

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **FINANCE**

DATE: **JULY 8, 2009**

Committee Members Present:

Supervisors Stec
 Belden
 O'Connor
 Bentley
 Tessier
 Taylor
 VanNess
 Kenny
 Merlino

Others Present:

Fred Monroe, Chairman
Hal Payne, Commissioner of
Administrative & Fiscal Services
Joan Sady, Clerk of the Board
Paul Dusek, County Attorney
JoAnn McKinstry, Deputy Commissioner of
Administrative & Fiscal Services
Supervisor Champagne
Supervisor Pitkin
Supervisor Strainer
Supervisor Thomas
Frank O'Keefe, County Treasurer
Rob Lynch, Deputy Treasurer
William Lamy, DPW Superintendent
Todd Lunt, Director, Human Resources
Nicole Livingston, Deputy Clerk

Mr. Stec called the meeting to order at 11:00 a.m.

Motion was made by Mr. Bentley, seconded by Mr. Tessier and carried unanimously to approve the minutes of the July 8, 2009 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 Agenda review, Mr. Stec 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. Bentley, seconded by Mr. Belden and carried unanimously to approve Item 1 as outlined above. The necessary resolution was authorized for the next board meeting.

Mr. Stec advised that Items 2A through E were referrals from the County Treasurer. Item 2A, he said, was a request for two employees to attend the New York State Association of Counties (NYSAC) 2009 Fall Seminar from September 16-18, 2009 in Saratoga Springs, NY.

Motion was made by Mr. Belden, seconded by Mr. Taylor and carried unanimously to approve Item 2A as outlined above.

Mr. Stec noted Item 2B was a request to ratify the actions of the County Treasurer and the Administrator of the Westmount Health Facility in executing the Interfund Advance Agreement between the General Fund and the Westmount Health Facility in the amount of \$1.5 million.

Motion was made by Mr. Belden, seconded by Mr. Tessier and carried unanimously to approve Item 2B as outlined above. The necessary resolution was authorized for the next board meeting.

Mr. Stec added Item 2C was a request to authorize the issuance of a Budget Note to cover the projected shortfall in the Waste Management Fund in the amount of \$1.3 million.

Motion was made by Mr. Kenny and seconded by Mr. Tessier to approve the request as presented.

Mr. Champagne apprised that it was his understanding that the shortfall could be as little as \$500,000 or \$600,000, rather than the projected \$1.3 million shortfall. Rob Lynch, Deputy Treasurer, explained that according to a spreadsheet prepared by Steve Lynch of R.S. Lynch, dated July 23, 2009, the projected 2009 expenditures were \$3.7 million and only \$2.5 million had been budgeted; thereby leading to the shortfall of approximately \$1.3 million. He noted that currently the fund had very little cash which would in turn affect the General Fund. Hal Payne, Commissioner of Administrative & Fiscal Services, stated that the budget had been amended to \$2.6 million and by calculating figures, he had determined the monthly budget to be \$217,000; thereby predicting a shortfall of only \$528,000. Mr. Lynch countered that according to Mr. Steve Lynch the projected 2009 expenditures would be almost \$3.8 million.

Chairman Monroe pointed out that a meeting was scheduled for this afternoon at which Mr. Steve Lynch would be present and the figures could be clarified at that time. Frank O'Keefe, County Treasurer, recommended that the Committee approve the issuance of a Budget Note of up to \$1.3 million if needed and if not, less could be obtained.

Mr. Kenny amended his motion to authorize the issuance of a Budget Note for an amount not to exceed \$1.3 million and Mr. Tessier seconded the amended motion.

Following discussions, Mr. Stec called the question and the motion was carried unanimously to approve Item 2C as outlined above. The necessary resolution was authorized for the next board meeting.

Mr. Stec apprised Item 2D was a request to approve the purchase and implementation of the Kronos Timekeeping System for an amount of \$164,014 to be financed as follows:

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- 1-Transfer of \$50,000 from Capital Project No. H108.9550 280-Computerization Effort ;
 - 2-Transfer of \$61,916 from Capital Project No. H263.9550 280-Health & Human Services Building; and
 - 3-Transfer of \$52,098 from A.9950 910-Transfers-Capital Projects.

Motion was made by Mr. Taylor, seconded by Mr. Kenny and carried by majority vote, with Mr. VanNess voting in opposition, to approve Item 2D as outlined above. The necessary resolution was authorized for the next board meeting.

Mr. Stec commented that Item 2E was a request to establish Capital Project No. H304.9550 280-Time Management System in the amount of \$102,098 for the purchase and installation of the Kronos Timekeeping System. He noted that the total cost for the project was \$164,014 and the \$61,916 was included in the bond for the new Human Services Building.

Motion was made by Mr. Taylor, seconded by Mr. Kenny and carried by majority vote, with Mr. VanNess voting in opposition, to approve Item 2E as outlined above. The necessary resolution was authorized for the next board meeting.

Mr. Stec expounded Item 3 was a referral from the Criminal Justice Committee, Probation, requesting to amend the 2009 County budget to increase estimated revenues and appropriations in the amount of \$4,200 to reflect receipt of Enhanced Supervision Sex Offender Funding from the NYS Division of Probation and Correctional Alternatives.

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

Mr. Stec stated Items 4A through C were referrals from the Health Services Committee, Westmount Health Facility. He advised Item 4A was a request to amend the 2009 County budget, Fiscal Services Office Appropriations, to increase estimated revenues and appropriations in the amount of \$31,298 to reflect amendments of the Unrestricted Fund Balance for payment of Civil Money Penalty resulting from the May 14, 2009 Survey.

Motion was made by Mr. Tessier, seconded by Mr. Merlino and carried unanimously to approve Item 4A as outlined above. The necessary resolution was authorized for the next board meeting.

Mr. Stec added that Item 4B was a request to amend the 2009 County budget, Nurses Station Appropriations, to increase estimated revenues and appropriations in the amount of \$290 to reflect amendments of the Interfund Transfers Revenue.

Motion was made by Mr. Kenny, seconded by Mr. Taylor and carried unanimously to approve Item 4B as outlined above. The necessary resolution was authorized for the next board meeting.

Mr. Stec remarked that Item 4C was a request to amend the 2009 County budget, Activities Program Appropriations, to increase estimated revenues and appropriations in the amount of \$995 to reflect amendments of the Interfund Transfers Revenue.

Motion was made by Mr. Belden, seconded by Mr. VanNess and carried unanimously to approve Item 4C as outlined above. The necessary resolution was authorized for the next board meeting.

Continuing, Mr. Stec apprised Items 5A and B were referrals from the Public Safety Committee. Item 5A, he said, was referred from the Sheriff & Communications, requesting to authorize a contract for Toshiba International Corporation to purchase and install uninterrupted power supply batteries at the Warren County Sheriff's Office, for a one time payment of \$12,004.

Motion was made by Mr. VanNess, seconded by Mr. Belden and carried unanimously to approve Item 5A as outlined above. The necessary resolution was authorized for the next board meeting.

Mr. Stec noted that Item 5B was referred from the Office of Emergency Services, requesting to amend the 2009 County budget to increase estimated revenues and appropriations for a total amount of \$2,030 (\$300, \$300 and \$1,430), to reflect receipt of LEPC (Local Emergency Planning Committee) grant funds.

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

Mr. Stec reported Items 6A and B were referrals from the Public Works Committee. He said Item 6A was referred from the Airport, requesting to establish Capital Project No. H303.9550 280 - Runway 1-19 Environmental Assessment and Preliminary Engineering, in the amount of \$339,662 to perform an Environmental Assessment and preliminary engineering, preparing for a future 1,000 foot extension to Runway 1, south end.

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

Mr. Stec asserted Item 6B was referred from the DPW, requesting a source of funding for the Town and Village of Lake George's portion (38%) of the Clark Patterson Lee engineering study performed on the Gaslight Village Property for an amount of \$5,700. He reminded the Committee members that the 62% County share (\$9,300) was authorized to be paid out of Occupancy Tax funds by Resolution No. 765 of 2008. He added that the request was presented to the Finance Committee on July 8, 2009 and was tabled pending further information provided by Mayor Blais and John Martin of Clark Patterson Lee (CPL).

Mr. Tessier expressed his concern with the invoice because the County had an hourly contract with CPL for services and he disagreed with the amount being requested for the hours performed on the study. Chairman Monroe recollected that the plan had been for the County, the Village and the Town of Lake George to contribute to this study in order to move forward with the project; however, he said, the Village had decided they would not contribute to the funding of the study and at that time, progression of the project had been halted. William Lamy, DPW Superintendent, agreed and added that the scope of services that had been developed for the study would address the concerns of all parties involved. Mr. Lamy noted that the study was conducted and the understanding was that the three parties involved would participate in the cost sharing for such.

John Martin, of CPL, explained that the proposal dated November 19, 2008 from CPL outlined the cost for the study to be \$15,000, based upon the hourly rates that were established. He further reviewed the original proposal from CPL, and the scope of services it included. He reminded the Committee that an hourly breakdown had been submitted ahead of time and was accepted and signed by the County.

Mr. Lamy clarified that the County's portion for the study had yet to be paid as well, although a resolution had been adopted authorizing such payment to be made utilizing occupancy tax funds. Mr. Stec stated that the request was for the County to pay 100% of the bill and to bill the Town and Village for their portion of the costs.

Motion was made by Mr. Belden, seconded by Mr. VanNess and carried by majority vote, with Mr. Merlino voting in opposition, to pay the 62% County share of the CPL bill totaling \$9,300 from the occupancy tax fund as previously authorized by Resolution No. 765 of 2008 and to pay the Village and Town's portion totaling \$5,700 through a transfer from the Contingent Fund and to bill the Village and Town for reimbursement. The necessary resolution was authorized for the next board meeting.

Returning to the Agenda review, Mr. Stec expounded Item 7 was a request to amend the existing contract with Vision Engineering, LLC for an amount not to exceed \$750

to add design of outside stairs and landing as required by code for the Soil & Water Conservation District Office Building.

Motion was made by Mr. Belden, seconded by Mr. Bentley and carried unanimously to approve Item 7 as outlined above. The necessary resolution was authorized for the next board meeting.

Mr. Stec referred to Item 8 which was discussion concerning the two County-owned parcels (Tax Map Parcel Nos. 288.-1-49 and 288.-1-62) in the Town of Queensbury and the bid received.

Mr. Payne announced there was only one response received for the two properties and it was from BBL Development Group in the amount of approximately \$944,000 for both parcels.

Motion was made by Mr. VanNess, seconded by Mr. Kenny and carried unanimously to reject the bids offered by BBL Development Group. The necessary resolution was authorized for the next board meeting.

Mr. Stec apprised Item 9 was a request from Paul Dusek, County Attorney, to address the Committee regarding a deposit in the amount of \$1,000 to be refunded to HA-PE-DE, Inc., due to the County not renewing the contract.

Mr. Dusek noted that he had additional items to address, such as an executive session to discuss two matters in litigation and an offer to buyout the County's share of the Gaslight Village property.

Pertaining to the Gaslight Village property, Chairman Monroe acknowledged that Peter Bauer, Executive Director of The Fund for Lake George, was present at the meeting to discuss the matter. Mr. Bauer advised that at the recent Management Committee meeting consisting of the 3M's (Municipalities- the County, the Village and Town of Lake George) and the 3E's (environmental groups) it was discussed that the County may consider a proposal to sell their 62% share of fee ownership on the property. He noted that he did not have a formal proposal to present today; however, he said, if the County was interested, the 3E's would begin researching the options. He further explained that if the 3E's bought out the County's share in the fee ownership, they would obtain the majority of decision making for the future of the property, including the festival space. He recognized that the Village of Lake George has had a different vision for the project than the County and Town have had for the future of the municipal festival space. Mr. Bauer clarified that the Conservation Easement signed by all parties clearly identified the purposes of the property.

Discussion ensued. Mr. Belden referred to a \$2.5 million grant awarded for the property from the New York State Department of Transportation (NYS DOT), which could not be used for the 2.5 acres owned by the County if a fee was charged to park vehicles there. Mr. Bauer countered that the grant funds could be used for the festival space; however, he said, the funds could not be used if the facility was leased out for exclusive events.

Many Committee members expressed their opinions on the importance of the festival space to Warren County and to tourism in the area. Mr. Stec clarified that the County was not interested in selling the 62% share of the Gaslight Village property at this time. Mr. Belden requested that the County research the possibility of removing the Conservation Easement from the 2.5 acres of property owned by the County. Mr. Bentley suggested that maybe the 3M's could retain ownership of the 2.5 acres and that the remaining portion of the property could be sold to the 3E's, similar to a subdivision of property. Chairman Monroe apprised that another meeting between the 3M's and the 3E's would be necessary to further discuss this issue and the possible structure of a deal.

Robert Blais, Mayor of the Village of Lake George, requested to provide additional information as to how these discussions had begun. He reported that the Village had acted as Lead Agency in securing the \$2.5 million grant from the NYS DOT, which was a reimbursable grant. He noted that the grant would provide the funding to make the Gaslight Village property look like a park, which was the intent of the project. Mayor Blais expounded that because the grant was reimbursable, the Village would have to borrow \$400,000 on a bond in order to obtain funding to pay the contractors for work performed. He added that the total cost to the 3M's to borrow the \$400,000 over three years would be as follows: \$36,000 County share; \$12,000 Village share; and \$12,000 Town share. He said that at the aforementioned Management Committee meeting, it appeared as though the County would not entertain the idea of contributing any funds to secure the grant.

Discussions ensued. Following discussions, motion was made by Mr. Belden, seconded by Mr. Taylor and carried unanimously to authorize an intermunicipal agreement with the Village of Lake George whereby the County would provide funding for an amount not to exceed \$36,000, said funding to be expended from the occupancy tax fund, to allow the Village to bond \$400,000 towards a \$2.5 million grant; provided that the grant does not include the festival space. The necessary resolution was authorized for the next board meeting.

Resuming the Agenda review, Mr. Stec referred the Committee back to Item 9 and the matter regarding a deposit in the \$1,000 to be refunded to HA-PE-DE, Inc., due to the County not renewing the contract.

Mr. Dusek clarified that HA-PE-DE had held a sublease with the County in which the County had required a \$1,000 deposit for security. He stated that the lease arrangements had ended and HA-PE-DE had requested that the deposit be returned. He added that he had requested the DPW and Tourism Department to review the property to ensure there was no damage there. He recommended that pursuant to confirmation that there was no damage, the Committee should authorize that the County refund the \$1,000 deposit to HA-PE-DE.

Motion was made by Mr. VanNess, seconded by Mr. Tessier and carried unanimously to authorize the refund of the \$1,000 deposit to HA-PE-DE, Inc. The necessary resolution was authorized for the next board meeting.

Mr. Stec suggested that prior to the executive session, the Committee approve Item 10, which was the request for Finance Committee action which was required on the following items as approved by the Personnel Committee: Items 3, 4A and 4B.

Motion was made by Mr. VanNess, seconded by Mr. Belden and carried unanimously to approve Item 10 as outlined above. The necessary resolution was authorized for the next board meeting.

Mr. VanNess requested Bud York, Sheriff, to address the Committee concerning the idea of propane fueled patrol cars. Sheriff York explained that a local resident who ran a business called Alternative Fuel had contacted him to inform him of the green initiative offered by the Federal government. He advised that there would be no cost to the County to explore and implement propane fueled patrol cars. He added that the cost for propane was much cheaper than gas. The Committee requested that the individual that brought this idea to Sheriff York's attention attend the August 21, 2009 Board meeting to provide additional information.

Motion was made by Mr. Belden, seconded by Mr. Bentley and carried unanimously to authorize the Sheriff to apply and accept Federal grant funds associated with the green initiative for propane fueled patrol vehicles. The necessary resolution was authorized for the next board meeting.

Mr. Dusek requested an executive session to discuss two matters in litigation. Motion was made by Mr. VanNess, seconded by Mr. Belden and carried unanimously that executive session be declared pursuant to Section 105(d) of the Public Officers Law.

Executive session was declared from 12:20 p.m. to 12:45 p.m.

Committee reconvened. Pursuant to the executive session, motion was made by Mr. VanNess, seconded by Mr. Bentley and carried unanimously to authorize the settlement in the matter of Lebarron and Vandenburg vs. Warren County Sheriff's Office in

conjunction with NYMIR; and to authorize the payment of back wages in the amount of \$23,983 to Lebarron. The necessary resolution was authorized for the next board meeting.

Motion was made by Mr. Bentley, seconded by Mr. VanNess and carried unanimously to authorize the settlements with three different pharmaceutical companies. The necessary resolution was authorized for the next board meeting.

There being no further business to come before the Committee, on motion made by Mr. Belden and seconded by Mr. Bentley, Mr. Stec adjourned the meeting at 12:51 p.m.

Respectfully submitted,

Nicole Livingston, Deputy Clerk