

Law and Finance Committee Minutes
May 9, 2012 – 4:00 p.m.

Present: Chairman Grattidge; Supervisors Daly, Rowland, Sausville, Veitch, Wormuth, Wright, M. Johnson, Hargrave, Southworth, Collyer, Raymond, Lucia, Kinowski, Yepsen, Wood and Peck; Spencer Hellwig, Administrator; Jack Kalinkewicz, Personnel; Joanne Bosley, Real Property; Sam Pitcherelle, Treasurer; Chad Cooke, Sewer District; Steve Dorsey, County Attorney; Diane Brown, Maplewood Manor; Brian O'Connor, Auditor; Ryan Moore, Mgmt. Analyst; Lisa Scaccia, Employment and Training; Barbara Cook, Barbara Thomas, League Of Women Voters; Press.

Chairman Grattidge called the meeting to order and welcomed all in attendance.

On a motion made by Ms. Daly, seconded by Mr. Veitch the minutes of the April 11, 2012 meeting were approved unanimously.

EQUALIZATION AND ASSESSMENT

- **Accepting a tender offer in the Village of Schuylerville for \$20,511.81.**

Mr. Hellwig said this tender offer is for a parcel that is located in the Village of Schuylerville. The offer was made by the Village to acquire the parcel for the development of a new Village Park. They have made payments for the taxes that are outstanding for the years 2009 through 2012, which includes all outstanding penalties and interest.

On a motion made by Mr. Rowland, seconded by Mr. Sausville the above resolution was approved unanimously.

VETERANS COMMITTEE

- **Requesting enactment of S.6967/A.9835 to designate the New York State Route 9P Bridge over Fish Creek as the "Saratoga County Veterans' Memorial Bridge".**
- **Requesting enactment of S.2160-A/A.4739-A to designate the portion of New York State Highway 4 in the Village of Schuylerville south ending at the Saratoga County line in Waterford as the "Saratoga County Veterans' Memorial Highway".**

Mr. Hellwig said in March the Board of Supervisors approved a resolution requesting Home Rule Legislation and designating the Rt. 9P Bridge over the Fish Creek as the Saratoga County Veterans' Memorial Bridge. The home rule has now received the Bill No., and has been introduced in the State Senate by Senator McDonald and in the Assembly by Assembly members Tedisco, Sayward, and Jordan. To complete the process the Board must pass a second resolution that includes the specific Bill numbers.

Additionally, in 2009 the Board approved a resolution also requesting home rule legislation to designate the roadway from Saratoga Springs to the Town of Waterford as the Saratoga County Veterans Memorial Highway. It was subsequently discovered that a large section of Rt. 29 had previously been designated as the General Phillip Schuyler Highway and as a result the state bill has been amended to designate only the portion of Rt. 4 from the Town of Saratoga to the County line in Waterford as the Saratoga County Veterans' Memorial Highway. This legislation was also introduced by Senator McDonald and in the Assembly by members Sayward and Canastrari. The bill numbers have been assigned and the Board will have to pass a second resolution requesting passage of the specific bills.

On a motion made by Mr. Veitch, seconded by Mr. Sausville the above resolutions were approved unanimously.

PERSONNEL

- **Amending the 2011 Compensation Schedule to reclassify one Administrative Assistant as a Confidential Secretary in the Sewer District, and to set a salary of \$140,300 for the District Attorney in compliance with State Judiciary Law 183-a.**

Mr. Hellwig said there are two proposed amendments to the compensation schedule. The first is a result of the recent retirement of the Sewer District Administrative Assistant. The position will be reclassified as a Confidential Secretary, grade 7 with a base salary of \$38,334. The Administrative Assistant's base salary was previously \$46,921 and the incumbent's budgeted salary for this year was \$51,641, therefore, the district will be saving approximately \$12,000 as part of the reclassification.

The second amendment to the compensation schedule is to schedule compliance with the State judiciary law which sets the District Attorney's salary at a rate not less than that of a County Court Judge. The salary adjustment has been triggered by the 2012-2013 adoption of the Office of the Court Administration Budget, which begins a three year implementation of a judicial pay increase. Under the increase, the Saratoga County Court Judge's salary will rise from \$119,800 to \$140,300, which is effective April 1, 2012. It will then go to \$146,400 April 1, 2013 and finally \$152,500 effective April 1, 2014. Under the 2012 compensation plan the District Attorney's salary is currently \$136,951, therefore, based on the additional pay periods that are left the salary will be increased to \$140,300. The impact on the county budget will be \$2,576 and will be covered through State Aid that was authorized to cover the unbudgeted expense for this budget year.

On a motion made by Ms. Daly, seconded by Mr. Rowland the above resolution as approved unanimously.

ECONOMIC DEVELOPMENT

- **Supporting the application of the Saratoga and North Creek Railway, LLC before the Surface Transportation Board to provide rail service on the rail track known as the Tahawas Line Running from North Creek, NY to Newcomb, NY.**

Mr. Hellwig said the Economic Development Committee has approved a resolution supporting a rail service application which has been submitted by the Saratoga/North Creek Railway, which is currently being reviewed by the Surface Transportation Board. If approved, the application will authorize Saratoga/North Creek Railroad to provide service on approximately twenty nine miles of existing rail track known as the "Tahawas" line, which runs from North Creek, New York to Newcomb, New York. The Town of Corinth along with Warren and Essex counties have all adopted resolutions endorsing the return of the rail service and the application before the Surface Transportation Board and they are asking for the county's support as well.

On a motion made by Mrs. Wormuth, seconded by Ms. Daly the above resolution was approved unanimously.

LEGISLATIVE AND RESEARCH

- **Declaring May 15, 2012 to be "Mayday for Mandate Relief" in Saratoga County.**

Mr. Hellwig said this resolution is a renewed declaration that the financial burden of the State Mandates has not been adequately addressed by the State, and as a result we continue to have to have all of our property tax collections and \$10 million of the sales tax collections consumed by these costs. The members of the Board of Supervisors traveled to the State Capital in 2012 to request legislative relief from the State Legislature. They hosted a forum in the Board meeting room on March 14th and additional public forums have also been held across the county. Mr. Hellwig said the Chairman of the Board and he have also brought this information to the business community during the recent State of the County address as well. Based on the fact that the decisions in Albany have a direct impact on our property tax levy and our ability to provide essential services to the county, the State must not deny or delay this much needed relief. This declaration is part of reminding the State of that responsibility.

Mr. Sausville said this is part of a great movement across the State by the NYS Association of Counties to highlight and feature the importance of Mandate Relief. There was a Mandate Relief Council that was formed by the Governor and the Legislature a while back. That council contained no representatives from the counties and has been, essentially, ineffective in coming forth with specific mandate relief. The Governor's office likewise has not been that effective in setting forth some goals for the council. Mr. Sausville urged other town boards that believe in the importance of Mandate Relief to bring it to their town board members to seek a resolution of support.

On a motion made by Mr. Sausville, seconded by Mr. Veitch the above resolution was approved unanimously.

BUILDINGS AND GROUNDS

- **Adopting Interim Rules and Regulations for the Saratoga County Airport.**

Mr. Hellwig said there is one resolution from the Buildings and Grounds committee to approve the Interim Rules and Regulations of the Saratoga County Airport from McFarland Johnson, the County's airport consultant. These Interim Rules and Regulations are the first step toward improving safety by coordinating safety and communication amongst the airport users, as well as codifying the procedures and various safety measures. Pending future approval by the FAA, final rules and regulations for the airport will also need to be adopted by the Board. This will include a Public Hearing, at which time the public or interested parties may comment.

Mr. Rowland said the purpose of the Interim Rules and Regulations was to obtain some guidelines and guidance through the summer. This gives an opportunity to go back through the whole process to get comfortable with it, and is something to hang our hat on as far as activities at the airport.

On a motion made by Mr. Veitch, seconded by Mr. Wright the above resolution was approved unanimously.

PUBLIC HEALTH

- **Amending the "Saratoga County Maplewood Manor Collection of Late Payments Policy and Procedure".**

Mr. Hellwig said last September the Board of Supervisors amended Maplewood Manor's collection policy to tighten up past practices that were resulting in admissions to the facility without sufficient measures in place to ensure payment. The reforms included a number of steps, including the completion of a Medicaid application prior to admission, the requiring of a NYS power of attorney designation, the enforcement of late fees as well as accelerating the process for pursuing payment of late bills. In reviewing the effects of the policy changes last summer the Public Health Committee is now recommending some amendments to further improve the policy. Over the past year a number of circumstances have arisen where the facility has been unable to admit otherwise appropriate candidates to the facility based on the fact that the policy dictates what the rules are. If the Board approves these amendments it will provide some leeway and interpretation of the policy for cases that would otherwise be appropriate. The committee that will be reviewing those requests on a case by case basis will include the chairman of the Public Health Committee, Chairman of Law and Finance, County Treasurer or his designee, County Attorney, and Chairman of the Board.

Ms. Daly said having gone through the requirements, Saratoga County's requirements for Medicaid applications seem to be stricter than NYS. She said she encourages the county's

process to mirror the State's requirements for Medicaid approval and not have our own standards which are stricter.

Mr. Wright said Maplewood Manor is using the Medicaid application that comes from the Department of Social Services and this is something that should be taken up with the Department of Social Services.

Mr. Wright said the County has taken on no new bad debt since this policy was put in place.

On a motion made by Mr. Wright, seconded by Mr. Rowland the above resolution was approved unanimously.

PUBLIC SAFETY

- **Authorizing the Chairman and the Sheriff to enter into a contract for additional police services in the Village of Corinth.**
- **Authorizing the Chairman to enter into an agreement with Martin Deposition to provide stenographic services for Saratoga County.**
- **Authorizing an amendment to the agreement with Forensic Medical Services to increase contract fees for death certificates without autopsy, external examinations and autopsies with death certificates.**

Mr. Hellwig said the first item is requesting the Sheriff to authorize a renewal agreement with the Village of Corinth for the Sheriff to continue to provide law enforcement services. The services are provided at a level that is typically provided by regular county patrols. The amount of \$298,800 is consistent with other similar agreements and is unchanged from the expiring agreement, which is due to the fact that we have not settled contract negotiations for the Road Patrol.

Mr. Hellwig said with regard to item two, up to now the vendor has operated under a minor contract and provided reporting services to the Public Defender, County Attorney, Sewer District and to some extent the District Attorney. Recently there was a retirement of a second contract stenographer who handled the majority of the recordings for the grand jury and local court proceedings for the District Attorney's office. As a result of them going out of business the county needs to expand the agreement with Martin Disposition and now take over the responsibility for the work that was formerly provided by the other stenographer. The fees that were in place under the minor contract will be maintained under this new agreement.

Mr. Hellwig said the third item is an increase in the fees charged by Forensic Medical Services and Dr. Sikirica for death certificates, external examinations and autopsies with death certificates that are performed at the direction of the county Coroner. The last increase to these fees was in 2009. The proposed increases will be death certificates without an autopsy

from \$25 to \$50; external examinations from \$250 to \$300; autopsies with a death certificate included from \$800 to \$900. These fees will be retroactive to January 1, 2012.

Ms. Daly asked why it is retroactive. Mr. Hellwig said there was a delay in the renewed contract terms getting forwarded from the Coroner, and as a result it has been delayed getting to the Board for their approval. This issue was raised at the Public Safety meeting and the Coroner's were instructed to be more timely when requests are made.

On a motion made by Mr. Veitch, seconded by Mr. Rowland the above resolutions were approved unanimously.

SOCIAL PROGRAMS

- **Accepting Federal funds for the 2012 Workforce Investment Program and authorizing the funding application and contracts.**
- **Accepting \$133,979 for the Summer Youth Employment Program and amending the budget in relation thereto.**
- **Authorizing a contract renewal with Captain Youth and Family Services to administer the Workforce Investment Act Youth Program for a sum not to exceed \$45,000.**
- **Approving the Workforce Investment Board budget for program year 2012 for \$90,902 and authorizing agreements with Warren and Washington Counties to fund WIB services.**
- **Authorizing a contract renewal with J.J. Young, LLC to provide administrative services for the Workforce Investment Board.**

Mr. Hellwig said the first item is an annual resolution to apply for and accept Workforce Investment Act funding and also authorization for the contracts for agencies that provide the various job training services through this agency. This year's funding amount for the county is \$738,357, which is approximately .2% below last year's amount.

The second item is for the Summer Youth Program and its authorization to accept the funding this year, which is \$133,979 and to amend the budget to provide the funding for the summer jobs for the eligible youth under this program. The director this year expects to be able to employ up to 80 youth ranging in age from 14 to 21 under this funding stream.

The third item is a renewal of a contract with Captain Youth and Family Services, which is pass-through funding to provide the youth with help in preparing for employment by obtaining a GED, filling out job applications, and writing a resume. Under the funding stream we are required to hire an outside entity to provide the service and CAPTAIN happens to be the

organization that is doing it. The contract amount of \$45,000 is unchanged from last year's contract amount.

The fourth item is a resolution to approve the Investment Workforce budget which has already received the approval of the 38 member board, which is made up of representatives from Warren, Washington and Saratoga Counties. This budget must be approved to support the office of the WIB director, which is a required position under the funding. The total budget for the upcoming year is \$90,902 which is close to last year's budget of \$91,162.

The fifth item is the approval of a contract renewal with J.J. Young to continue to provide the intensive training services as well as the administrative services to the WIB board. Under the Workforce Investment Act, the counties are prohibited from providing these services directly, as well as handling the other program responsibilities. Approval is needed of this contract in the amount of \$90,902 prior to the resolution approving the WIB budget.

A motion was made by Mr. Rowland, seconded by Mr. Sausville to approve to above resolutions unanimously.

CHAIRMAN'S ITEM

- **Appointing Charles Marshall to fill a vacancy on the Saratoga County Sewer Commission.**

Mr. Hellwig said this item is to fill a vacancy on the Saratoga County Sewer Commission by Charles Marshall that was created when Saratoga Springs Commissioner, Peter Crowell's term expired at the end of last year. The appointment is for a three year term beginning January 1, 2012 and ending in December 2015.

LAW AND FINANCE

- **Authorizing the Saratoga County Sewer District to initiate eminent domain proceedings seeking fee and easement interests on portions of real property located in the City of Saratoga Springs.**

Mr. Hellwig said this resolution is for authorization for the Sewer District to initiate eminent domain proceedings on a real property parcel that contains one of the district's nine pump stations that are located on Saratoga Lake. This district is in the process of upgrading the system and assorted pump stations. They have discovered that the property associated with this particular pump station was not properly acquired as part of the original construction in 1983. It was done due to the reluctance of a property owner to cooperate under a temporary permit. At this point, since there are improvements that are planned for, the district needs to go back on the parcel and complete design work. The district is also currently soliciting bids from appraisal companies to determine a fair market value for the portions of the property that they will be required to access.

On a motion made by Ms. Daly, seconded by Mrs. Wormuth the above resolution was approved unanimously.

Mr. Grattidge said the monthly budget report was issued after May 1st and captured the reports spending up to date through April. He said on the expenditure report everything seems to be right where we want it to be and the total expenditure up through the first four months is 25%, which was slightly better than anticipated.

Mr. Grattidge said the sales tax report that was issued during the month of April showed an increase overall from year to year that was higher than anticipated.

On a motion made by Mrs. Wormuth, seconded by Mr. Rowland the meeting was adjourned to Executive Session for the purpose of Contractual Issues. Unanimous.

On a motion made by Mr. Wright, seconded by Mr. Rowland the meeting was re-opened to regular session.

No action was taken.

On a motion made by Mr. Rowland, seconded by Mr. Wright the meeting was adjourned.

Respectfully submitted,
Chris Sansom