

## WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **PERSONNEL**

DATE: **MAY 6, 2009**

**Committee Members Present:**

Supervisors Thomas  
Kenny  
Belden  
Stec  
Sokol  
Tessier

**Others Present:**

Frederick Monroe, Chairman  
Hal Payne, Commissioner of Administrative  
and Fiscal Services  
Joan Sady, Clerk of the Board  
Paul Dusek, County Attorney  
JoAnn McKinstry, Deputy Commissioner of  
Administrative and Fiscal Services  
Kevin Geraghty, Budget Officer  
Supervisor Bentley  
Supervisor Champagne  
Supervisor Merlino  
Supervisor O'Connor  
Supervisor Pitkin  
Supervisor Sheehan  
Supervisor Strainer  
Supervisor Taylor  
Rich Kelly, Personnel Officer  
Todd Lunt, Director, Human Resources  
Frank O'Keefe, County Treasurer  
Mary Beth Casey, Commissioner, Board of  
Elections  
William Montfort, Commissioner, Board of  
Elections  
*Please see attached sign-in sheet for all  
others present*  
Nicole Livingston, Deputy Clerk

**Committee Member Absent:**

Supervisor VanNess

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Mr. Thomas called the Personnel Committee meeting to order at 10:06 a.m.

Motion was made by Mr. Stec, seconded by Mr. Sokol and carried unanimously to approve the minutes of the April 8, 2009 Committee meeting, subject to correction by the Clerk of the Board.

Copies of the Personnel Agenda were provided to the Committee members, and a copy of same is on file with the minutes.

Commencing the Agenda review, Mr. Thomas apprised Item 1 was a referral from the Human Services Committee, Office for the Aging, requesting to fill the vacant position of Meal Site Manager, base salary of \$22,897, Grade 2, Employee No. 6726, due to retirement.

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

Mr. Kenny questioned where this position would be located and Joan Sady, Clerk of the Board, replied at the Town of Johnsbury Meal Site. She added that the position was 100% reimbursed. Mr. Stec recommended that the approval be contingent upon the 100% reimbursement.

Mr. Sokol amended the motion to include that approval be contingent upon the 100% reimbursement and Mr. Tessier seconded the amended motion.

Mr. Thomas called the question and motion was carried unanimously to approve Item 1 as outlined above. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Mr. Thomas stated Item 2 was a referral from the County Treasurer, requesting to fill the vacant position of Senior Account Clerk, base salary of \$28,041, Grade 7, Employee No. 10928, due to resignation.

Frank O'Keefe, County Treasurer, announced that he would like to withdraw the request given the actions that were taken at the earlier Budget Committee meeting.

Motion was made by Mr. Belden, seconded by Mr. Sokol and carried unanimously to withdraw the request to fill the vacant position of Senior Account Clerk, base salary of \$28,041, Grade 7, Employee No. 10928, due to resignation.

Mr. Belden thanked Mr. O'Keefe for withdrawing the request.

Mr. Thomas advised Items 3A and B were referrals from the Social Services Committee. Item 3A, he said, was a request to fill the vacant position of Social Welfare Examiner, base salary of \$29,199, Grade 8, Employee No. 10005, due to retirement.

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

Mr. Kenny questioned if Sheila Weaver, Commissioner of the Department of Social Services (DSS), had offered to eliminate a position within a different unit in order to receive approval of the request and Kathy Baker, DSS Fiscal Manager, replied affirmatively. Mr. Thomas noted included in the Agenda packet was the justification for the request and it stated that with the elimination of a Social Welfare Examiner position within a different unit and the filling of this position with a lateral transfer, there would be a cost savings of \$34,708.

Mr. Tessier amended his motion to include approval contingent upon the elimination of a Social Welfare Examiner position within a different unit and Mr. Kenny seconded the amended motion.

Mr. Thomas called the question and the motion was carried unanimously to approve Item 3A as outlined above contingent upon the elimination of a Social Welfare Examiner position within a different unit. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Mr. Thomas added Item 3B was a request to reclassify the position of Director of Administrative Services to the position of Director of Case Management Services, base salary of \$61,242, Employee No. 1241 and to delete the position of Director of Administrative Services, base salary of \$61,242, Employee No. 1241; thereby amending the Department's Table of Organization.

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

Mr. Thomas remarked Items 4A and B were referrals from the Traffic Safety Board. He stated Item 4A was a request to create the position of part-time STOP-DWI Coordinator, Traffic Safety Board Executive Secretary, up to 19 hours per week, annual base salary of \$31,200 and to delete the position of STOP-DWI Coordinator, base salary of \$4,848, effective January 1, 2010; thereby amending the Table of Organization.

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

Mr. Kenny referred to the annual base salary of \$31,200 and questioned if the employee would be paid an hourly rate for the nineteen hours per week and what the actual salary would be. Mrs. Sady responded that the actual salary paid would be \$14,820 with no benefits included.

Mr. Thomas called the question and the motion was carried by majority vote to approve Item 4A as outlined above, with Mr. Thomas voting in opposition. The necessary resolution was authorized for the next board meeting.

Mr. Thomas noted Item 4B was a request to fill the vacant position of part-time STOP-DWI Coordinator, Traffic Safety Board Executive Secretary, up to 19 hours per week, annual base salary of \$31,200, due to creation.

Motion was made by Mr. Kenny, seconded by Mr. Tessier and carried by majority vote to approve Item 4B as outlined above, with Mr. Thomas voting in opposition. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Concluding the Agenda review, Mr. Thomas announced that the Commissioners of the Board of Elections had requested permission to address the Committee.

Mary Beth Casey, Commissioner of the Board of Elections, distributed handouts to the Committee members, copies of which are on file with the minutes. She apprised that included in the handouts was a copy of the letter sent to the Board of Elections (BOE) dated April 16, 2009 signed by the Chairman of the Board of Supervisors; copies of emails/correspondence to and from the New York State Board of Elections, the Warren County Treasurer's Office, the Commissioner of Administrative & Fiscal Services, the Deputy Commissioner of Administrative & Fiscal Services; the County Attorney's Office, the United States Department of Justice and the Warren County Board of Elections beginning February 23, 2009 and continuing through April 23, 2009; lists of all of the activities that were necessary to prepare for the administration of a Special Federal Election in the 20<sup>th</sup> Congressional District, as well as other activities of the BOE; and a copy of Court Orders issued to the Warren County BOE with regard to the Special Election of March 31, 2009 and the court ordered conduct of the BOE with regard to making available discovery items for the court and the manner in which re-canvassing and counting may or may not be completed and when and to be witnessed by whom.

In reference to the letter signed by the Chairman of the Board, Ms. Casey stated they found it to be inappropriate, derogatory, uncalled for and not reflective of their Office and how they conducted themselves. She asserted that a meeting had been held on March 31, 2009 with multiple departments that had not been able to submit their cash flow reports for various reasons. She referred to an email dated April 1, 2009 from the Treasurer's Office requesting the submission of the cash flow report, the day after the closely contested Special Federal Election for the 20<sup>th</sup> Congressional District. She noted that she had responded to the April 1<sup>st</sup> email from the Treasurer's Office and had advised that the BOE Department was working under a court order and would not be able to do the report at that time; however, she said, she had told the Treasurer's Office that they were welcome to come to the Department and do the report. Ms. Casey noted that at noon on April 1, 2009, JoAnn McKinstry, Deputy Commissioner of Administrative & Fiscal Services, came to her Office and informed the BOE Deputy that she had completed and submitted the cash flow report on behalf of the Department, which Ms. Casey thought was done as a favor given the crunch and situation that their Department was in. At 4:00 p.m. of that day, she said, she called Ms. McKinstry and thanked her and asked if anything else was needed to accommodate the cash flow report request to which Ms. McKinstry replied that nothing else was needed and the Department was all set. She expressed her dismay at receiving the aforementioned letter dated April 16, 2009.

Ms. Casey apprised if that letter had been foiled and used against the Commissioners of the Board of Elections, it could have been detrimental to the Department. This letter, she added, implied that the BOE was disrespectful of the Board of Supervisors, did not follow orders and that they were insubordinate. She clarified that at no time did they refuse to do the cash flow report. Ms. Casey stated that following the first request for submission of the cash flow report made on February 27, 2009, she responded immediately to the Treasurer's Office advising that their report would mirror last year's accounting. She further explained that she had contacted Rob Lynch, Deputy Treasurer, on March 18<sup>th</sup> stating that she had spent over one hour trying to create the

cash flow report to no avail and did not find the system user friendly, to which Mr. Lynch responded with a three page outline of directions on how to complete the report.

Ms. Casey concluded that having that letter on file was discouraging, disheartening and unfair. She requested that the letter be removed and that possibly another letter be prepared stating that the BOE was in good standing with the Board of Supervisors and the Personnel Committee.

William Montfort, Commissioner of Board of Elections, announced that his Attorney could not be here today; however, he continued, some of the Attorneys that were in the Office felt that the letter was an intimidation or suppression or stall of the election process. He added that the Attorney stated that he believed that this was an attempt by a Republican Board of Supervisors to stall the Special Election.

Ms. Casey confirmed that they never refused to do the report, they had only requested a delay in submission of the cash flow report.

Chairman Monroe said he would like to review the facts of the matter. He reminded the Committee members that in February a request was made to the Treasurer's Office to provide a cash flow report to which the Treasurer pointed out that information was required from all of the departments within the County in order to provide an accurate report. On February 26, 2009, he continued, a meeting was held to discuss the cash flow situation at which time it was determined that all departments would complete forms and return them by March 15<sup>th</sup> and the first of every month thereafter for the next three months. He said that he reviewed the forms and it appeared to be a relatively simple matter that could be completed within a few minutes. On February 27, 2009, he said, Ms. Casey had responded to the request and stated that the BOE Department would not have time to complete the requested reports due to the Special Election and had advised of the same on March 17, 2009. Out of over thirty County departments, he added, only five departments did not comply with the request as of March 31, 2009. On April 1<sup>st</sup> the Treasurer's Office sent another email request asking the five remaining departments to submit the cash flow reports and later that day an email was received from the BOE advising that the Treasurer's Office was welcome to come over and do the report. Chairman Monroe apprised that it was obvious that the BOE had no intention of doing what had been requested. At that time, he noted, due to the lack of cooperation of the BOE, he directed Ms. McKinstry to complete the report for them, which took her approximately five minutes. He questioned how a County could be run if the department heads would not do what was asked of them.

Mr. Geraghty remarked that when the meeting was held with the five departments that had not complied with the request for the reports, the understanding was that the reports would be completed by the following day. He further stated that Ms. Casey should have said at that time that she was not going to be able to complete the report. Ms. Casey interjected that at that time she did not know that there was a Federal court order in her Office. Mr. Geraghty reiterated that the requested report was very important to the Board of Supervisors.

Mr. Thomas said there was clearly a disagreement and the request before the Committee today was to remove the letter from the BOE Commissioners file and a decision needed to be made.

Motion was made by Mr. Tessier and seconded by Mr. Sokol to remove the aforementioned letter.

Mr. Kenny asked what the time element would have been for the BOE to complete the report and Ms. Casey replied it would have taken them a couple of hours due to their limited use of the New World financial system and lack of familiarity with the system.

Mr. Stec questioned if there was another department, out of the five, that did not comply with the request and discipline was issued and his question was affirmed. He commented that if the letter was removed for this Department, there would be an inconsistency across the board.

Paul Dusek, County Attorney, recommended an executive session to discuss the status of the particular matter raised by Mr. Stec.

Mr. Kenny expressed his opinion that Ms. Casey used a poor choice of words when stating that the Treasurer's Office was welcome to come and do the report. Ms. Casey acknowledged the wording that she chose and noted that she should have said please come do the report.

Mr. Stec apprised that he was greatly offended by the remark made by Democratic Commissioner Montfort against, in Mr. Montfort's words, the Republican Board of Supervisors, that this was an intimidation tactic. Mr. Montfort countered that he took exception to the letter put in their file. Mr. Stec requested Mr. Montfort withdraw his remark and apologize to the Board of Supervisors. Mr. Montfort said he would like an apology, as well.

Mr. Thomas announced there was a motion and a second on the floor to remove the letter from the BOE Commissioners file. Mr. Thomas called the question and the motion failed due to the lack of a majority vote.

Mr. O'Connor commented that he would like to further discuss the other department or departments that did not comply with the request for the cash flow report, and upon Mr. Dusek's recommendation, he would request an executive session to discuss the employment history of a particular person.

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

Executive session was declared from 10:43 a.m. to 10:56 a.m.

Committee reconvened and Mr. Thomas announced no action was necessary pursuant to the executive session.

Mr. Thomas expounded that the Budget Committee met this morning and had proposed to reduce and eliminate twenty-two positions in various departments and the request had been referred to the Personnel Committee.

Motion was made by Mr. Stec and seconded by Mr. Belden to support the recommendation made by the Budget Committee to reduce and eliminate twenty-two positions in various departments.

Mr. Tessier asked if this was only the first phase and if further discussions regarding these positions would be held and Mr. Thomas responded in the negative and stated that the request would be presented to the full Board of Supervisors at the May 15, 2009 Board meeting. Mr. Thomas confirmed that there would be additional eliminations in the future.

Mr. Thomas called the question and the motion was carried by a majority vote to reduce and eliminate twenty-two positions in various departments, with Mr. Tessier voting in opposition. The necessary resolution was authorized for the next board meeting.

Mr. Thomas apprised another recommendation from the Budget Committee was an incentive program for early retirement.

Motion was made by Mr. Stec, seconded by Mr. Sokol and carried unanimously to refer to the Finance Committee the recommendation to research and pursue an early retirement incentive program.

Mr. Stec suggested that the option of offering a voluntary furlough be referred to the Finance Committee, as well.

Motion was made by Mr. Stec and seconded by Mr. Belden to refer to the Finance Committee the request to research and pursue the option of offering a voluntary furlough effective as soon as possible.

Mr. Geraghty interjected that concerning a voluntary furlough, it would be important to have written guidelines concerning such. Mr. Dusek added that if the Committee wanted to implement this right away with regard to non-union employees, that could be done; however, he noted, parameters would need to be outlined.

Mr. Stec amended the motion to state the voluntary furlough would be offered to non-union employees, for up to ten days unpaid, available for 2009 and 2010; and to pursue through Union discussions a similar course for bargaining unit employees for

2009 and 2010. Mr. Belden seconded the amended motion.

Following discussion, Mr. Thomas called the question and the motion was carried unanimously to refer to the Finance Committee the option to offer a voluntary furlough to non-union employees, for up to ten days unpaid, available for 2009 and 2010; and to pursue through Union discussions a similar course for bargaining unit employees for 2009 and 2010.

Prior to adjournment, Mr. Thomas announced that Mr. Dusek had requested an executive session to discuss Union negotiations.

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

Executive Session was declared from 11:03 a.m. to 11:20 a.m.

Committee reconvened and Mr. Thomas advised that no action was necessary pursuant to the executive session.

There being no further business to come before the Personnel Committee, on motion made by Mr. Belden and seconded by Mr. Sokol, Mr. Thomas adjourned the meeting at 11:21 a.m.

Respectfully submitted,

Nicole Livingston, Deputy Clerk