

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **FINANCE**

DATE: **DECEMBER 10, 2009**

Committee Members Present:

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

Others Present:

Fred Monroe, Chairman of the Board
Joan Sady, Clerk of the Board
Paul Dusek, County Attorney
JoAnn McKinstry, Deputy Commissioner of
 Administrative & Fiscal Services
Kevin Geraghty, Budget Officer
Supervisor Champagne
Supervisor Pitkin
Supervisor Strainer
Supervisor Thomas
Francis O'Keefe, County Treasurer
Richard Murphy, Deputy Commissioner of
 Fiscal Services
Rob Lynch, Deputy Treasurer
William Lamy, Superintendent of the DPW
Jeffery Tennyson, Deputy Superintendent of
 Engineering
Sheila Weaver, Commissioner of Social Services
Shane Ross, Chief Deputy
Todd Lunt, Director, Human Resources
Don Lehman, *The Post Star*
Thom Randall, *The Adirondack Journal*
Nicole Livingston, Deputy Clerk

Mr. Stec called the meeting of the Finance Committee to order at 10:05 a.m.

Motion was made by Mr. Belden, seconded by Mr. Tessier and carried unanimously to approve the minutes of the November 10, 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. Kenny, 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 apprised Items 2A through F were referrals from the County Treasurer. Item 2A, he said, was a request to amend the 2009 County budget to increase revenues and appropriations in the amount of \$245,200 to reflect additional BAN principal payments that ACC made which were not included in the County's budget.

Motion was made by Mr. O' Connor, seconded by Mr. Taylor and carried unanimously to approve Item 2A as outlined above and the necessary resolution was authorized for the next board meeting.

Mr. Stec noted that Item 2B was a request for a transfer of funds in the amount of \$31,120 from the Contingent Fund A.1990 469 to cover Tax Anticipation Note interest incurred during the year.

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

Mr. Belden questioned the balance of funds remaining in the Contingent Fund and Joan Sady, Clerk of the Board, replied that assuming that all of the requests presented at today's meeting were approved, the balance would be \$80,000.

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

Mr. Stec added that Item 2C was a request for a transfer of funds in the amount of \$95,000 from the Contingent Fund A.1990 469 to account for an increase in unemployment insurance expense.

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

Mr. Stec remarked that Item 2D was a request to amend the 2009 County budget to increase estimated revenues and appropriations in the amount of \$95,000 to increase unemployment insurance appropriations.

Motion was made by Mr. Kenny, seconded by Mr. O'Connor and carried unanimously to approve Item 2D as outlined above and the necessary resolution was authorized for the next board meeting.

Mr. Stec asserted that Item 2E was a request to authorize the issuance of a Tax Anticipation Note for an amount up to \$8 million to cover anticipated cash flow

shortages in January 2010. He noted that an email pertaining to this request had been sent to the Committee members from the Treasurer's Office.

Motion was made by Mr. O'Connor and seconded by Mr. Belden to approve the request as presented.

In answer to a question, Mr. Stec responded that it would be a short term loan which should be repaid in January or February 2010. Chairman Monroe noted that it was likely that the State would not pay the Forest Preserve land taxes again in 2010. Mr. Geraghty advised that in 2009 some of the Towns had held the funds for a length of time before remitting payment to the County. He added that for 2010 it was imperative that the Towns remit payment to the County as soon as they collected the amount of the warrant. Chairman Monroe recommended that a memo be sent to the Towns requesting a timely remittance. He added that the State Comptroller would be auditing all the Towns in the State to ensure that they were remitting payments properly. Mr. Belden recommended that the Town Clerk's receive a copy of the memo.

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

Mr. Stec reported that Item 2F was a request to review and approve the Single Audit RFP (Request for Proposal).

Motion was made by Mr. Kenny and seconded by Mr. O'Connor to approve the request as presented.

Mr. Stec noted that he had reviewed the RFP and had determined that the issues that had been a problem in the past had been rectified. He thanked the Treasurer's Office for their work in updating the RFP.

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

Continuing, Mr. Stec expounded Items 3A through C were referrals from the Human Services Committee. He stated that Item 3A was referred from the Employment & Training Administration, requesting to amend the 2009 County budget to increase estimated revenues and appropriations in the amount of \$30,693 to reflect receipt of Federal funds.

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

Mr. Stec noted Items 3B and C were referred from the Veterans' Services. Item 3B, he said, was a request for a transfer of funds in the amount of \$400 from the Contingent Fund A.1990 469 to cover the sick leave incentive payout.

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

Mr. Stec stated that Item 3C was a request for a transfer of funds in the amount of \$11,972 from the Contingent Fund A.1990 469 due to a shortfall in the department budget due to a payout of leave time resulting from a retirement and a position abolishment within the Department.

Motion was made by Mr. Bentley and seconded by Mr. Tessier to approve Item 3C as presented.

Mr. Geraghty asked if they had reviewed the budget to determine if there were any funds remaining in any of the codes and Mrs. Sady replied affirmatively. Mr. Kenny questioned if there was a limit on the amount of leave time that an employee could carry over and Mrs. Sady clarified that the payout of leave time was for two separate positions.

Mr. Stec called the question and the motion was carried unanimously to approve Item 3C as outlined above and the necessary resolution was authorized for the next board meeting.

Mr. Stec apprised Item 4 was a referral from the Planning & Community Development Committee, Planning & Community Development, requesting to increase Capital Project No. H292.9550 280-First Wilderness Heritage Corridor-Making the Connection, in the amount of \$25,000, with the source of funding to be an Interfund Transfer from A.8029 470.

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

Mr. Kenny asked what the funds would be used for and Mrs. Sady replied that they were matching funds that were being transferred into the Capital Project.

Mr. Stec called the question and the motion was carried unanimously to approve Item 4 as outlined above and the necessary resolution was authorized for the next board meeting.

Mr. Stec stated Items 5A through C were referrals from the Public Safety Committee, Sheriff & Communications. He announced that Item 5A was a request to amend the

2009 County budget to increase estimated revenues and appropriations in the amount of \$4,141 to reflect receipt of revenues from the State Criminal Alien Assistance Program.

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

He asserted that Item 5B was a request for a new contract with New World Systems Corporation to enter into a Standard Software Maintenance Agreement, commencing January 1, 2010 and terminating December 31, 2010 for an amount of \$41,590. He added that Item 5C was a request for a new contract with New World Systems Corporation to add new system software and remove existing contracted software, commencing January 1, 2010 for an amount of \$11,000.

Motion was made by Mr. Belden and seconded by Mr. Kenny to approve the requests as presented.

Mr. Belden asked if the funds had been budgeted and Shane Ross, Chief Deputy, replied that Items 5B and C had both been budgeted. Chief Deputy Ross explained that the software was used to operate the computer data dispatch. He added that the contracts were renewed on an annual basis. He advised that at the direction of the Committee he had reviewed the contract and had found a portion of the software which was not being utilized. He added that he had that software component removed from the contract which had reduced the cost by approximately \$2,000 per year. Mr. Kenny asked if they were satisfied with the performance of the New World Software and Chief Deputy Ross replied that it was the best software that they had been able to find. Mr. Geraghty stated that the cost of the contract was high for one year of maintenance services. Chief Deputy Ross explained that the software ran the 911 Center, the records keeping and other functions in the Central Records Office. Mr. Geraghty asked if the amount was representative of the annual expense and Chief Deputy Ross replied affirmatively. Chief Deputy Ross stated that the contract was for maintaining the software and installing updates as they became available. Mr. Pitkin noted that the Kronos System Software included a maintenance contract cost of \$20,000 per year for the entire County. Chief Deputy Ross apprised that changing to another software program would involve data conversion and would not be cost effective. He said that the cost of the contract for 2009 was \$53,920, which he had reduced to \$41,590 for 2010.

Mr. Stec called the question and the motion was carried unanimously to approve Items 5B and C as outlined above and the necessary resolutions were authorized for the next board meeting.

Chief Deputy Ross apprised that another county was requesting to board some of their inmates at the Warren County Jail. He said that the Purchasing Department had advised that a contract would be necessary; however, he added they would prefer to have a blanket resolution that would give the Sheriff the authority to authorize agreements with other counties via email. He explained that the Sheriff's Office did not want it to be necessary to request authorization for a contract each time that another county had a boarding request, as boarding of inmates from other counties constituted revenue for Warren County.

Motion was made by Mr. VanNess and seconded by Mr. Bentley to approve the request as presented.

Mr. VanNess advised that he had met with Chief Deputy Ross pertaining to this issue and added that the request was for a blanket resolution to have the authority to board inmates from another county. Paul Dusek, County Attorney, stated that he had discussed the issue of boarding out Warren County inmates to other counties with the Purchasing Department. Chief Deputy Ross said the current request was to board in inmates from Fulton County. Mr. Dusek explained that the request he was referring to was from Michael Gates, Captain of the Correction Facility, to board out inmates to other counties. He added that he had suggested that Captain Gates request a general resolution from the Board that would allow him to do so, using emails or memos as documentation. Chief Deputy Ross requested a blanket resolution that would authorize the Sheriff's Office to board in inmates from other counties and board out Warren County inmates to other counties as necessary.

Mr. VanNess amended his motion to include the boarding out of Warren County inmates and Mr. Bentley seconded the amended motion.

Mr. O'Connor asked how often Warren County boarded out inmates and why. Chief Deputy Ross responded that Warren County did not board out inmates often. Mr. Dusek explained that the boarding out of Warren County inmates was rare and had to do with whether or not the inmate fit within the prison structure. Mr. VanNess stated that if one inmate was testifying against another, then they could not be boarded at the same facility.

Mr. Stec called the question and the motion was carried unanimously to provide the Sheriff and/or the Captain of the Correction Facility with the authority to board in inmates from other counties and board out Warren County inmates, as per their discretion.

Mr. Stec apprised Items 6A through J were referrals from the Public Works Committee, DPW. He noted that Item 6A was a request to increase Capital Project No. H199.9550 280-Corinth Road Reconstruction, in the amount of \$310,000 to provide the local

share, with the source of funding to be transferred from A.9950 910-Transfers Capital Projects.

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

Mr. Stec said that Item 6B was a request to convey County-owned property in the Town of Queensbury, Tax Map Parcel Nos. 289.20-1-7.1; 290.17-2-40; and 296.8-1-3 which were acquired to relocate Meadowbrook Road and should now be transferred to the Town of Queensbury.

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

Mr. Stec remarked that Item 6C was a request to increase Capital Project No. H260.9550 280-Alder Brook Bridge over Trout Brook, in the amount of \$25,000 to provide the local share to cover costs of anticipated construction in 2010, with the source of funding to be transferred from A.9950 910-Transfers Capital Projects.

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

Mr. Stec advised that Item 6D was a request to increase Capital Project No. H272.9550 280-Harrington Road Bridge, in the amount of \$10,000 to provide the local share to cover costs of anticipated construction in 2010, with the source of funding to be transferred from A.9950 910-Transfers Capital Projects.

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

Mr. Stec apprised that Item 6E was a request to increase Capital Project No. H278.9550 280-Middleton Bridge (CR10) over Schroon River, in the amount of \$10,000 to provide the local share to cover costs of anticipated Design Phase Supplemental Agreement in 2010, with the source of funding to be transferred from A.9950 910-Transfers Capital Projects.

Motion was made by Mr. VanNess, seconded by Mr. Kenny and carried unanimously to approve Item 6E as outlined above and the necessary resolution was authorized for the next board meeting.

Mr. Stec noted that Item 6F was a request to increase Capital Project No. H166.9550 280- Lake George Basin Sewer, in the amount of \$75,000 to provide the local share, with the source of funding to be transferred from A.9950 910-Transfers Capital Projects.

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

Mr. Stec reported that Item 6G was a request to establish Capital Project No. H307.9550 280-Airport Paving Project, in the amount of \$35,000 to pave the Airport access road and parking areas, with the source of funding to be transferred from A.5610 465-Airport Road and Bridge Materials.

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

Mr. Stec stated that Item 6H was a request to extend the existing contracts for Snow & Ice Contracts as follows: D.5142 470 in the amount of \$816,531; D.5110 470 in the amount of \$98,289; for a total amount of \$914,820, including payment provisions as outlined on the resolution request.

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

Mr. Stec advised that Item 6I was a request to reject the unresponsive low bid from Trak Engineering, Inc. for the Fuel Management System and award the bid to the next lowest bidder, Northeast Petroleum Technologies, Inc.

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

Mr. Kenny questioned the reason for rejecting the lowest bidder. Mr. Stec responded that a secure performance bond was required by the County Attorney, the bidder provided no local repair service and did not meet the requirements of the RFP. Mr. Kenny asked what the difference in the bids had been and William Lamy, Superintendent of the DPW replied \$46,000. Mr. Belden asked if the funds were available in the budget and Mr. Lamy replied affirmatively. Mr. Lamy said that the DPW was trying to remove inconsistencies in their fuel system because they had been using two different fuel vendors. He added that the bid from Northeast Petroleum Technologies, Inc. was less than the amount that had been estimated by the DPW. He explained that he had a staff member who had been working on the project since April

and they had gone to great lengths to identify the necessary equipment. He stated the reasons for rejecting the lowest bidder as follows:

1. Trak Engineering Incorporated could not secure a Performance Bond for the project and preferred to proceed without one;
2. Trak Engineering Incorporated did not have a local service provider and proposed 24 hour telephone assistance and would mail replacement parts to be installed by DPW staff; and
3. The Trak System installed for customer reference, the City of Canandaigua had numerous equipment and software issues since the installation in 2007.

Mr. Lamy stated that he reviewed the Northeast Petroleum Technologies, Inc. bid and had found it completely responsive to the RFP. He added that the DPW serviced thirty-seven agencies with their eight fueling locations and needed to have a reliable system.

Following a brief discussion, Mr. Stec called the question and the motion was carried unanimously to approve Item 6I as outlined above and the necessary resolution was authorized for the next board meeting.

Mr. Stec advised that Item 6J was a request to amend the existing contract with Clough Harbour and Associates, LLP for the addition of extra design work, specifically, further subsurface investigations, based on comments received from the New York State Department of Transportation (NYS DOT) for a total amount not to exceed \$20,000, with the source of funding to be Capital Project No. H272.9550 280-Harrington Road Bridge.

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

Mr. Stec reported Item 7 was a referral from the Social Services Committee, requesting to amend the 2009 County budget to increase estimated revenues and appropriations in the amount of \$44,976 to reflect receipt of Homeless Prevention Rehousing funds and to establish new budget codes for the Program.

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

Mr. Belden asked if the County had received funds from Homeless Prevention Rehousing in the past. Sheila Weaver, Commissioner of the Department of Social Services, explained that the WAIT House had a contract to serve the homeless population in Washington and Warren Counties and this was new grant funding for the last quarter of 2009.

Mr. Stec called the question and the motion was carried unanimously to approve Item 7 as outlined above and the necessary resolution was authorized for the next board meeting.

Mr. Stec skipped to Item 9 and said it was a request for Finance Committee action which was required on the following items that were approved by the Personnel Committee: Item Nos. 2, 5C and 6A.

Motion was made by Mr. Kenny, seconded by Mr. Tessier and carried unanimously to approve Item 9 as outlined above and the necessary resolution was authorized for the next board meeting.

Returning to Items 8A and B, Mr. Stec stated that Paul Dusek, County Attorney, would address the Committee regarding the following: a discussion concerning one person plowing in the Department of Public Works; and discussion concerning various collective bargaining issues. Mr. Dusek stated that the Committee would need to enter into executive session to discuss impact negotiations and collective bargaining negotiations.

Mr. Stec announced that the Supervisors had received the monthly report from the Treasurer's Office and a response from the Deputy Commissioner of Fiscal Services, which was attached to the Agenda for the Committee members to review, a copy of which is on file with the minutes.

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

Executive session was declared from 10:36 a.m. to 11:41 a.m.

The Committee reconvened and Mr. Stec noted that no action was taken during the executive session.

Pursuant to the executive session, motion was made by Mr. VanNess, seconded by Mr. Belden and carried unanimously to authorize the Chairman of the Board to amend the PBA (Police Benevolent Alliance) Contract to allow for no salary increases for the first six months of 2010; to state that there would be no additional layoffs of PBA employees for the duration of the PBA Contract until it's expiration in 2011; and to continue to allow the reduction of staff through attrition. The necessary resolution was authorized for the next board meeting.

Mr. Stec stated that the last item for discussion was the sale of the County-owned parcels located on the corner of Route 9 and Gurney Lane. Mr. Dusek said that there had been some inquiries pertaining to the parcels and he had discussed the issue with the Chairman. He advised that if the Board wanted to pursue the new offers on the

parcels, it would be necessary to put the parcels back out to bid. Mr. Champagne asked if they could merely accept the best offer. Mr. Dusek responded that the law stated that it was necessary to put the parcels out to bid and the County could only sell the parcels to the highest bidder.

Motion was made by Mr. Belden, seconded by Mr. VanNess and carried unanimously to put both parcels of County-owned property located at the corner of Route 9 and Gurney Lane back out to bid, and the necessary resolution was authorized for the next board meeting.

Chairman Monroe commented that the Public Hearing scheduled for that evening at 7:00 p.m. in the Supreme Court Chambers would be difficult; however, he added, the reason that location was chosen was to accommodate the public. He advised that the Supervisors would sit in the Jury box and would have wireless microphones that could be passed around.

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 11:45 a.m.

Respectfully submitted,

Nicole Livingston, Deputy Clerk