

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: FINANCE, PERSONNEL & HIGHER EDUCATION

DATE: JULY 29, 2016

COMMITTEE MEMBERS PRESENT:

SUPERVISORS CONOVER
SEEGER
SOKOL
MERLINO
DICKINSON
GIRARD
FRASIER
BRAYMER

OTHERS PRESENT:

KEVIN GERAGHTY, CHAIRMAN OF THE BOARD
BRIAN REICHENBACH, COUNTY ATTORNEY
AMANDA ALLEN, CLERK OF THE BOARD
FRANK THOMAS, BUDGET OFFICER
SUPERVISORS BROCK
LEGETT
MONTESI
STROUGH

COMMITTEE MEMBERS ABSENT:

SUPERVISORS SIMPSON
BEATY
MCDEVITT

JOANN MCKINSTRY, ASSISTANT TO THE COUNTY ADMINISTRATOR
MIKE SWAN, COUNTY TREASURER
JACKIE FIGUEROA, COUNTY HUMAN RESOURCES DIRECTOR
PATRICIA NENNINGER, PERSONNEL OFFICER
LARRY PALTROWITZ, SPECIAL COUNSEL FOR THE COUNTY
DON LEHMAN, *THE POST STAR*
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

Please note, the following contains a summarization of the July 29, 2016 meeting of the Finance, Personnel & Higher Education 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/2016/finance/>

Mr. Conover called the meeting of the Finance, Personnel & Higher Education Committee to order at 10:07 a.m.

Motion was made by Ms. Braymer, seconded by Mr. Sokol and carried unanimously to approve the minutes of the previous Committee meeting, subject to the correction by the Clerk of the Board.

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

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

Moving on to the Action Agenda, Mr. Conover offered privilege of the floor to any SUNY Adirondack representatives wishing to address the Committee. Mike Swan, *County Treasurer*, reported that the system they had set up in his Office to ensure the College received the funding required to pay the County's portion of the expenses for the NSTEM (*Nursing, Science, Technology, Engineering and Mathematics*) Project was working well.

Proceeding to Agenda Item 2, Mr. Conover outlined the request which pertained to approval of the transfers of funds as attached for Committee approval.

Mr. Thomas recommended that they appropriate the remaining balance of \$292,000 from the General Fund Unappropriated Surplus to Budget Code A.9901.0181 910, *Transfers, Debt Service*, to cover the cost of the SUNY Adirondack NSTEM Project that will be due in 2017 rather than transferring only a portion of it, as he did not foresee the County generating the additional revenue required to cover the cost next year. Ms. Braymer asked for clarification as to where Mr. Thomas was getting those figures from and Mr. Thomas replied that he was referencing Agenda Item No. 4 which was a request received from the County Treasurer to transfer of funds in the amount of \$94,000 from Budget Code A.1990 469.02, *Contingent Account, Other Payments/Projects*, to Budget Code A.9901.0181 910, *Transfers, Debt*

Service, to move funds raised for SUNY Adirondack NSTEM Project debt service that are not needed in 2016 to the Debt Service Fund for future use.

A discussion ensued following which a motion was made by Mr. Girard, seconded by Mr. Dickinson and carried unanimously to approve the request to transfer of funds in the amount of \$94,000 from Budget Code A.1990 469.02, *Contingent Account, Other Payments/Projects*, to Budget Code A.9901.0181 910, *Transfers, Debt Service*, as well as to authorize the appropriation of funds in the amount of \$292,000 from the General Fund Unappropriated Surplus to Budget Code A.9901.0181 910, *Transfers, Debt Service*, to cover the cost of the SUNY Adirondack NSTEM Project that will be due in 2017 and the necessary resolutions were authorized for the August 19th Board Meeting.

Returning to agenda Item 2 Mr. Conover called for a motion to approve the request for transfer of funds as attached for Committee approval. The motion was made by Mr. Dickinson, seconded by Mr. Sokol and carried unanimously to approve the request and the necessary resolution was authorized for the August 19th Board Meeting.

Proceeding with the Agenda review, privilege of the floor was extended to Jackie Figueroa, *County Human Resources Director*, to review Agenda Item 3A, Ms. Figueroa apprised Agenda Item 3A, which pertained to the tracking of vacancies filled since the last Committee meeting: Ms. Figueroa noted that a reporting of these positions was included in the Agenda and she encouraged anyone with questions to contact her directly.

Mr. Conover advised Agenda Item 5 consisted of a referral from the County Facilities Committee, *Airport*, to increase Capital Project No. H364, *Runway 30 Obstruction Removal*, in the amount of \$656,000 pending FAA (*Federal Aviation Administration*) grant award for final phase of obstruction removal and mitigation for Runway 30.

Motion was made by Mr. Dickinson, seconded by Mr. Girard and carried by majority vote, with Ms. Seeber voting in opposition, to approve the request and the necessary resolution was authorized for the August 19th Board Meeting.

Moving along, Mr. Conover apprised Agenda Items 6A-C pertained to the following referrals from the Health, Human & Social Services Committee:

- 6A) *Countryside Adult Home*-Request to amend Resolution No. 267 of 2015 to state that Countryside Adult Home will pay time and one-half to per diem employees who work a holiday, any hours over eight (8) each shift, or any hours over forty (40) per week. *Note: The Health, Human & Services Committee approved the request but referred the matter to the Finance, Personnel & Higher Education Committee for further review and consideration.*

Motion was made by Mr. Sokol and seconded by Mrs. Frasier to approve the request.

Chairman Geraghty apprised due to the ongoing negotiations with the Union and the fact that this request related to a change in the Payroll Rules Policy, he would like the matter to be tabled until the next meeting to ensure there would be no impact on other departments. He said he wanted to determine whether this should be incorporated into the Payroll Rules Policy for the County or whether they could move forward with it without having any effect on other departments.

A discussion ensued following which a motion was made by Mr. Sokol, seconded by Ms. Braymer and carried unanimously to table the matter to allow for additional research to be conducted.

- 6B) *Public Health*- Request to amend the County Budget in an amount totaling \$1,274.37 to reflect receipt of an insurance recovery for damages to a Health Services fleet vehicle.

Motion was made by Ms. Braymer, seconded by Mrs. Frasier and carried unanimously to approve the request and the necessary resolution was authorized for the August 19th Board Meeting.

- 6C) *Public Health*- Request to authorize enrollment in a job-related course: Jodi Brynes, RN, to enroll in "Transcultural Nursing" course at Chamberlain College of Nursing (Course Term: July 4, 2016 - August 28, 2016; Cost: \$2,000). If this request is approved, Ms. Brynes will be due reimbursement of 50% of course costs upon completion with a grade of "C" or better.

Motion was made by Mr. Dickinson and seconded by Ms. Seeber to approve the request.

Ms. Seeber advised that while she believed there was a value associated with continuing education, she was concerned with the number of requests that were brought forward to reimburse for college courses that were associated with full tuition; she pointed out there was an additional request included on the Agenda for reimbursement for job-related courses for an employee within the DPW (*Department of Public Works*) she would like to discuss, as well. She indicated if a continuing education course for Transcultural Nursing was available rather than a college course, it would save the County a sufficient amount of money. She reminded them a few months ago they had decided that the policy for out-of-Unit employees should mirror the one pertaining to Union employees which she thought had been executed. She said her concern with the request relating to the DPW employee pertained to the fact that it included a Public Speaking course which she felt had no relation to the duties of the position. She mentioned she thought they were moving out of the scope of what the County should be providing in terms of training for employees to do their jobs versus providing them with a college education.

Mrs. Frasier interjected that Pat Auer, *Director of Public Health/Patient Services*, had indicated at the July 20th meeting of the Health, Human & Social Services Committee that the course was a requirement for the job duties of the position going forward.

Mr. Conover called the question and the motion was carried unanimously to approve the request for Jodi Brynes, RN, to enroll in "Transcultural Nursing" course at Chamberlain College of Nursing as outlined above and the necessary resolution was authorized for the August 19th Board Meeting.

Mr. Conover apprised Agenda Items 7A-I pertained to the following referrals from the Public Works Committee, *DPW*:

- 7A) Request to increase Capital Project H343, *West Brook Sidewalk Project*, in the amount of \$74,686 to allocate State and Local Share funds for the construction phase of the project in accordance with the State-Local agreement.

Motion was made by Ms. Braymer, seconded by Mr. Dickinson and carried unanimously to approve the request and the necessary resolution was authorized for the August 19th Board Meeting.

- 7B) Request to decrease Capital Project H344, *Warren County Bikeway Improvements*, in the amount of \$5,864.72 to make adjustments in accordance with final project costs.

A discussion ensued concerning grant funding pertaining to Agenda Items 7B and 7C following which it was determined that Amanda Allen, *Clerk of the Board*, would contact Jeffery Tennyson, *Superintendent of Public Works*, to request additional information concerning the grant funds associated with these two Projects for distribution to the full Board prior to the August 19th Board meeting.

Motion was made by Mr. Dickinson, seconded by Mr. Merlino and carried unanimously to approve Item 7B and the necessary resolution was authorized for the August 19th Board Meeting.

- 7C) Request to decrease Capital Project H345, *Warren County Bikeway Connections*, in the amount of \$997.40 to make adjustments in accordance with final project costs.

Ms. Braymer questioned whether the decrease related to the fact that the Federal funding in the amount of \$6,000 was received but only \$5,002.60 was required and Mr. Swan replied he was unsure, as he had not had a sufficient amount of time to research the matter further.

A discussion ensued following which a motion was made by Mrs. Frasier, seconded by Mr. Merlino and carried unanimously to approve the request and the necessary resolution was authorized for the August 19th Board Meeting.

- 7D) Request to increase Capital Project H331, *County Bridge Projects*, in the amount of \$228,500 to include funds for 2016 bridge work.

Mr. Dickinson questioned where the funding originated from and Chairman Geraghty responded that the funding was included within the DPW Budget.

Motion was made by Mr. Sokol, seconded by Mrs. Frasier and carried unanimously to approve the request and the necessary resolution was authorized for the August 19th Board Meeting.

- 7E) Request for authorization to establish various road project numbers to be funded using the additional \$376,348.83 in CHIPS funding to be provided through the PAVE NY Program.
- 7F) Request to amend the County Budget in the amount of \$20,348.83 to include \$20,348.83 in funding received for the Bay Road CR16 Project through the PAVE NY Program.

Ms. Braymer asked for clarification on the request and Chairman Geraghty replied it related to the additional CHIPS funding to be provided through the PAVE NY. Mrs. Allen clarified that Item 7E related to a request to establish four new Road Projects totaling \$356,000 and Item 7F pertained to a request to amend the County Budget in the amount of \$20,348.83 to increase existing road projects, all to be funded using the additional CHIPS funding provided through the PAVE NY Program.

A motion was made by Mr. Dickinson, seconded by Mr. Merlino and carried unanimously to approve the requests as outlined above and the necessary resolutions were authorized for the August 19th Board Meeting.

- 7G) Request to decrease the salary for the Assistant Engineer #1 position from \$49,690 to \$43,000 effective July 28, 2016 to establish the appropriate base salary for the position prior to hiring a new employee.

Motion was made by Mr. Merlino, seconded by Mr. Dickinson and carried unanimously to approve the request and the necessary resolution was authorized for the August 19th Board Meeting.

- 7H) Request to authorize enrollment in a job-related courses: Maja Tlokinska-Scroggins, to enroll in "Advanced Bookkeeping Applications; Principals of Economics I; Mathematical Functions; Introduction to Public Speaking" courses at SUNY Adirondack (Course Term: September 2016 - December 2016; Cost: \$2,346.50. If this request is approved, Ms. Tlokinska-Scroggins will be due reimbursement of 50% of course costs upon completion with a grade of "C" or better.

Motion was made by Mr. Girard and seconded by Mrs. Frasier to approve the request.

Ms. Seeber advised although she had not attended the July 25th meeting of the Public Works Committee, she was concerned that the County was not only reimbursing the employee for tuition but also a number of fees charged by the College that did not directly relate to the courses. She mentioned her understanding was that the County reimbursed employees for tuition costs only when they completed the course with a grade of "C" or better.

Mr. Conover read aloud correspondence he had received from Robert Lynch, *Deputy County Treasurer*, indicating that if the Committee moved forward with approving reimbursement for the non job-related courses, the Committee also needed to approve an exception to the current policy which dictated that only job-related courses were reimbursable; therefore, he said, a resolution was required that authorized an exception to the policy.

A lengthy discussion ensued following which a motion was made by Mr. Dickinson, seconded by Mrs. Frasier and carried by majority vote, with Mr. Sokol voting in opposition, to table the request until information pertaining to whether the courses were required as part of the current position or as part of a degree program was received from the Superintendent of Public Works.

Mr. Girard requested that clarification be provided on the process required in order to receive reimbursement for job-related courses to avoid any confusion associated with future requests.

A discussion ensued following which it was determined that the policy relating to receiving reimbursement for enrollment in job-related courses would be distributed to the Committee for review.

- 7I) Request to increase Capital Project H352, *CR13 & 31 Bridge Painting Project*, in the amount of \$876,690 to allocate Federal, State and Local Share funds for the construction phase of the project. *Note: this request was not previously approved by the Public Works Committee, the item was forwarded to the Finance, Personnel & Higher Education Committee with the approval of the Committee Chairman, Supervisor Simpson.*

A motion was made by Ms. Braymer and seconded by Ms. Seeber to table the matter since the request was not presented or approved by the Public Works Committee prior to being requested; however, the motion failed due to a lack of the simple majority vote required with Messrs. Conover, Sokol, Merlino, Dickinson, Girard and Frasier voting in opposition.

A motion was made by Mr. Dickinson and seconded by Mrs. Frasier to approve Item 7I.

Mr. Dickinson asked for clarification on the scope of the Projects, as he felt \$1 million was a significant amount of money to expend in order to paint a bridge. Chairman Geraghty advised the Project funding consisted of a Federal Share of \$713,000, \$10,200 for the State's portion of the cost along with and additional \$133,783 from the State and \$19,194 consisting of the Local Share.

A discussion ensued following which Mr. Conover called the question and the motion was carried by majority vote, with Ms. Seeber voting in opposition, to approve the request as outlined above and the necessary resolution was authorized for the August 19th Board Meeting.

Mr. Conover advised that he would have Mrs. Allen schedule a meeting for himself and Chairman Geraghty with the Superintendent of Public Works to discuss the matter further. Ms. Seeber requested that the documentation relating to the grant funding along with clarification on the Local Share amount for the aforementioned request be distributed to the full Board prior to the August 19th Board Meeting to allow for ample time to review them so they could make an informed decision and Mr. Conover concurred.

Mr. Conover reported Agenda Items 8A-B pertained to the following referrals from the Tourism & Occupancy Tax Coordination Committee:

- 8A) *Occupancy Tax* - Request to appropriate \$83,393 from the Occupancy Tax Reserve to Budget Code A.6417 469, *Tourism-Occupancy, Other Payments/Contributions*, to pay the initial distribution of 2016 occupancy tax collections to other municipalities.

Motion was made by Mrs. Frasier and seconded by Mr. Dickinson and to approve the request.

Ms. Seeber informed following the July 25th meeting of the Tourism & Occupancy Tax Coordination Committee she had met with the Warren County Lodging Association to discuss their concerns as it related to the aforementioned request. She requested that Mr. Swan articulate his previous reservations in regards to approving this particular request since there appeared to be a significant decline in the amount of occupancy tax collected.

Mr. Swan noted although the occupancy tax reserve had a significant balance available he was concerned that this could be depleted rather rapidly due to the decline in collections. He indicated that he associated the decline in the collections of occupancy tax funds to the fact that the collection during the winter months were less than the previous years due to the weather and the fact that a number of properties had decided to close during this timeframe. He said his concern originated from the downward trend in the collection of occupancy tax funds.

Mr. Merlino explained the funding in question pertained to the additional occupancy tax funds that were collected in 2015 which were greater than anticipated. He explained the formula which was set forth within the Occupancy Tax Law required that the County keep a certain portion of the funding and the remainder be divided up amongst the municipalities according to a specified percentage.

A discussion ensued following which Mr. Conover called the question and the motion was carried by majority vote, with Ms. Seeber voting in opposition, to approve the aforementioned request and the necessary resolution was authorized for the August 19th Board Meeting.

- 8B) *Tourism*-Request to amend Resolution No. 272 of 2016 to identify an alternate source of funding for management of the Festival Commons website. *Note: this request was not approved by the Tourism & Occupancy Tax Coordination Committee, it was forwarded to the Finance, Personnel & Higher Education Committee with the approval of the Committee Chairman, Supervisor Merlino.*

Motion was made by Mr. Merlino, seconded by Mr. Dickinson and carried unanimously to approve the request and the necessary resolution was authorized for the August 19th Board Meeting.

Privilege of the floor was extended to Chairman Geraghty as the Acting County Administrator to address Items 9A-C, Requests/Items to be discussed by the County Administrator, as follows:

- 9A) Journal Report of transfers approved by County Administrator staff since the last meeting.

Chairman Geraghty announced this was a review of the transfers for the Committees consideration and no action was required.

- 9B) Request for a new contract with P&NP Computer Services, Inc. to provide annual historical license to access Westmount billing records.

Chairman Geraghty advised the contract was required in order for the County to continue having access to Westmount billing records. JoAnn McKinstry, *Assistant to the County Administrator*, added that the County would also have access to anything that they billed to date.

A discussion ensued following which a motion was made by Mr. Dickinson, seconded by Ms. Braymer and carried unanimously to approve the request and the necessary resolution was authorized for the August 19th Board Meeting.

- 9C) Request to appropriate funds in the amount of \$16,125 from the Vehicle Reserve Fund to the Health Services budget for the purchase of one car.

Motion was made by Mr. Sokol, seconded by Mr. Dickinson and carried unanimously to approve the request and the necessary resolution was authorized for the August 19th Board Meeting.

Chairman Geraghty advised prior to proceeding with the Agenda Review he would like to commend the Committee members for providing input on a number of matters during today's meeting. He remarked he felt it was important for them to ensure matters were dealt with in the appropriate manner to prevent problems in the future, such as with the education issue that had been discussed earlier. Chairman Geraghty announced the County was awarded \$72,189 under the District Attorney Salary Program for 2016-2017 which was the same amount awarded for 2015-2016 and would be allocated to assist with paying the District Attorney's salary.

Mr. Conover requested that Brian Reichenbach, *County Attorney*, report on the process required in order to fill the position of Coroner which would be vacated in the near future. Mr. Reichenbach reminded the Committee that Gary Scidmore, *Coroner*, had submitted his resignation effective at the end of August. He said following his research on the process for filling the vacancy, he determined that County Law Section 400 provided the vacancy in the Office of Coroner should be filled by the Board of Supervisors with the appointment becoming effective until December 31st of the first year in which an election can be held to fill that vacancy. He continued, as per the representatives from the Board of Elections Office, an individual could have their name on the ballot as an "independent" which meant they were not affiliated with a party by submitting a personal petition themselves. He said following the primary elections in September an individual could be submitted for their name on the ballot by a party Chairman. He stated since the vacancy occurred prior to the election, it could be filled effective January 1, 2017 via the election. He informed the Board had the authority to appoint an individual to the position for the remainder of the year if it was their desire to do so.

A discussion ensued following which it was determined that Mrs. Allen would distribute copies of the resumes received for the Coroner position to the Committee members and more information would be forthcoming.

Concluding the Agenda review, Mr. Conover called for a motion to enter in executive session to discuss collective bargaining negotiations and to receive an update from Special Counsel.

Motion was made by Mr. Dickinson, seconded by Mr. Girard and carried unanimously to enter into an executive session pursuant to Section 105(e) of the Public Officer's Law.

Executive session was held from 11:26 a.m. until 12:21 p.m.; Messrs. Sokol, Merlino, Dickinson, Girard, Frasier and Braymer exited the meeting during the executive session.

Mr. Conover announced no action was taken during the executive session.

In the absence of a quorum, Mr. Conover declared the meeting adjourned at 12:22 p.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board