

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: FINANCE

DATE: MARCH 30, 2017

COMMITTEE MEMBERS PRESENT:

SUPERVISORS SOKOL
DICKINSON
MERLINO
STROUGH
BEATY
FRASIER
MCDEVITT
SIMPSON
GERAGHTY
VACANT

OTHERS PRESENT:

RONALD CONOVER, CHAIRMAN OF THE BOARD
BRIAN REICHENBACH, COUNTY ATTORNEY
AMANDA ALLEN, CLERK OF THE BOARD
FRANK THOMAS, BUDGET OFFICER
SUPERVISORS BRAYMER
BROCK
GIRARD
HYDE
LEGGETT
MACDONALD
MONTESI

COMMITTEE MEMBER ABSENT:

SUPERVISOR SEEBER

JOANN MCKINSTRY, ASSISTANT TO THE COUNTY ADMINISTRATOR
MIKE SWAN, COUNTY TREASURER
LARRY PALTROWITZ, LEGAL COUNSEL FOR THE COUNTY
CHARLIE BERTUCH, BERGMANN ASSOCIATES
MARK WESTCOTT, TOWN OF QUEENSBURY RESIDENT
TRAVIS WHITEHEAD, TOWN OF QUEENSBURY RESIDENT
DAVID STRAINER, TOWN OF QUEENSBURY RESIDENT
MICHAEL WILD, TOWN OF QUEENSBURY RESIDENT
DON LEHMAN, THE POST STAR
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

Please note, the following contains a summarization of the March 30, 2017 meeting of the Finance 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/2017/finance/>

Mr. Sokol called the meeting of the Finance Committee to order at 10:12 a.m.

Motion was made by Mr. McDevitt, seconded by Mrs. Frasier and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by 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. Sokol offered privilege of the floor to anyone present wishing to address the Committee on any matter. There being no response, he moved on to Agenda Item 2, which requested approval of the transfers of funds as attached for Committee approval.

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 21st Board Meeting.

Continuing with the Agenda review, Mr. Sokol stated that Agenda Item 3 pertained to a request from the County Treasurer to amend Resolution No. 3 of 2017 to increase the depository limit for the Glens Falls National Bank & Trust to \$80,000,000.

Mike Swan, *County Treasurer*, stated that although he did not believe the balance would ever reach \$80,000,000 he felt due to the large bond that would be forthcoming it was necessary to increase the current limit. Mr. Dickinson asked what the current limit was and Mr. Swan responded that it was \$60 million.

Motion was made by Mr. Dickinson, seconded by Mr. Strough and carried unanimously to approve the

request and the necessary resolution was authorized for the April 21st Board Meeting.

Proceeding with the Agenda review, Mr. Sokol apprised that Agenda Item 4 concerned a referral from the Public Works Committee, *Parks, Recreation & Railroad*, regarding a request to amend the County Budget in the amount of \$5,000 to reflect the receipt of funds donated by the Lewis Trust.

Mr. Sokol informed that donations were always welcome.

Motion was made by Mr. Strough, seconded by Mr. Merlino and carried unanimously to approve the request and the necessary resolution was authorized for the April 21st Board Meeting.

Moving along, Mr. Sokol advised that Agenda Items 5A-B pertained to the following referrals from the Support Services Committee:

- 5A) *County Attorney*- Request for a source of funding for the remainder of 2017 for the 2nd Assistant County Attorney position. *(Note this request is contingent upon prior approval from the Personnel & Higher Education Committee.)*

Mr. Sokol suggested using the Contingent Account as source of funding, as the current balance was \$252,600.

Motion was made by Mr. Simpson, seconded by Mrs. Frasier and carried unanimously to approve the request and transfer the funds required from the Contingent Account to cover the cost of the aforementioned request and the necessary resolution was authorized for the April 21st Board Meeting.

- 5B) *Information Technology*- Request to appropriate funds in the amount of \$96,825 from the Computer Reserve Fund, *Budget Code A.895*, for the purchase of computers and related equipment and software for various departments.

Motion was made by Mr. McDevitt, seconded by Mr. Merlino and carried unanimously to approve the request and the necessary resolution was authorized for the April 21st Board Meeting.

Proceeding with the Agenda review, Mr. Sokol announced Agenda Item 6 concerned a request from the County Attorney for a new contract with McCarthy & Conlon, LLP. for Medicaid reimbursement services of remaining Westmount payments due from the New York State Department of Health.

Brian Reichenbach, *County Attorney*, advised that the County was pursuing Medicare reimbursement due to them for the capital expenses from the Co-Gen Plant at the former Westmount Health Facility. He informed the New York State Department of Health requested that someone who was knowledgeable on the matter speak to the intricacies, complexities and details of the reimbursement claimed by the County. He continued, Mike McCarthy, who represented McCarthy & Conlon, LLP. had previously worked on these claims through a prior contract but this had since expired. He remarked because of his previous experience he felt Mr. McCarthy was the most qualified to obtain these reimbursements for the County.

Mr. McDevitt informed that he was in favor of moving forward with the contract, as it was imperative for them to pursue the money that was due to 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 21st Board Meeting.

Moving along, Mr. Sokol informed that Agenda Items 7A-B pertained to the following Requests/Items to be Discussed by the County Administrator:

- 7A) Journal Report of transfers approved by County Administrator staff since the last meeting.

Mr. Sokol pointed out that the agenda packet included a reporting of the transfers approved by the County Administrator's Office since the last meeting. He noted this was an informational item which required no action.

- 7B) Request to appropriate funds in the amount of \$5,000 from the Westmount Legacy Reserve Fund to the Public Nursing Home Budget to pay for the contract with McCarthy & Conlon, LLP.

Motion was made by Mr. Dickinson, seconded by Mr. Simpson and carried unanimously to approve the request and the necessary resolution was authorized for the April 21st Board Meeting.

Continuing with the Agenda review, Mr. Sokol announced Agenda Item 11 pertained to Finance Committee action which was required on the following items as approved by the Personnel & Higher Education Committee: Personnel & Higher Education Agenda Items 2 and 3A-D.

Motion was made by Mr. Geraghty, seconded by Mrs. Frasier and carried unanimously to approve the request and the necessary resolution was authorized for the April 21st Board Meeting.

Mr. Geraghty stated that he would like to address the Committee concerning the pending item that was included on the Personnel & Finance Committee pertaining to Proposed Resolution No. 146 of 2016, *concerning salary adjustments for Deputy Department Heads when filling in for a Department Head vacancy*, was tabled at the March 18th Board Meeting and referred back to the Finance, Personnel & Higher Education Committee for review and revision. He said he had been under the impression that no action was to be taken with the exception of the cases where the Deputy was required to fill in for the Department Head for an extended period of time. He added he believed the issue would be addressed during performance evaluations which was why he felt it should be removed from the pending items and the Committee members concurred.

Mr. Sokol announced an executive session was necessary to discuss proposed or pending litigation with Siemens.

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

Executive session was held from 10:21 a.m. until 11:29 a.m. Larry Paltrowitz, *Legal Counsel for the County*, and Charlie Bertuch, *Bergmann Associates*, were asked to stay and provide consultation during the executive session.

Upon reconvening Mr. Sokol announced no action was taken during the executive session.

A motion was made by Mr. Dickinson and seconded by Mr. Strough to approve the settlement agreement with Siemens subject to final terms as negotiated by legal counsel.

Mr. Beaty commented he would be voting in opposition of the settlement due to his discomfort with the fact that he believed the verbiage within the settlement was too restrictive. He said he felt people would better understand his reasoning once the settlement was released to the public.

Mr. McDevitt informed although he felt the terms and conditions were favorable he would be voting in opposition of the settlement because of the verbiage within it that restricted any members of the Board from discussing it. He stated that he disagreed with an elected official being "gagged like that".

Mr. Sokol called the question and the aforementioned motion was carried by majority vote, with Messrs. Beaty and McDevitt voting in opposition, and the necessary resolution was authorized.

Mr. Sokol stated that the Chairman of the Board would be scheduling a Special Board meeting to

address the matter for sometime next week. He offered privilege of the floor to anyone present wishing to address the Committee on this manner.

Travis Whitehead, *Town of Queensbury Resident*, questioned whether there were any representatives present during the executive session from Bergmann Associates and Mr. Sokol replied in the affirmative. He asked whether anyone was present representing Siemens during the executive session and Mr. Sokol replied in the negative. He inquired whether the final draft of the resolution would contain the following verbiage “that it would be subject to the final terms as approved by the County Attorney” or would those terms be “fast and hard” by the time the proposed Resolution was voted on at the Special Board Meeting. Mr. Reichenbach replied the final language would be appended to the agenda for the Special Board meeting. He continued, it would be presented to the Board in that form; however, he noted, much like any other document considered by the Board, a motion could be made to amend it from the floor. Mr. Whitehead asked for clarification whether his interpretation that what was available today at this moment would be what was discussed at the Board meeting but subject to changes that could be made was correct and Mr. Reichenbach responded that he envisioned one change being made later today but once this change was made it would be placed on an agenda and made public. Mr. Whitehead questioned whether this would be on the County website or emailed to him and Mr. Reichenbach informed he would distribute it to him via email.

Mark Westcott, *Town of Queensbury Resident*, requested that an account of the three Siemens projects to date be provided prior to the agreement being finalized, as the last report he reviewed by the County Treasurer stated that \$10.5 million had been invested in the Siemens contracts for the former Westmount Health Facility, the Warren County Municipal Center Building and Countryside Adult Home. He said this information would be used to determine whether the funds invested in these Projects benefitted the taxpayers or not. He reminded them that \$1.3 million was still due to the County for Medicaid payments; the Co-Gen Plant did not achieve the savings promised, as it would have been less costly for the County if it had remained on the grid; and the analysis completed by Bergmann Associates on the Siemens Project at the Warren County Municipal Center concluded that there was a \$700,000 shortfall in the savings projected which equated to \$1.5 million in fifteen years. He reiterated he would like an account of whether the County received a return on its investment for the three Projects with Siemens before the agreement was finalized.

There being no further business to come before the Finance Committee, on motion made by Mr. Dickinson, and seconded by Mrs. Frasier, Mr. Sokol adjourned the meeting at 11:35 a.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board