

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **FINANCE**

DATE: **DECEMBER 9, 2010**

Committee Members Present:

Supervisors Stec
 Goodspeed
 Belden
 Bentley
 Taylor
 VanNess
 Kenny
 Merlino
 Conover

Others Present:

Paul Dusek, County Attorney/Administrator
Joan Sady, Clerk of the Board
Kevin Geraghty, Budget Officer
Supervisor McCoy
Supervisor Sokol
Supervisor Strainer
Supervisor Thomas
Supervisor Wood
Frank O'Keefe, Treasurer
Rob Lynch, Deputy Treasurer
Rick Murphy, Fiscal Assistant to the
Administrator
Sheila Weaver, Commissioner, Department of
Social Services
Bud York, Sheriff
Michael Gates, Captain of Corrections
Thom Randall, *The Adirondack Journal*
Nicole Livingston, Deputy Clerk

Mr. Stec called the meeting of the Finance Committee to order at 10:52 a.m.

Motion was made by Mr. Belden, seconded by Mr. VanNess and carried unanimously to approve the minutes of the November 10, 2010 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 Action 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. Belden, seconded by Mr. Kenny and carried unanimously to approve Item 1 as outlined above. The necessary resolution was authorized for the next board meeting.

Mr. Stec advised Items 2A through D were referrals from the County Treasurer. He noted Item 2C had been removed from the Agenda. Item 2A, he said, was a request to authorize a Revenue Anticipation Note (RAN) for an amount not to exceed \$1 million

for the funds needed to cover delays in State reimbursement for the Westmount IGT Program.

Paul Dusek, County Attorney/Administrator, asserted the RAN would only be borrowed if needed.

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

Mr. Stec asserted Item 2B was a request to authorize the issuance of a Tax Anticipation Note (TAN) for an amount up to \$6.5 million for the funds needed to cover anticipated cash flow shortages in January 2011.

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

Mr. Geraghty requested that all the Town Supervisors remind their Collectors that the tax payments should be turned over to the County in a timely fashion. In response to an inquiry, Mr. Dusek said the Treasurer would only borrow up to what was needed.

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 reiterated that Item 2C had been removed from the Agenda and added Item 2D was a request for a discussion of the refinancing of the Siemens leases relative to Bond Counsel.

Frank O'Keefe, Treasurer, announced Bond Counsel was anticipating a February 2011 closing because the market had turned around again. Mr. Dusek requested permission of the Committee to prepare an additional document which may be needed by Bond Counsel to be approved at the December 17, 2010 Board meeting. The Committee had no objection to Mr. Dusek preparing an additional document for consideration at the December 17th Board meeting, if necessary.

Mr. Kenny expressed his dissatisfaction with Siemens and suggested an independent auditor be obtained to review the Siemens reports to determine whether or not the County was receiving the actual value that was anticipated. Mr. Dusek opined that these issues should be the Administrator's responsibility. He stated he had a response that was included in the Budget Analysis Report from the County Treasurer as prepared by JoAnn McKinstry, Assistant to the County Administrator. He further noted that the

refinancing was being addressed and a report had been received relative to the Municipal Center Building, which had been a concern due to a belief that a final report had not been received from Siemens. That report, he said, would be presented to the County Facilities Committee in the near future. Mr. Dusek apprised that he was in the process of coordinating a meeting involving representatives of the Treasurer's Office, Westmount Health Facility, Siemens and Chairmen of the appropriate committees that had oversight for the facilities, to begin working towards resolving these issues. He concluded that it would be premature at this time to hire an accountant or auditor.

Discussion ensued concerning Siemens. Mr. O'Keefe added that an Electrical Engineer would be best suited to review these reports, as opposed to an auditor. Mr. Dusek outlined free services that were being provided to the County in regards to this that he was hopeful would reveal additional answers and assurances to the questions that had arisen.

Returning to the Agenda review, Mr. Stec advised Item 3 was a referral from the Criminal Justice Committee, Assigned Counsel, requesting a Contingent Fund transfer in the amount of \$20,000 to increase the Legal/Transcript Fees appropriation to pay mandated costs through the end of the year.

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

Mr. Stec expounded Items 4A and B were referrals from the Human Services Committee. Item 4A, he said, was referred from the Employment & Training Administration, requesting to amend the 2010 County budget to increase estimated revenues and appropriations in the amount of \$2,988 to reflect receipt of Federal funds. Mr. Stec added Item 4B was referred from the Office for the Aging, requesting to amend the 2010 County budget to increase estimated revenues and appropriations in the amount of \$3,936 to correct an over budget situation in the HEAP salaries code.

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

Mr. Stec advised Items 5A through E were referrals from the Public Safety Committee, Sheriff & Communications. He stated Item 5A was a request to extend the contract with Warren Tire Service Center for the routine maintenance of Sheriff and District Attorney's Office vehicles for Zone 1, for a term commencing January 1, 2011 and terminating December 31, 2011. Mr. Stec noted Item 5B was a request to extend the contract with Warrensburg Car Care for the routine maintenance of Sheriff and District

Attorney's Office vehicles for Zone 2, for a term commencing January 1, 2011 and terminating December 31, 2011. Mr. Stec added Item 5C was a request to authorize the County Treasurer to amend the 2011 Budget upon written request of the Sheriff to allow use of Byrne Grant and Alien Assistance Grant funding not to exceed the amounts received in advance from Federal funding for these grants. He remarked Item 5D was a request to amend the 2010 County budget to increase estimated revenues and appropriations in the amount of \$5,831 to allow for payment of Unicare (Justice Benefits) for collection and processing of State Criminal Alien Assistance data per contractual agreement. Mr. Stec said Item 5E was a request to authorize a contract with Hudson Headwaters Health Network for health care services to be provided at the Warren County Correctional Facility, commencing January 1, 2011 and terminating December 31, 2011, for a lump sum amount of \$503,000.

Mr. VanNess commended Sheriff York and Michael Gates, Captain of Corrections, for their diligence in negotiating the contract with Hudson Headwaters Health Network.

Mr. Belden referred to Items 5A and B and questioned if the Department of Public Works (DPW) serviced the vehicles and Sheriff York replied the DPW did service the vehicles when possible; however, he said, when the DPW could not perform the work, it was necessary to have the vehicles serviced elsewhere; thereby necessitating the aforementioned contracts.

Motion was made by Mr. VanNess, seconded by Mr. Conover and carried unanimously to approve Items 5A through 5E as outlined above, and the necessary resolutions were authorized for the next board meeting.

Mr. Stec apprised Item 6 was a referral from the Public Works Committee, DPW, requesting to amend the 2010 County budget to increase estimated revenues and appropriations in the amount of \$4,514 to reflect services to other Governments.

Motion was made by Mr. Taylor, seconded by Mr. Belden and carried unanimously to approve Item 6 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 2010 County budget to increase and decrease estimated revenues and appropriations in the amounts of \$482,500 and \$275,000 to cover shortfalls within various Departmental codes.

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

Mr. Stec expounded Item 8 was a request to authorize payments to Adirondack Community College for a total amount of \$1,772,161 in three installments as follows: January 2011 \$590,720; April 2011 \$590,720; and July 2011 \$590,721.

Motion was made by Mr. Conover, seconded by Mr. Taylor and carried unanimously to approve Item 8 as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Stec said Item 9 was a request to authorize payment to Treasurer of Warren County Soil & Water Conservation District for a total amount of \$268,000 in two installments as follows: January 1, 2011 \$134,000 and July 1, 2011 \$134,000.

Mr. Stec recognized the positive work of the Soil & Water Conservation District and how each town in Warren County benefitted from their services. He further acknowledged their outstanding reputation in New York State for the quality and volume of work that they did for the County.

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

Mr. Stec remarked Item 10 was a request to authorize payment of an invoice to Clark Patterson Lee in the amount of \$4,680 for services related to the investigation of the ceiling collapse; said funds to be expended from Capital Project No. H263.9550 280 - Design and Construction of Health & Human Services Building.

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

Mr. Kenny asked if Clark Patterson Lee (CPL) was responsible for the design of the ceiling in the Human Services Building and Mr. Dusek explained that the pin that broke which caused the collapse was not designed by CPL and the pin itself was currently under investigation and being tested in a laboratory; he added the County was awaiting those results to determine the next step. He concluded it would not be appropriate at this time to deny payment of this invoice.

Following discussion, Mr. Stec called the question and the motion was carried unanimously to approve Item 10 as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Stec added Item 11 was a request to authorize payment of an invoice to Clark Patterson Lee in the amount of \$13,755 for contract amendment for additional

asbestos testing and contractor negotiations; said funds to be expended from Capital Project No. H315.9550 280 -Abatement and Demolition of Annex Building #10.

Motion was made by Mr. Conover, seconded by Mr. Taylor and carried by majority vote, with Messrs. Belden and Merlino voting in opposition, to approve Item 11 as outlined above, and the necessary resolution was authorized for the next board meeting.

Concluding the Action Agenda review, Mr. Stec informed Item 12 was a request for Finance Committee action which was required on the following item that was approved by the Personnel Committee: Item Nos. 2, 3B and 4.

Motion was made by Mr. Kenny, seconded by Mr. Conover and carried unanimously to approve Item 12 as outlined above.

Mr. Stec noted there was an addendum to the Agenda. He stated Items 1 and 2 were referrals from the County Attorney. He reported Item 1 was a request for a transfer of funds in the amount of \$800 to cover a budget shortfall. He added Item 2 was a request for a Contingent Fund transfer in the amount of \$2,500 to fund the appeal of the matter of Warren County, et al against Adirondack Park Agency, as per resolution No. 255 of 2010.

Motion was made by Mr. Goodspeed, seconded by Mr. Bentley and carried unanimously to approve Addendum Items 1 and 2 as outlined above, and the necessary resolutions were authorized for the next board meeting.

Mr. Stec referred to Item IV. Topics to be reported on/discussions/updates and noted Item 1, was the response to the Budget Analysis Report from the County Treasurer as prepared by Mrs. McKinstry, which was attached for review.

Mr. Dusek announced that a decision had been reached in the matter of Thomas Nygard against Warren County, which was a lawsuit that was commenced by a former employee that had been terminated, and had proceeded all the way to the Appellate Division. He happily reported that the decision was upheld for that termination.

There being no further business to come before the Committee, on motion made by Mr. Kenny and seconded by Mr. Belden, Mr. Stec adjourned the meeting at 11:22 a.m.

Respectfully submitted,

Nicole Livingston, Deputy Clerk