

Law and Finance Budget Hearing

November 12, 2020 – 4:45 p.m.

Present: Chairman Daniel Pemrick; Committee members Ed Kinowski, Todd Kusnierz, Jonathan Schopf, Kevin Tollisen, Sandra Winney, Mo Wright; Supervisors Phil Barrett, Eric Connolly, Tara Gaston, John Lant, Jack Lawler, Darren O'Connor, Bill Peck, Jean Raymond, Tom Richardson, Mike Smith, Matt Veitch, Tom Wood, Benny Zlotnick and Chairman of the Board Preston Allen; Spencer Hellwig, Chad Cooke, Brian O'Connor, Matt Rose, County Administrator; Steve Dorsey, County Attorney; Penny Heritage, Animal Shelter; Chris Schall, Auditor; Craig Hayner, County Clerk; Karen Heggen, District Attorney; Jennifer McCloskey, Employment & Training; Marcy McNamara, Adam Kinowski, Stephanie Monaco, Human Resources; Eileen Bennett, Information Technology; John Warnt, Purchasing; Anna Stanko, Real Property; Dan Rourke, Sewer; Rick Castle, Sheriff.

Chairman Pemrick called the meeting to order.

The Clerk of the Board read the rules for the hearing which are attached to these minutes.

On a motion by Ms. Winney seconded by Mr. Wright the rules for the hearing were unanimously approved.

Mr. Kusnierz asked how the rules differ from last year. Mr. Hellwig said there was no change.

Mr. Hellwig said that the Tentative Budget, the Executive Summary, the Capital Plan contain a much more detailed overview of the budget than he will provide this afternoon. He will give a brief budget summary before the Committee considers the amendments that will be brought to them today for consideration. The total appropriations in the budget for all funds for 2021 is \$340.1M. The general fund expenses are down by 1.32% over the 2020 amended budget. The largest source of revenue will continue to be Sales Tax, which is budgeted at \$127M. The second largest revenue source comes from Property Tax and we will continue to have one of the lowest rates in the entire State. Under the 2021 Tentative Budget, the levy will generate \$65M in revenue. Total unfunded mandates next year; the gross cost is \$103.8M, the net cost after taking out the state aid will be \$65.9M, which means all of the property taxes collected next year will be used to cover those mandates. In addition, we will need another \$925,000 from the sales tax collections to make up the shortfall. Highway fund budget is essentially unchanged from 2020. The equipment fund will be decreased by 16% to \$4.5M, that is due to in large part to reductions in Capital equipment costs. Interfund transfer from the General Fund, which covers the revenue shortfalls in those outside funds, will drop from \$19.3M to \$18.9M. The County's three self-supported funds, which includes Job Training, the Sewer, and the Worker's Comp/Self Insurance Pool, are budgeted respectively at \$1.2M, \$25.5M and \$4.8M. Mr. Hellwig noted that spending in the Workers' Compensation budget is down by over \$400,000 or 8%, and commended the HR Department for the management of this fund. The total Capital costs will be \$16M gross cost next year, with a net cost of \$4.3M.

A spreadsheet presentation was displayed on the screens in the Board Room and a handout distributed to Board members. The handout is attached to these minutes. Ms. McNamara gave an overview of the presentation and handout. There were 12 departments requesting positions for 2021. The handout lists the positions and recommendations from the Sub-Committee. The net cost by department includes salary and fringe costs.

Mr. Schopf asked Ms. McNamara to break out the individual salaries for each of the Departments that have multiple positions.

The following numbers include salary and fringe:

Animal Shelter - Senior Animal Shelter Aid - \$68,570

Animal Shelter - Animal Shelter Aid - \$61,310

District Attorney – Senior Typist - \$63,298

District Attorney – Paralegal - \$83,176

District Attorney – Assistant District Attorney - \$144,848

District Attorney – On Call Pay - \$53,600

Information Technology – Confidential Secretary - \$74,745

Information Technology – Deputy Director of Information Technology - \$1,938

Public Works – Cleaner - \$65,639 x 2 = \$131,278

Mr. Kusnierz asked who comprised of the subcommittee and what the process is. Do the Department heads go before the subcommittee members and discuss their requests and then the subcommittee alone determine the recommendations? Mr. Peck said it was a subcommittee of the HR Committee. The subcommittee was Chairman of HR Committee Tom Wood, Mr. Peck and Ms. Winney. Departments complete their requests via long form with all of their reasoning behind it, and submit them to HR subcommittee. The subcommittee reviews each request. Some years the Department Heads are brought in to discuss their requests. This year the Department Heads, knowing the financial situation, were only coming in with requests they thought they really needed. In past years, you will see more denials. This year, after going through their requests and the reasoning behind it, the subcommittee are recommending most of the requests with some changes. Changes include the cleaner part time for the Animal Shelter, that was taken out and put under Buildings & Grounds where the other cleaner positions are. The subcommittee had three meetings to review all the items and came to these recommendations.

Ms. McNamara said the subcommittee is given a large binder with each of the Department Heads' exact requests. Mr. Peck said some years depending on the volume of requests, Department Heads have been brought in to discuss further. This year, there wasn't the volume.

Mr. Peck said one item was put as a separate item. There had been discussions regarding a full time Public Relations position for the County. Mr. Peck directed HR to list this as a separate item for the Board to consider. There would be savings from the contract with the outside firm the County currently has for these services. The Public Relations position would be a separate department of one. He said it was there for Law & Finance and the full Board to consider as it has been brought up on several occasions.

Ms. Gaston asked for clarification on the Assistant Public Defender. It is marked as zero and asked how that is. Ms. McNamara said it does not have a County budget impact because the State is reimbursing it. Mr. Peck it is all part of the ILS funding program. Ms. Gaston said that was fine. She was just making sure that zero dollars was accurate.

Mr. Lawler had two questions regarding the public relations position. Mr. Lawler asked if the existing contract with Gramercy is cancelled and asked how much the contract was. Mr. Hellwig said the contract is \$48,000. Mr. Lawler asked if the \$130,000 figure was net of that contract. Mr. Hellwig said no. Mr. Lawler said that in terms of impact to the budget, it would be \$48,000 less than the \$130,000. Mr. Hellwig said correct. Mr. Lawler asked how the salary for this position was determined. Ms. McNamara said it is a civil service title and the position would be competitive. Mr. Lawler asked if Director of Public Relations is a civil service job. Ms. McNamara said that it was, and is responsible for planning, coordinating and controlling public information in relation activities for the County. Mr. Lawler asked if the salary was given to the County by civil service. Ms. McNamara said civil service did not provide the salary. She looked at the qualifications for this type of position, and linked it to the grade that was associated with the Saratoga County metrics. Mr. Lawler asked if other Counties were canvassed to see what they were paying. Ms. McNamara said other Counties were canvassed and the salaries ranged depending on the duties required. She said it was created at a high level Grade 17 and added it can be any salary or grade that the Board feels is suited. Mr. Tollisen asked if there was something he was missing. Is Gramercy not doing what was being asked of them, or is this just a creation of a new position. Mr. Tollisen said that if they are doing what they are supposed to be doing at \$48,000, it seems like a lot of money to spend on a position. Mr. Peck said as a member of the subcommittee, it was brought to their attention that some individuals were interested in creating such a position. This is a position that has been talked about several years ago. Mr. Peck said he is still unsure if it is the right thing to do or not. Mr. Peck said that Gramercy is paid a contract rate, and perhaps that is fine. It was put on the spreadsheet for discussion purposes. Mr. Peck said that this could give more access to individual Supervisors to a County Public Relations person to assist not only the County but also to Supervisors in their individual Towns.

Mr. Pemrick asked if the Law & Finance Committee wanted to leave this position in and advance it forward for further discussion. Mr. Peck said when we look at the numbers on the spreadsheet distributed by HR, the numbers look rather large. Mr. Peck said that the salaries include the fringe benefits such as health insurance, etc. Fringe benefits are calculated at 60% of the base salary.

Mr. Schopf asked what the difference was between the total proposed budget and when we hit the tax cap? Mr. Hellwig asked if he meant based on approving these recommendations. Mr. Schopf said based upon the proposed tentative budget, how close are we to the cap in dollars. Mr. Hellwig said we are at the cap. Any increase in the budget, and staying under the cap would require an appropriation of fund balance.

Mr. Kusnierz questioned the District Attorney's item to provide for after hour pay, which was not recommended by the sub-committee. Mr. Kusnierz asked if someone could explain the thought process as to why that was recommended as a no. Mr. Peck said the issue came up because under the Public Defender's Office, the Indigent Legal Services Program, currently gives on call pay to be on call. The District Attorney's Office was looking for similar on call pay. The Public

Defender's Office on call pay is paid for by the State. Mr. Peck said that in speaking with both Public Defenders office and District Attorney, centralized arraignment is expected to be in place by springtime, which will then eliminate the on call pay the Public Defenders get. Mr. Kusnierz said additionally if we are going to move forward with centralized arraignment, has the DA's position on this changed or does she still feel that's something that should be accommodated in her office? Mr. Schopf said he would like to hear from the District Attorney on this.

Ms. Heggen said her office provides 24/7 on call access to law enforcement and have done so for the last twenty years without any additional pay. When the Public Defender's Office started being afforded the opportunity to be paid for an on call amount, she brought it forward as an issue of fairness to all the attorneys in her office that answer calls on a rotating basis. All full time Assistant District Attorney's rotate calls on a weekly basis. The centralized arraignment will eliminate some, but she honestly doesn't know if her office will have any more on call because there will still be situations where people will have to be arraigned at off hours. Ms. Heggen said that Hurrell-Harring will still require Counsel at first arraignment. Ms. Heggen said she does not know the mechanisms on how that pay will come forth subsequently, but her ADA's will always be on call for law enforcement and for the local justices as they arraign people, whether there is centralized arraignment or not. Mr. Kusnierz said that to follow up they were told the budget impact if it was included in the budget would be \$53,600 and asked if that was accurate. Mr. Pemrick said that was the number that was given. Mr. Kusnierz said based on what he just heard from the District Attorney it could potentially be less than that as a result of centralized arraignment. He asked if that was accurate. Mr. Peck said he didn't think that was so. Mr. Peck said if we did this there would be someone on call. The question is even with centralized arraignment, on call pay would come either way. Ms. Heggen said that was her request; that on call pay would exist no matter what. Ms. Heggen said that the calls are not just related to arraignment proceedings in justice courts, they are also dealing with the on the ground situations that law enforcement are dealing with as they occur 24/7, in order to provide assistance and support to law enforcement in the County. Mr. Schopf asked if on call pay was only paid when the person is on call. Ms. Heggen said that was her request. Ms. Heggen said that she had asked that it be comparable in the amount that the Public Defender's Office is currently being paid for on call. Mr. Schopf confirmed with Ms. Heggen that she was not creating a position, this was just on call funding. Mr. Peck said the on call pay funded through the State through ILS is substantial. Mr. Kusnierz asked Ms. Heggen if the County having such a program in place would be viewed as a retention tool for her office. Ms. Heggen said not just retention but morale. Ms. Heggen said that as a result of the fact that up until this point when the Public Defenders were being paid for being on call, this County had all three offices of attorneys being paid the same amount. Since the Public Defender's office has been receiving this funding, there is a disparity in terms of that dollar figure.

Mr. Lawler asked Ms. Heggen if someone is on call, if they are paid whether or not they actually do anything, if they are paid just because they are on call, or are they only paid if they have to take a telephone call or they have to drive to a crime scene for example. Mr. Lawler asked if they are paid just because they are on call even if nobody calls them. Ms. Heggen said in her understanding is that there is a separation of that as it relates to what is done in the Public Defender's Office. Ms. Heggen said that she can give what she understands but doesn't want to misstate. As she understands it, there is a flat rate for there to be an on call person, on behalf of the defendant, at any point in time off hours, and that dollar amount is set by a week day or weekend amount. If they have to go out they were paid through a separate 18B fund for the time they spent when they

go to the arraignment. Mr. Lawler said he knew the Public Defender issue came through Public Safety, and he remembers that conversation about compensating people for just being on call, just because their name is on a roster, even if nobody calls them for that day. Then if they are called there is an entirely different compensation model. Mr. Lawler asked Ms. Heggen if the Assistant District Attorneys are currently paid if they are called out, to get in the car and go somewhere. Ms. Heggen said no. Mr. Lawler asked if that just comes as part of the job. Ms. Heggen said correct. Mr. Lawler said this request would pay people simply because it's their turn to be on call, even if nobody calls them. Ms. Heggen said correct. Mr. Peck said he spoke with Mr. Blumenberg, Public Defender, regarding centralized arraignments. Mr. Peck said that Mr. Blumenberg indicated he believes there will not be any more on call for the Public Defender's Office, and his discussions with the Office of Court Administration was that centralized arraignments may be online in March or April. This was part of the reason the request was not recommended.

Ms. Gaston asked if there was a reason the PR Director position was suggested as a department versus a position within a department that already exists. Mr. Peck said that years ago there were discussions that a public relations position would be part of the Administrator's Office. Mr. Peck said that it was unsure if that was the correct place for the position. If people wanted it and wanted access for County public relations and individual towns to use, they thought it would be best suited as its own individual department, so then there would be no sense of control over that, per se. Ms. Gaston confirmed that all department heads report to the Administrator anyhow. Mr. Peck said yes. She said that's fine. She just wonders why it would be its own department of one, and not under the Board of Supervisors reporting to the Board of Supervisors as a whole. Ms. Gaston said that the concept of a one person department seems strange to her. Mr. Peck said it was really put on there for discussion and there is no strong sense. Ms. Gaston asked Ms. McNamara that when the full board discusses the position, to inform them if there were any pros or cons to doing a department vs. doing any particular existing line.

Mr. Pemrick asked the Law & Finance Committee members, considering the conversations with the District Attorney and Mr. Peck's information, if the committee needed more information on that issue or if the committee ready to make a recommendation.

Mr. Schopf said he had one more question for the District Attorney. Mr. Schopf said looking at the budget, the DA was budgeted \$4.8M in 2020 and the actual expenses are about \$3.6M to date, and asked if that was due to the shut down and the pandemic. Ms. Heggen said a portion of it is, and there has only been one trial at the felony level since March 20th, so she has not had to deal with expert testimony costs and all of the costs associated with trials. Ms. Heggen said they are starting to pick up now and anticipate a rather robust trial season next year because of the pause in court proceedings. Mr. Schopf said he was looking at the expert witness line in the budget. For 2020 it was budgeted for \$25,000, only \$1,700 was expended. This year, the department request was \$30,000 and the budget for 2021 is \$10,000. Mr. Schopf asked if \$10K was enough. Ms. Heggen said she wished she had a crystal ball. Ms. Heggen said a trial is what it is, and the amount may potentially create a challenge. Ms. Heggen said she has a lot of faith in the men and women that work in her office that the amount of cases they resolve versus the ones that they try is quite significant. That will continue to be her philosophy as she works forward into 2021.

Mr. Pemrick asked if there was a recommendation from the Law & Finance Committee. Mr. Wright said he would recommend keeping the Public Relations position separate and let that be discussed at the full Board. Let Law & Finance just talk about and vote on the original personnel requests. It seems there is quite a lot more discussion to be had with the Public Relations Director that could be better answered Monday through the full board. Mr. Pemrick asked Mr. Wright if he was recommending the position of public relations director be kept separate and move all the other recommendations. Ms. Winney seconded that and said she agreed with Mr. Wright. She is not in favor of the Public Relations Director. Mr. Schopf suggested voting on the public relations and then move on to all the others. Mr. Schopf said following up on Supervisor Wright's motion that we table the Public Relations Director for the full Board meeting. Mr. Kusnierz seconded the motion. Mr. Pemrick said there are now two motions and asked if Mr. Wright wanted to withdraw his motion. Mr. Wright said he made a motion to approve the original personnel requests without the Public Relations Director.

Mr. Kusnierz asked if the positions being recommended, which essentially amount to over \$1M in payroll and benefits, are included in the Tentative Budget. Mr. Hellwig said no. Mr. Kusnierz said then we would be adding to the budget. Mr. Hellwig said anything that comes out of this Committee and the Workshop ultimately becomes a resolution to amend the Tentative Budget. That resolution with all those specific changes, in terms of the individual accounts, is attached to the tentative budget and those two documents essentially, when approved by the Board, become the adopted budget. Mr. Kusnierz said for clarification, that these positions would be funded through the fund balance unless we cut parts of the tentative. Mr. Hellwig said yes, any state or federal revenues have been factored in to these totals.

A motion was made by Mr. Wright, seconded by Ms. Winney, to approve the original personnel requests without the Public Relations Director. The motion passed. Mr. Schopf voted no.

Mr. Kusnierz said he wanted the record to reflect that his yes vote is so that the full Board will weigh in on that part of the budget.

Mr. Barrett said he has a couple general questions about the budget. Mr. Barrett asked that if this information is not known off hand, that the answers be sent them to them in quick order. Mr. Barrett asked what the increase was in the levy year over year. Mr. Hellwig said \$2M. Mr. Barrett asked how the sales tax projections played out year over year. Mr. Hellwig said 2018 there was a 4% increase, 2019 up 4.6%, this year obviously is an anomaly, \$127M is about 2.3% below the actual sales tax receipts for 2019. Mr. Barrett asked what the fund balance was currently. Mr. Hellwig said if we were to use what was actually appropriated this year approximately \$27M. Mr. Barrett asked when the projections for bed tax revenues were made year over year, obviously this year it's down roughly 70% year over year. Mr. Barrett said that they just heard earlier today from the Chamber, the fall season is usually pretty strong, not the strongest part of the year, but strong with large meetings, and people coming into Saratoga and other parts of the County. Mr. Barrett said we are not going to have that. Mr. Barrett said that the Chamber stated going into the first quarter it's looking pretty bleak, so what was the thinking around that projection for 2021. Mr. Barrett said that he didn't think he had it where it was back before COVID, but it was not too far away from that number if he remembered correctly. Mr. Hellwig said part of that was a result of

conversations with the Chamber and a bigger part of it was the assumption that a vaccine would be in place. Some of the challenges being dealt with now won't exist next year, during peak season when most of this is collected. Mr. Barret said that it's a pretty positive outlook for the hotel tax, and that we didn't hear that today from the Chamber.

Mr. Wright asked if anything needed to be done with the separate recommendation, the Public Relations Director, if a motion was needed to table that, or just pick it up for discussion it Monday. Mr. Pemrick said it will be placed on the agenda for Monday.

On a motion by Mr. Wright, seconded by Ms. Winney the meeting was unanimously adjourned.

Respectfully submitted,
Therese Connolly
Deputy Clerk of the Board

RULES FOR APPROVING AMENDMENTS TO THE 2021 BUDGET

1. The Law and Finance committee will review all requests for budget amendments during this hearing, and will not vote on any amendments until all presentations have been made.
2. Each member of the Law and Finance Committee and the Chairman of the Board shall have one vote. For an amendment to the budget to be approved, it must receive the affirmative vote of at least four committee members and win a majority of the members voting. Members may not cast a vote unless they were present for the discussion or have reviewed a transcript of the proceedings. If a member was present for the discussion but is unable to stay for the actual vote, he or she may leave a sealed vote to be cast by the Chairman.
3. The Tentative budget, along with the amendments approved at the Law and Finance hearing(s), will be presented to the full Board of Supervisors at their Budget Workshop meeting on November 16th at 3:00 P.M. Any changes to that document will require action by a majority of the weighted vote of the entire Board (109,804 votes).
4. The 2021 Tentative Budget, as amended at the Monday Workshop and the Law and Finance Hearings, will be presented to the public at a public hearing on December 2nd at 4:30 P.M. in the County Board room.

2021 Proposed Personnel Budget Actions

Department	Requested Position/s Amended	Comments	Sub-Committee Approval Status	Sub-Committee Modifications	Net Cost by Department
Animal Shelter	(Create) (1) Senior Animal Shelter Aide		Recommended		
	(Create) (1) Animal Shelter Aide		Recommended		
	(Create) (1) Cleaner, PT		Recommended as Modified	Position will be under the Department of Public Works	\$129,881.00
Clerk of the Board	(Reclassify) (1) County Historian p/t to (1) County Historian, FT, Grade 10	*cost will be offset by vacated part-time position	Recommended		\$37,764.00
County Attorney	(Reclassify) (1) Paralegal Specialist to (1) Contract and Grant Administrator, Grade 12		Recommended		\$5,902.00
District Attorney	(Create) (1) Senior Typist		Recommended		
	(Create) (1) Paralegal Specialist		Recommended		
	(Create) (1) Assistant District Attorney		Recommended		
	(Create) On-Call Pay	*Requesting on call pay in line with CAFA at \$100/weekday & \$250/weekend day and holidays ***Cost out for 2021 with 251 weekdays and 114 weekend days and holidays	Not Recommended		\$291,323.00
Emergency Services	(Create) (1) EMS Coordinator, Grade 11, Part Time		Recommended		\$34,075.00
Information Technology	(Create) (1) Confidential Secretary (Conf.), Grade 9		Recommended		
	(Salary Increase) (1) Deputy Director of Information Technology, Grade 15, Step 7B		Recommended		
	(Create) (1) PC Software/Database Technician	*Position being abolished at DPW making it budget neutral	Recommended		\$169,679.00

Public Defender	(Create) (1) Assistant Public Defender		Recommended		\$0.00
Public Health	(Create) (2) Licensed Practical Nurse, Base \$43,745	*Position(s) will be grant funded for 2 years	Recommended		\$139,984.00
Public Works	(Create) (2) Cleaner		Recommended as Modified	One Cleaner will be assigned to the Animal Shelter, PT	
	(Abolish) (1) Laborer		Recommended		
	(Abolish) (1) PC Software/Database Technician		Recommended		\$31,791.00
Real Property	(Create) (1) Real Property Tax Service Assistant		Recommended		\$67,993.00
Sheriffs Department	(Create) (1) Senior Sheriff Investigator, Base \$56,275		Recommended as Modified	(Reclassify) (1) Deputy Sheriff Sergeant to (1) Senior Sheriff Investigator	\$0.00
Treasurer	(Reclassify) (1) Account Clerk Typist, PT to (1) Foreclosure Supervisor, Base \$59,870		Recommended		\$76,797.00
					\$985,189.00
				Miscellaneous Furniture Costs	\$4,275.00
					\$989,464.00
Separate Recommendation					
Public Relations	(Create) (1) Public Relations Director, Grade 17		Recommended		\$130,892.80