

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: FINANCE

DATE: MAY 31, 2018

COMMITTEE MEMBERS PRESENT:

SUPERVISORS SOKOL
SIMPSON
MERLINO
DICKINSON
STROUGH
BEATY
FRASIER
MCDEVITT
GERAGHTY

OTHERS PRESENT:

MIKE SWAN, COUNTY TREASURER
RONALD CONOVER, CHAIRMAN OF THE BOARD
RYAN MOORE, COUNTY ADMINISTRATOR
MARY ELIZABETH KISSANE, COUNTY ATTORNEY
AMANDA ALLEN, CLERK OF THE BOARD
FRANK THOMAS, BUDGET OFFICER

SUPERVISORS DRISCOLL
HOGAN
LEGGETT
LOEB
WILD

COMMITTEE MEMBERS ABSENT:

SUPERVISORS BRAYMER
HYDE

KEVIN HAJOS, SUPERINTENDENT, DEPARTMENT OF PUBLIC WORKS
JOANN MCKINSTRY, ASSISTANT TO THE COUNTY ADMINISTRATOR
TRAVIS WHITEHEAD, TOWN OF QUEENSBURY RESIDENT
DON LEHMAN, *THE POST STAR*
CHRISTOPHER SOUTH, *SUN COMMUNITY NEWS*
GORDON WOODWORTH, *CHRONICLE*
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

Please note, the following contains a summarization of the May 31, 2018 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/2018/finance/>

Mr. Sokol called the meeting of the Finance Committee to order at 11:29 a.m. and he proceeded to offer a public apology for his actions over the past weekend, explaining that he had made a poor choice which he was sorry for. He thanked those who had contacted him to extend their support.

Mr. Sokol began the agenda review by calling for a motion to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board. The necessary motion was made by Mr. Geraghty, seconded by Mrs. Frasier and carried unanimously.

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

Moving on to the Action Agenda, Mr. Sokol requested approval of Item 1 which consisted of a request for transfer 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 June 15th Board Meeting.

Mr. Sokol stated Agenda Items 2A-B pertained to the following Items/ Requests to be discussed by the County Treasurer:

- 2A) Request to amend the Table of Organization and Salary Schedule to create and fill the position of Accounting Technician, *Grade 19, Annual Salary \$46,318*, effective June 18, 2018 and
- 2B) Request for transfer of funds in the amount of \$30,955 to cover the salary of the Account Technician position for the remainder of 2018, as well as for the cost of a new desk and chair.

Mr. Sokol apprised it was necessary to determine a source of funding in the amount of \$30,955 to cover the salary of the Account Technician position for the remainder of 2018, as well as for the cost of a new desk and chair. He reminded the Committee it was suggested at the prior meeting that they use occupancy tax funds to pay for this expense.

Motion was made by Mr. Geraghty, seconded by Mr. Merlino and carried unanimously to approve the request to amend the Table of Organization and Salary Schedule as outlined above and to authorize the appropriation of funds in the amount of \$30,955 from Budget Code A.881, *Reserve-Occupancy Tax*, to cover the salary of the new position of Accounting Technician position for the remainder of the year, as well as for the cost of a new desk and chair. The necessary resolution was authorized for the June 15th Board Meeting.

Resuming the agenda review, Mr. Sokol apprised Agenda Item 3 concerned a referral from the County Facilities Committee, *Airport*, regarding a request to establish Capital Project No, H381, *Airport Marketing and Promotion of Floyd Bennett Memorial Airport*, in the amount of \$40,000.

Mr. Geraghty questioned whether marketing and promotion of the Airport was already being handled by the Warren County Economic Development Corporation and Kevin Hajos, *Superintendent of Public Works*, replied that this grant was 100% funded through the NYSDOT (*New York State Department of Transportation*) specifically for the purpose of marketing the property surrounding the Airport. Mr. McDevitt asked how they would contract for these services and Mr. Hajos replied an RFP (*Request for Proposal*) would be released for this purpose.

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

Mr. Sokol advised Agenda Items 4A-B pertained to the following referrals from the Criminal Justice & Public Safety Committee, *Sheriff*:

- 4A) Request to amend the County Budget in the amount of \$24,818.28 to reflect receipt of insurance recovery funds.
- 4B) Request to amend the County Budget in the amount of \$550,861 to reflect receipt of 2017 Statewide Interoperability Grant funds.

Motion was made by Mr. Geraghty, seconded by Mr. Dickinson and carried unanimously to approve Items 4A-B as outlined above and the necessary resolutions were authorized for the June 15th Board Meeting.

Continuing with the Agenda review, Mr. Sokol informed Agenda Item 5 pertained to a referral from the Economic Growth & Development Committee, *Planning*, concerning a request to authorize the County

Treasurer to close the following CD funds: 7, 18, 21-37, 39, 50-55, 59-62, 64-68 and 71-73.

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

Next, Mr. Sokol advised Agenda Items 6A-C pertained to the following referrals from the Health, Human & Social Services Committee:

- 6A) *Employment & Training Administration* - Request to amend the County Budget in the amount of \$6,900 to reflect receipt of Federal Trade Investment Act funding as reimbursement for costs associated with the training of nine dislocated workers.

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

- 6B) *Employment & Training Administration* - Request to amend the County Budget in the amount of \$109,237 to reflect receipt of State TANF (*Temporary Assistance for Needy Families*) funding for the Summer Youth Program.

- 6C) *Health Services*-Request to amend the County Budget in the amount of \$18,043 to reflect receipt of funds from the Adirondack Health Institute for the New York State Delivery Systems Reform Incentive Payment Program (*NYSDSRIP*).

Motion was made by Mr. Geraghty, seconded by Mr. Merlino and carried unanimously to approve the requests as outlined above and the necessary resolutions were authorized for the June 15th Board Meeting.

Mr. Sokol apprised Agenda Item 7 concerned a referral from the Public Works Committee, *DPW*, regarding a request to authorize the County Treasurer to close Capital Project No. H366, *West Mountain Rd Pavement Preservation (CR58)*, and return remaining funds in the amount of \$10,731.52 to County Road Fund (D.909.00).

Motion was made by Mr. Geraghty, seconded by Mr. Strough and carried unanimously to approve the request and the necessary resolution was authorized for the June 15th Board Meeting.

Mr. Sokol advised that Agenda Item 8 pertained to a request/Item to be discussed by the County Administrator regarding the Journal Reports of transfers approved by the County Administrator staff during April of 2018.

Ryan Moore, *County Administrator*, advised a Journal Report of transfers that had been made was included within the Agenda.

Agenda Item 9, Mr. Sokol stated, pertained to a Request/Item to be discussed by the County Attorney concerning discussion regarding contract with Nixon Peabody, LLC.

Mary Elizabeth Kissane, *County Attorney*, stated that she had received the contract from Nixon Peabody, LLC. for legal services associated with the railroad which contained a specific paragraph she felt compelled to bring to their attention before she signed the contract because she was uncomfortable with its content. She explained it was a clause that would be included in any contract with an attorney

which indicated since it was a large law firm other lawyers within the firm may represent clients on matters that were not in the same or best interest of Warren County; therefore, she stated, although the attorneys that were specifically working on the railroad matter for the County would not be working with these particular clients, the firm as a whole may represent clients who had adverse actions against the County. She said she wanted to ensure the Supervisors were comfortable with this before the contract was signed.

Mr. Beaty apprised he was uncomfortable with the fact that this meant a case may arise where the law firm was representing the County's interest at the same time it was going against them. He inquired whether any other options existed and Mr. Kissane responded that they had the option to request that the clause be removed or another firm could be selected, but the same clause would more than likely be in their contract, as well. Mr. Geraghty advised he thought he had read a newspaper article which indicated Nixon Peabody, LLC was representing someone in the railroad business already who wanted to talk to the County, but he was unsure. Mr. McDevitt questioned whether a case may arise where the firm could represent another client who had an adverse interest against the County and Ms. Kissane replied in the affirmative. Mr. McDevitt voiced his discomfort with the potential of having lawyers working within the same firm involved in litigation against the County.

Ms. Kissane pointed out if Nixon Peabody, LLC refused the request to remove that particular clause from the contract, it could be another month before she brought forward the request to hire a new firm for this purpose. Mr. Wild questioned whether this was a standard clause which appeared in contracts with attorneys and Ms. Kissane replied affirmatively. Mr. Wild asked whether the County would be notified if a conflict did arise and Ms. Kissane responded in the affirmative. Ms. Kissane apprised that Nixon Peabody, LLC had completed a conflict check when the County retained their services which determined there were none. Mr. Wild inquired what risks were associated with this moving forward and whether the County's strategies could be open and potentially used against them in the future. Ms. Kissane apprised the specific attorneys working on the County's file could never have a conflict without Warren County authorizing a waiver it or they could be disbarred which was why she felt it was highly unlikely any attorney would take that on. She advised in regards to the firm itself, it was not a conflict in general to represent someone on an adverse action against the County as long as those attorneys had nothing to do with the ones working on the County's file. Mr. Wild asked Ms. Kissane what she felt the appropriate course of action would be and she replied she felt they should request that Nixon Peabody, LLC remove that particular clause and if they refused the County could be dealing with another firm which had the same clause. Mr. Wild commented he believed this was a no win, as well as a no lose, situation for the County, informing he felt they should move forward with signing the contract with Nixon Peabody LLC since time was of the essence with regard to the advice they were seeking from the attorney. He added should a conflict arise in the future they could reassess what the best course of action would be.

A discussion ensued following which Mr. Sokol called for a show of hands of those in favor of Ms. Kissane moving forward with signing the contract with Nixon Peabody, LLC regardless of whether they agreed to the request to remove the aforementioned clause; only Messrs. Beaty and McDevitt were opposed.

Concluding the Agenda review, Mr. Sokol advised Item 10 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 4, 6A, 6B, 7, 8B and 9.

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

Mr. Sokol offered privilege of the floor to anyone present wishing to address the Committee on any matter, but no response was given.

There being no further business to come before the Finance Committee, on motion made by Mr. Dickinson and seconded by Mr. Geraghty, Mr. Sokol adjourned the meeting at 11:46 a.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board