Items 11A-C, Requests/Items to be discussed by the County Administrator, as follows:

- A) Request for a new contract with P&NP Computer Services for annual software support agreement.

Chairman Geraghty apprised the program was necessary to expense some of the Medicaid charges for some of the residents at the nursing home. Betsy Henkel, *former Fiscal Manager, Westmount Health Facility*, informed that there were three Medicaid pending residents that would potentially provide about \$17,000 in revenue to the County which was more than sufficient to cover the cost of the software.

Motion was made by Mr. Sokol, seconded by Mr. Simpson and carried unanimously to approve the request and the necessary resolution was authorized for the April 15th Board Meeting.

- B) Request for a new contract with Direct Energy Business to provide for the natural gas supplier agreement over the term commencing January 1, 2017 and terminating December 31, 2018.

Chairman Geraghty and Mr. Reichenbach provided brief overviews of the contract, following which a motion was made by Mr. Dickinson, seconded by Ms. Braymer and carried unanimously to approve the request and the necessary resolution was authorized for the April 15th Board Meeting.

- C) Journal Report of transfers approved by County Administrator since the last Committee meeting.

Mr. Conover announced this was a review of the transfers for the Committees consideration and no action was required.

Mr. Conover pointed out that Section V. of the Agenda included Pending Items, which were reviewed as follows:

- V. Pending Items:

- Finance -*

- 1) Discussion regarding the County Treasurer's request to amend Resolution No. 745 of 2011 to change the Unassigned Fund Balance minimum range from \$6 million - \$12 million to \$10 million - \$16 million was tabled until after the Committee reviewed the Multi-Year Plan. (10.07.15) Update: Committee elected to delay a decision on this matter until it was determined how this change would affect other Fund Balances. (11.10.15)

Mr. Conover apprised while he believed everyone understood the concerns of the County Treasurer he was unsure whether they were ready to take any action on this item. Mr. Swan stated one of the reasons the item was tabled was because they were unsure as to how this change would impact other fund balances. He apprised this had since been resolved, as it had been determined there was no impact on them.

A discussion ensued following which a motion was made by Mr. Dickinson, seconded by Mr. Merlino and carried unanimously to approve the request to amend Resolution No. 745 of 2011 to change the Unassigned Fund Balance minimum range from \$6 million - \$12 million to \$9 million - \$16 million and the necessary resolution was authorized for the April 15th Board Meeting.

- 2) Referral from Support Services Committee requesting the Finance Committee to consider taking action early in 2016 to restore \$65,000 in requested funding removed from the Board of Elections 2016 Budget. (12.02.15) Update: Committee decided to delay further discussion on this matter until after the Primary Elections in June. (02.29.16)

Mr. Conover informed the matter had been actively discussed during a prior Committee meeting. Chairman Geraghty advised this request related to the Board of Elections concern that they may not have a sufficient amount of funding available to cover the costs of the elections through the end of the year which he did not believe was the case. Mrs. McKinstry remarked she believed they would have a better idea of whether additional funding was required following the Primary Elections in June. A discussion ensued during which it was determined the Committee would revisit the matter following the Primary Elections in June.

- 3) Committee tabled request from the Criminal Justice & Public Safety Committee to identify a source of funding in an amount not to exceed \$150,000 for the construction of a storage building to house Office of Emergency Services equipment, which the Criminal Justice & Public Safety Committee desires to be constructed in 2016, pending additional information relating to placement of the structure, as well as more definitive cost estimates. (02.10.16)

Chairman Geraghty advised the Chairman of the Public Works Committee along with some other Supervisors had toured the former Ciba Geigy building which was partially rented with Mr. Tennyson. Mr. Simpson stated they had toured the building which had 5,600 square feet of space available within one bay which would be more than sufficient to store all of the equipment for the Office of Emergency Services. He said they had discussed how they could partition off this section of the building while still maintaining the heat and the electric doors provide for a generator during an emergency situations. He pointed out the work that would be required on the site was nothing monumental. Ms. Wood expressed her concerns that neither herself, as Chairman of the Criminal Justice & Public Safety Committee, nor Brian LaFlure, *Fire Coordinator/Director of the Office of Emergency Services*, had been consulted or asked to attend the tour of this available space.

A discussion ensued, at the conclusion of which a motion was made by Mr. Dickinson, seconded by Mr. Simpson and carried unanimously to request that Mr. Tennyson work with Mr. LaFlure to develop an estimate of cost for the work necessary to update the available space at the former Ciba Geigy building in order to house the Office of Emergency Services equipment.

Next, Mr. Conover noted Section VI. of the agenda which listed the vacancies approved for filling since the last Finance, Personnel & Higher Education Committee meeting which consisted of the following:

- District Attorney* - 6th Assistant District Attorney, *Annual Salary* \$58,833, due to resignation
- Office for the Aging* - Meal Site Manager #5, *Grade 2, Annual Base Salary* \$18,961, due to resignation
- Public Health* - Community Health Nurse, *Grade 20, Annual Base Salary* \$45,661, due to retirement
- Public Health Nurse, *Grade 21, Annual Base Salary* \$46,821, due to retirement
- Public Works* - Sr. Engineering Technician, *Grade 12, Annual Base Salary* \$35,767, due to death of employee.
- Sheriff* - Communication Officer #19, *Annual Base Salary* \$37,393.40, due to retirement
- Patrol Officer #24, *Annual Base Salary* \$39,214.05, due to retirement.

Privilege of the floor was extended to Ms. Seeber who advised the County was in a time crunch as it related to the sales of fireworks in the community, with the time frame for such sales beginning in just a few months. She apprised the Legislative & Rules Committee had discussed at their January meeting a proposal to amend the local law allowing for sale of fireworks in Warren County, but had decided to table the matter at that meeting and had not discussed it again at their recent meeting in March. She continued that when the Board had initially considered the local law, they had agreed upon a requirement for those who sold fireworks to provide a safety pamphlet to purchasers upon checking out, but that verbiage had not been included in the law, which meant it could not be enforced by the Sheriff's Office. She informed due to the time restraints relating to the notice requirements and the public hearing, it was necessary to approve including the language into the Local Law now in order for it to go into effect before the sales actually occur. At Ms. Seeber's request, Mr. Reichenbach distributed copies of proposed Local Law No. 2 of 2016 which he had prepared with Ms. Seeber's input to address this matter.

Motion was made by Mr. Merlino, seconded by Mr. Beaty and carried by majority vote, with Mr. Dickinson voting in opposition, to approve proposed Local Law No. 2 of 2016, as presented, and the necessary resolution was authorized for the April 15th Board Meeting.

Concluding the Agenda review, Mr. Conover advised Section VII. called for an executive session to discuss possible litigation concerning Siemens Building Technologies and to receive legal counsel regarding same. He noted no action was expected to be taken on any item discussed during the executive session.

Motion was made by Mr. Beaty, seconded by Mr. Girard and carried by unanimously to enter into an executive session pursuant to Section 105(d) of the Public Officer's Law.

Executive session was held from 11:32 a.m. until 1:07 p.m.

Supervisors Beaty, Braymer, Girard, Merlino, Seeber, Simpson and Sokol left the meeting during the executive session.

Upon reconvening, Mr. Conover announced that no action had been taken during the executive session.

In the absence of a Committee quorum, Mr. Conover declared the meeting adjourned at 1:08 p.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board