

Law and Finance Committee Minutes
May 15, 2013 -4:00 p.m.

Present: Chairman Sausville; Supervisors Daly, Rowland, Wood, Veitch, Wright, Yepsen, Jenkins, Hargrave, Lucia, Collyer, Lawler, Southworth, Grattidge, A. Johnson, Raymond and M. Johnson; Spencer Hellwig, Administrator; Paul Lent, Emergency Services; Robert Hartman, Marcy McNamara, Jack Kalinkewicz, Personnel; Oscar Schreiber, Public Defender; Sam Pitcherelle, George Martin, Treasurer; Lisa Scaccia, Employment and Training; Ryan Moore, Mgmt. Analyst; Keith Manz, Public Works; Diane Brown, Maplewood Manor; Brian O'Conor, Auditor; Hans Lehr, Mental Health; Chad Cooke, Sewer District; Wes Carr, Youth Bureau; Steven Bayle, Probation; Jay Girvin, Steven Dorsey, County Attorney; Press.

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

On a motion made by Mr. Wood, seconded by Mr. Rowland the minutes of the April 10, 2013 meeting were approved unanimously.

BUILDINGS AND GROUNDS

- **Authorizing the Chairman to enter into agreements with GCI Buildings Services and Shamrock Engineering for the load analysis and construction of a new building canopy at the main entrance of Maplewood Manor for a cost not to exceed \$23,900 and amending the budget thereto.**
- **Authorizing the renewal of a lease agreement with the New York State Department of Labor (NYSDOL) for office space in the County Services Building at a cost of \$13 per sq. ft. for a term beginning July 1, 2013 and ending June 30, 2018 with an option to renew for five additional years.**
- **Authorizing an amendment to the agreement with Guth DeConzo Consulting Engineers, PC to provide professional services for selling the de-commissioned co-generation plant engines at Maplewood Manor at a cost not to exceed \$8,000.**
- **Amending Resolutions No. 207-12 and No. 256-12 to revise the base rental amount in months 1-38 of the authorized lease agreement to account for costs associated with revisions to the construction floor plan of the new Mental Health Clinic.**
- **Amending the 2013 Adopted Budget to transfer \$50,000 from the contingency account into a capital expense account to provide funding for incidental and unanticipated County costs occurring during the construction phase of the new Mental Health Clinic.**

Mr. Hellwig said the first item is for two agreements that need to be authorized, which include a construction contract with GCI Building Services and an engineering contract with Shamrock

Engineering to complete the work that is necessary for the construction of the new awning over the main entrance at Maplewood Manor. This canopy is being put up to replace one that was destroyed several years ago during a thunderstorm. It is being covered through donations that have been made over the past several years.

The second item is with the NYS Department of Labor where they currently lease 429 sq. ft. of office space in the county services building. They would like to renew the lease for an additional five years with an option to renew for five years beyond that. The current lease rate of \$8.50 will be raised to \$13 for the renewed agreement.

The third item is a contract amendment for Guth DeConzo which is work that is necessary to develop an RFP and administer the bid process along with providing some technical guidance with how to remove Maplewood Manor's co-generation plant engines which have been decommissioned. We are now purchasing electricity from National Grid and hoping to recapture some salvage value for the equipment that is no longer needed.

The fourth item is a result of modifications that have been requested by the Mental Health Department to the floor plans in the new Mental Health Clinic. An amendment to the lease agreement is needed for the space to cover the costs of adding two bathrooms and two safe rooms to provide a more secure setting for billing and clinical work with certain clients. The additional costs to the county for these rooms will be \$20,000 and can be spread out over the first 38 months of the lease, which is approximately an additional \$500 per month.

The final item is also related to the Mental Health Clinic. When the county approves a Capital Project, it allows for a change order committee to approve changes for items that were not anticipated in the original project approval. In the case of the Mental Health Clinic there are items that are being identified as they near construction such as insulation, special doors and locks, security equipment, and communications equipment. Those modifications do require approval by the county on an ongoing basis; therefore, the Building and Grounds committee is asking for authorization to setup a change order committee and to provide funding up to \$50,000 to cover costs that they see as appropriate as the project moves along.

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

VETERANS

- **Requesting enactment of S.3781-A/A.6452-A to designate the portion of Rt. 4 from Schuylerville to Waterford as the "Saratoga County Veterans' Memorial Highway."**

Mr. Hellwig said the Board already passed this resolution once which is supporting the designation of a route which begins in Schuylerville and ends in Waterford as the Saratoga County Veterans' Memorial Highway. Now that the State Senate and Assembly bill numbers

have been assigned to the resolution, the Board needs to reauthorize the resolution so the State can act upon it.

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

PERSONNEL

- **Amending the 2013 Compensation Plan to abolish (1) position of Medical Secretary and create (1) position of Senior Typist in Public Health Nursing Services and abolish (1) position of Dietary Clerk and create (1) position of Dietetic Technician in Maplewood Manor**
- **Approving the 2011-2014 contract with the Saratoga County Deputy Sheriff Benevolent Association and amending the 2013 Adopted Budget.**

Mr. Hellwig said the first item is an amendment to the compensation schedule. The first recommendation is the abolishment of a vacant Medical Secretary and the creation of a Senior Typist in the Public Health Nursing Department. This recommendation was based on a recent review of current duties and will result in a savings of \$2,050. The second change would be the abolishment of a vacant dietary clerk position who recently resigned, and the creation of a dietetic technician which would give Maplewood Manor greater flexibility in managing the nutritional planning of the facility residents. The additional cost will be an increase of \$7,042; however, it can be absorbed within the existing budget.

The second item is the ratification of the collective bargaining agreement for the Deputy Sheriff's Benevolent Association who represents the correction officers, desk officers, clerks and cooks at the County Correctional Facility. The terms that were agreed upon during the mediation process included a minimum of 20 years of service to retire with health benefits and that all employees hired prior to 1998 and not currently contributing toward their health insurance premium would start on January 1, 2014 making a contribution. In terms of the cost of living adjustments, the agreement included increases for each of the four contracted years. In 2011 there will be a \$600 off base payment; in 2012 there will be a 1.5% cost of living adjustment; 2013 1.75% and 2014 2%. The budget impact of this agreement will result in an additional \$334,000 to cover the contract costs through the end of 2013. There will be a re-appropriation of the fund balance to cover this; however, there is a \$500,000 rebate through the Hudson River/Black River Regulating District's settlement that will offset the cost of moving money out of the fund balance.

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

PUBLIC SAFETY

- **Approving the County's Alternatives to Incarceration (ATI) Performance Based Services Plan and authorizing acceptance of State grants in the amounts of \$10,128 for the Community Work Order Program and \$16,827 for the Pre-Trial Services Program for the period beginning July 1, 2013 and ending June 30, 2014.**
- **Authorizing the Chairman to accept an Aid to Defense grant in the Public Defender's Office in the amount of \$15,500.**
- **Authorizing the Chairman to enter into a five-year maintenance agreement with Motorola to provide on-site response, repair and replacement services relative to the County's public safety radio infrastructure at a cost of \$282,032 with annual increases after year one not to exceed 3% per year.**

Mr. Hellwig said the first resolution is for authorization to enter into a contract with DCJS (Division of Criminal Justice Services) to accept two State grants that cover the costs associated with the pre-trial release program which is run through the Probation Department, and the Community Work Order Program which is run through the Employment and Training Administration. The funding under these grants totals \$26,955, which is the same amount that was received last year.

The second item is an Aid to Defense Grant from the State for the Public Defender's Office that is used to offset a portion of the costs associated with handling violent felony cases by the Public Defender's office. The \$15,500 is also the same level of funding that was received last year.

The final item is a two year warranty on the new Public Radio System which is set to expire at the end of the month. This resolution is necessary to authorize a new maintenance contract to provide diagnostic services, repair services and response services that are necessary to maintain the system. The contract is for the next five years. There is currently \$140,000 budgeted, which is enough to cover the portion of the contract that will begin June 1, 2013.

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

SOCIAL PROGRAMS

- **Amending Resolution 325 of 1982, as amended by Resolution 83 of 2003, to allow payments to the NYS DOH for Early Intervention Program expenditures without claimant certification.**
- **Approving the Workforce Investment Board budget for program year 2013 for \$94,900 and authorizing agreements with Warren and Washington Counties to fund WIB services.**

- **Authorizing a contract with J.J. Young, LLC to provide administrative services for the Workforce Investment Board.**

Mr. Hellwig said with the State taking over the Early Intervention Program the service providers now contract directly with the State instead of the County and the State has a fiscal agent who is now responsible for paying the vendors directly. The end result is that the county must front the money to the State through an escrow account, and the Department of Health will be acting as the vendor that the County is doing business with. The Department of Health has refused to use the County's voucher system for the bi-weekly payments that have to be made to subsidize the escrow account. The County Auditor will now have to process the vouchers that lack a vendor certification from the State and rely on the Department Certification, which will be filled out by the Youth Bureau Director to reflect that he has reviewed the bi-weekly payments. Mr. Hellwig asked if the auditing process of the specific claims is still in the process of being worked out. Mr. Carr said, yes, they are looking at quarterly reconciliation.

The second item is a resolution to approve the Workforce Investment Board budget which has already received the approval of the 38 member WIB Board made up of representatives from Warren, Washington and Saratoga County. This budget must be approved to support the Office of the WIB Director, which is a required position of the program. The program budget for this renewal is up about \$4,000 from last year's funding, which is an increase of approximately 4%.

The final item is the approval of a contract with J. J. Young to continue to provide some core and intensive job training services to clients as well as administrative services to the WIB Board. Under the Workforce Investment Act, counties are prohibited from providing services directly, so this is the reason why the county contracts with J.J. Young to handle this portion of the WIB Board's responsibilities.

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

PUBLIC WORKS

- **Authorizing the Chairman to enter into a supplemental agreement with the NYSDOT to accept funding for additional design services necessary for the replacement of Central Avenue (Route 4) over the Anthony Kill Bridge in the City of Mechanicville.**
- **Authorizing the Chairman to enter into an amended agreement with Greenman Pederson, Inc. in the amount of \$114,610 for additional design services necessary for the replacement of Central Avenue (Route 4) over the Anthony Kill Bridge in the City of Mechanicville and amending the budget in relation thereto.**

Mr. Hellwig said the first item is to accept some additional State funding to cover the costs of out of scope design work for the replacement of the Anthony Kill Bridge in Mechanicville. The

total costs for these services are projected to be \$114,610 and the County's share will be \$5,730 and is available within the current budget.

The second item is the amendment to the contract with Greenman Pedersen to perform the out of scope services that were funded by the previous resolution. There are a number of activities that are required by the State in some cases, as well as addressing some unforeseen design phase work, utility coordination and addressing any soil contamination issues that may arise during the work.

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

CHAIRMAN'S APPOINTMENT

- **Reappointing Tom Lewis to the Saratoga County Planning Board from 6/1/13 – 5/31/2018.**

LAW AND FINANCE

- **Designating BDP Industries' gravity thickening belt as the standard to be used in contracts dealing with the replacement of gravity thickening belts at the Sewer District Plant for reasons of efficiency and economy.**

Mr. Hellwig said the Sewer Commission has decided to name BDP Industries, with their equipment, gravity belt and thickeners as the Standard to be used at the treatment plant to improve efficiency.

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

- **Authorizing the Chairman to enter into an agreement with BDP Industries for the pre-purchase of two (2) gravity belt thickeners at a cost of \$365,000 and amending the budget in relation thereto.**

Mr. Hellwig said as part of the Sewer Commissions Capital Project upgrade to the sludge thickening equipment that is in connection with a resolution that was just approved, BDP Industries is the sole source for these thickeners. The Commissioner is recommending the pre-purchase of two gravity belt thickeners in an amount of \$365,000. The purpose of the pre purchase and the recommendation from Delaware Engineering is because there was a long fabrication process that is required and they want to have the equipment ready when that phase of the construction and upgrade begins in the fall. As this money is not in the budget, it will require an appropriation of fund balance from the Sewer District fund to cover the cost.

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

Mr. Sausville requested a motion to go into Executive Session for the purpose of Personnel.

On a motion made by Mr. Wood, seconded by Mr. Veitch, the meeting adjourned to Executive Session for the purpose of Personnel. Unanimous.

On a motion made by Ms. Daly, seconded by Mr. Rowland the meeting opened to Regular Session. Unanimous.

Mr. Kalinkewicz said the search committee interviewed two candidates for the position of Public Defender. During the interviews certain criteria that was set forth by the Chairman was explained in terms of the background of the candidates. Mr. Schreiber, in his interview hit on all the points and came out as the recommendation from the Search Committee to the Personnel Committee for the position of Public Defender.

Mr. Sausville said that Mr. Schreiber has been with the county for twenty four years.

A motion was made by Mr. Rowland, seconded by Mr. Veitch to approve the appointment of Mr. Schreiber to the position of Public Defender. Unanimous.

Mr. Hellwig gave a brief overview of the budget report and distributed copies to all committee members for their review. He said the first section contains the final year end expense and revenue totals for the seven county operating funds along with a summary of each associated fund. At this time last year \$7.2 million was appropriated from the \$14.1 million fund balance to balance the 2012 budget. He said the county actually used \$3.5 million of fund balance and finished the year with \$10.6 million in un-appropriated fund balance. That is \$3.7 million higher than the \$6.9 million that we would have had had we used the entire \$7.2 million. At this time \$2.8 million of the \$10.6 million had been appropriated to balance the 2013 budget. The current unappropriated fund balance for Maplewood Manor is \$7.6 million which will allow the county to avoid most of the need to borrow the \$6 million in bond proceeds that was placed in the 2013 adopted budget as a revenue source for Maplewood Manor. There were two developments that led to the current un-appropriated fund balance in Maplewood and both "events" occurred after the budget was adopted last year and is ultimately the reason why the bonding option was followed as opposed to approaching fund balance. The first was an IGT payment of \$4.7 million and the second was a legal decision which resulted in the return of \$1.3 million in Medicaid payments that were taken away by the Office of the Medicaid Inspector General who challenged the Medicaid rate formula. Initially the capital costs associated with the co-generation plant were not eligible to be factored in. Ultimately the Hearing Officer ruled they were, so the total of those events was \$6 million, and the remaining \$1.6 million was a function of managing the operating budgets. It is important to note that the facility is essentially bankrupt from an accounting perspective and will continue to operate at a loss even though this will provide some relief in having these unanticipated revenues.

Mr. Hellwig said that \$2.8 million of fund balance was initially appropriated in the budget and is now projected to drop by about \$300,000 to \$2.5 million. There are dozens of other positive and negative expense variances combined that have led to the projected reduction in the fund balance. In terms of revenue variances, is the \$500,000 refund from the Hudson River Black River regulating district that was a result of a settlement reached by the County Attorney and the other county Attorney's representing the counties affected or required to now subsidize the operation. In all the positive variances on the revenue side, with \$724,000 on the expense side there will be approximately \$409,000 in negative expenses resulting in a \$315,000 drop and need for fund balance for 2013.

Mr. Hellwig said, while the report does show that right now things appear to be relatively stable, it is very preliminary because it is only based on three months of data. Ultimately, the goal is to, at the very least, get up to the \$25 million fund balance number that is recommended by the Comptroller's Office and is really the minimum that the county should have in the bank to deal with unforeseen spikes in operating costs.

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

Respectfully submitted,
Chris Sansom