

AUDIT & ADMINISTRATION COMMITTEE MEETING
Held In Room 318 of the
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512

Members: Chairwoman Conklin, Legislators Birmingham & LoBue

Monday **November 26, 2012** **6:30 PM**

The meeting was called to order at 6:30 P.M. by Chairwoman Conklin who requested Legislator Birmingham lead in the Pledge of Allegiance. Upon roll call, Legislators Birmingham, LoBue, and Chairwoman Conklin were present.

- Item #3a) Sales Tax Report** was duly noted.
- Item #3b) Board In Revenue Report** was duly noted.
- Item #3c) Transfer/Revenue Report** was duly noted.
- Item #3d) Contingency/Sub-Contingency Report** was duly noted.
- Item #3e) OTB Report** was duly noted.

- Item #4a) Approval/Fund Transfer (12T155)/Corrections Dept/Purchase Computers, Scanners, Printers, etc. (Moved from Audit Mtg 11-13-12 'Other Business')**

Legislator Birmingham made a motion to pre-file the necessary resolution, seconded by Legislator LoBue. All in favor.

- Item #4b) Approval/Fund Transfer (12T353)/Sheriff's Dept/Purchase Vehicle to Replace Deadlined Vehicle (Moved from Audit Mtg 11-13-12 'Other Business')**

Legislator Birmingham asked if this vehicle was specialized for Road Patrol.

Sheriff's Department Fiscal Manager Patricia Butler stated that it is an administrative car. It is a Sheriff's Department car for the Sergeant in the Operations area; he handles drug court visits, emergency services, safety board, etc. and is on call all the time. It will be a four-door sedan with a police vehicle package.

Legislator Oliverio stated that he knows that the Sheriff's Department is in need of this vehicle and many others. For instance, the Student Resource Officer at Putnam Valley High School came to the school recently in the huge truck that they haul the traffic sign around with because her car was getting its brakes done and there was no other car for her to use. Her car has 170,000 miles on it and the backup car already died. The Sheriff's Department fleet is quickly aging.

Legislator Birmingham asked Fiscal Manager Butler what the County does with the cars that are taken out of service.

Fiscal Manager Butler stated that typically the cars are too far gone to sell for scrap. A lot of the time the bodies are rusted out and they will not pass inspection. The Department typically tries to rotate the older cars to the Student Resource Officers because the cars will be in the school parking lots for a majority of the day. She stated that the Department is in such a bind for cars right now that they are trying to push the old cars along but it is just coming to the point that they are too far gone to work anymore.

Legislator Birmingham made a motion to pre-file the necessary resolution, seconded by Legislator LoBue. All in favor.

Item #4c) Approval/Fund Transfer (12T363)/Sheriff's Dept/Shortfall in Gas Chargeback Line, Cover Marine Overtime, FICA Needed, Cover Security Overtime

Legislator Birmingham made a motion to pre-file the necessary resolution, seconded by Legislator LoBue. All in favor.

Item #4d) Approval/Fund Transfer (12T365)/Finance/Cover Special District Attorney Pursuant to Judge Scheinkman's Orders

Legislator Birmingham made a motion to pre-file the necessary resolution, seconded by Legislator LoBue. All in favor.

Item #4e) Approval/Fund Transfer (12T379)/Emergency Services/Cover 911 Dispatcher Overtime & FICA

Legislator Birmingham asked Chief Deputy Commissioner of Finance Anita Gilbert if this was storm related.

Chief Deputy Commissioner Gilbert stated that it can be storm related. Right now, the Finance Department is asking for Departments to pay for it out of their lines and then they will give the Finance Department a final count of it and the Finance Department will charge the money to the FEMA line.

Legislator LoBue made a motion to pre-file the necessary resolution, seconded by Legislator Birmingham. All in favor.

Item #4f) Approval/Fund Transfer (12T383)/Law Dept/Cover Legal Services Invoices for Remainder of 2012

Chairwoman Conklin asked County Attorney Jennifer Bumgarner to give a brief synopsis of this request.

County Attorney Bumgarner stated that she gave the Clerk of the Legislature a full 109 page copy of the litigation table.

Chairwoman Conklin asked where the requested \$25,000.00 is being allocated to.

County Attorney Bumgarner stated that the \$25,000.00 is not being allocated to anything yet. There is no breakdown that she can give for that. It is just what she anticipates that she will need for the remainder of counsel services for the year. The line is at approximately \$9,000.00 right now.

Legislative Counsel Clement Van Ross stated that the full 109 page litigation table document is on file with the Clerk of the Legislature. The Committee has the update, for the most part.

Chairwoman Conklin stated that we did not want to print the 109 pages, 9 times.

County Attorney Bumgarner stated that the 109 page litigation table document gives a clearer picture of the number of cases and the amounts that are spent on those cases in the 12 month period. We are a little over \$100,000 less than what was spent on legal services last year. We budgeted \$250,000 in 2011 and \$250,000 in 2012 for legal services.

Legislator Birmingham asked if we budgeted the same each year and we spent less this year than we did last year then why does this line need more money?

County Attorney Bumgarner stated that we spent more than \$250,000 last year; a total of \$336,295 was spent on legal services last year.

Legislator Birmingham stated that we budgeted \$250,000 for last year and actually spent \$336,295 last year. This year we budgeted \$250,000 and are requesting \$25,000 be added to the line for a total of \$275,000 for this year for legal services.

County Attorney Bumgarner stated that is correct. She further stated that this request plus the \$9,000.00 will give that line approximately \$35,000.00 to pay for December invoices, which we have until March to pay but a lot of times when you say please send your last invoices for the year, there is an influx.

Legislator Birmingham asked if there were specific cases this will be applied to.

County Attorney Bumgarner stated there is not but keep in mind there were negotiations with all three unions this year, which does take a decent amount of the legal services costs.

Legislator LoBue asked if there was an increase in bankruptcies.

County Attorney Bumgarner stated that next month she will get a more accurate number for bankruptcy cases because she looked at the number too and it seemed high and she now believes that might have some of last year's numbers in it as well. They do not bill per case because an individual case we do not have a lot of involvement in other than to preserve our rights as creditors so we keep a general bankruptcy file and every time we get a bill it goes into that file. She is not certain that her financial manager is differentiating between 2011 and 2012 and she will have her manager break that down and already made a note to herself to do so.

The Committee further discussed the litigation table document.

Legislator Birmingham made a motion to pre-file the necessary resolution, seconded by Chairwoman Conklin. All in favor.

Item #5) Approval/Village of Cold Spring 2012 Trash Removal Support

Chairwoman Conklin stated that each year the Village of Cold Spring comes to us because they have so much tourism they have additional garbage and would like assistance in the amount of \$7,500.00.

Legislator Oliverio asked the Committee to send this item to the Full meeting for discussion to see if it has legs. He requested that this item not be killed in Committee.

Legislator LoBue stated that she does not believe this is fair.

Legislator Oliverio stated that Cold Spring brings in a lot of capital for the County.

Legislator Birmingham stated that it might be an FYI item; it might be in the budget already. We might not have to make a motion on this item.

County Auditor Michele Alfano-Sharkey left the meeting room to research if this item was already in the 2012 budget or not.

Item #5 is further discussed below Item #10a.

Item #6) Approval/Grant Application/OFA/Grant: NY Connects System Integration Grant

AND

Item #7) Approval/Grant Application/OFA/Grant: Advocacy Begins at Home Grants – Phase 2

Chairwoman Conklin invited Director of the Office for the Aging Patricia Sheehy forward to discuss these two items.

Director Sheehy stated that there are two grants and the first one is actually something that was previously awarded to the State and in order to apply for the grant they had to identify some counties within the State that had the infrastructure in place to do the services. Putnam County has the components to deliver the services. The goal is to integrate the systems and work more closely with the Alzheimer's Association to give the counseling and the evaluations to people that might be in need of our services as well as to tie people in with their benefits that they might be eligible for. The County does a good job with this now. The monies will be over a two year period and it is already in the budget.

Legislator Birmingham stated that this is an opportunity for our clients at the Office for the Aging to be integrated into other services they might be qualified for. Not only for the services we already provide but for additional services under this grant. It cuts down on the red tape for a vulnerable population.

Director Sheehy stated that is correct. Her department does so much of this already that it is nothing new but will just help with some of the costs that they have and it will be more formalized with the Alzheimer's Association.

Legislator Birmingham asked if there was a requirement for County matching funds.

Director Sheehy stated there is no requirement for County matching funds.

Legislator Oliverio stated that during the budget process we spoke about this at the Health Committee meeting and that money was put in the line and that money is already there with the anticipation that we will receive it, correct?

Director Sheehy stated that is correct. She further stated that Item #7 is an opportunity, there is going to be three awards nationwide to programs that actively engage their Senators and House members for support of the Older Americans Act. We do this already so the only caveat in the grant would be that Putnam County Office for Aging would send a representative to the National Association of Nutrition and Aging Services Program (NANASP) Training Conference in San Diego to present a report on our work.

Legislator Birmingham made a motion to pre-file the necessary resolutions for Items #6 and #7, seconded by Legislator LoBue. All in favor.

Item #8) Discussion/Litigation Report/Law Dept

Chairwoman Conklin stated that this report was discussed under Item #4f.

Item #9) Schedule of Revenues/Fines Levied by Boards/FYI

Legislator Birmingham asked Consumer Affairs Director Jean Marie Noel if the County has any serial offenders for board fines or people that have offended once or twice and are just not paying their fines. He further asked Director Noel if there were any statutory

changes that would be needed for her Department to go after these unpaid fines and offenders.

Director Noel stated they have had people that just ignore their fines and her Department has had conversations with the Law Department but frankly for any fine under \$1,000.00 it is not cost effective for the County to pursue these offenders. We post a list and share it with Rockland, Dutchess, Orange, and Westchester Counties. We list the offenders under every name we have for them so they cannot open a registration under another name in another county. This year the biggest problem we have had is not non-payment, the biggest problem has been bounced checks. People are paying via payment plans. With the payment plans, offenders know that at the end of paying the fine the Department will credit and register them, using a credit to their registration fees. She believes that when there is a sense of fairness and an opportunity for compliance it is a better recourse rather than just punitive and negative fines.

Legislator Othmer stated that after Superstorm Sandy he received a number of calls from constituents in Kent about gas station price gouging. He further stated that Director Noel educated him on the details of the laws prohibiting price gouging and asked that she summarize the laws for the Committee and the public to hear.

Director Noel stated that only the New York State Attorney General can collect and prosecute price gouging in a court of law. Price gouging is actually decided by a judge whether or not the price has been gouged. It is more than gasoline, it can be hotels, medicine, flashlights, milk, etc. anything that is essential. Typically, the court decisions are when the price is 25% above the normal profit.

County Attorney Bumgarner stated that it is actually more than that, the percentage is higher. One must be extremely excessive to be found guilty of price gouging.

Director Noel stated that during and after Superstorm Sandy some gas stations in Putnam County were running on generators, open longer hours, getting their gasoline from farther away because of storm damage near where they usually obtain their gasoline and they are allowed to pass those costs along. She stated that there was one or two stations that did take advantage and her Department bundled up the evidence and sent it to the New York State Attorney General but to get a prosecution and award for gouging, there will be a few on Long Island but, in Putnam County most of the gas stations just tried to get the gas and provide the service.

County Attorney Bumgarner stated that with respect to the collection of fines, the Law Department gets very few referred to them from the Consumer Affairs Department because they do a very good job in terms of trying to work with people to come to a resolution before it has to go anywhere. When the Law Department does receive a case from the Consumer Affairs Department because the cases are handled in-house, there is not any cost to us. Most are small claims and the only problem is that the people we are talking about are people who have DBAs (Doing Business As), different

corporations, different business entities, last known addresses that were never an address, or an alias and you literally cannot find them to serve them. In five separate cases that the Consumer Affairs Department had referred to the Law Department, the Law Department could not serve any one of them. They look into it as much as they possibly can with their resources but unfortunately it does happen.

Legislator Albano asked if there is a discount for fines.

Director Noel stated that the incentive is if the offender pays within thirty days her Department credits half of the amount of the fine. We also do payment plans and work with the offenders.

Deputy County Executive Bruce J. Walker stated that he would like to recognize Director Noel for using the website GasBuddy during Superstorm Sandy to keep the public and the government informed of gasoline levels and validating prices at local gas stations. It was a huge asset to the team and the County at-large.

Item #10) Other Business

Item #10a) Approval/Budgetary Transfer (12A098)/Coroners/Cover Post Mortem Exams through end of year

Legislator Birmingham made a motion to waive the rules and accept the additional; seconded by Legislator LoBue. All in favor.

Legislator Birmingham made a motion to pre-file the necessary resolution, seconded by Legislator LoBue. All in favor.

County Auditor Alfano-Sharkey stated that Item #5 is in the budget under the Health Department.

Legislator Birmingham stated then Item #5 is just an FYI item and no Committee or Legislative action is necessary.

County Executive MaryEllen Odell asked when the Coroners item came in.

Legislator Birmingham stated that it was just a voucher.

Chairwoman Conklin stated that the Committee was discussing the Cold Spring Garbage Assistance not the Coroners.

Legislator Birmingham asked County Executive Odell if she would like the Committee to reconsider the Coroners item.

County Executive Odell stated she does not think we can, it is what it is.

Legislator LoBue stated you cannot change the number of autopsies.

Legislator Birmingham stated that County Executive Odell has been watching the Coroner's office, if we do reconsider this item this may give County Executive Odell the opportunity to speak to the Coroners with something over their head and discuss a plan for the future of the Coroners office.

County Executive Odell stated that at the top of last year they had met with Dr. Stahl, Coordinator of Coroners, and asked him to present a plan to them that he thought would be a plan for moving forward with the Coroner's office. The discussion has always been whether we should go with a Medical Examiner, should we continue to farm it out, there are a number of options and what we came up with was that we would reduce the amount of coroners but we still do not have a plan. With Dr. Stahl's retirement at the end of 2012, we will not have a Coordinator of Coroners as of the beginning of 2013. County Executive Odell further stated that she thinks we should probably have the Chair of the 2013 Protective Services bring the coroners in and ask them who is going to be their Coordinator of Coroners. Over the years, there has been a lot of discussion about the County maintaining our own morgue, we have space at the TOPS building and the infrastructure that would be required; it is not that onerous. These are alternatives that have been discussed as far as the County maintaining control a little bit more over the costs involved with the Coroner's office. She suggests that the new Protective Services Chair engaged the coroners in a dialogue and of course her office will be there for any assistance.

There being no further business, at 7:09 P.M., Chairwoman Conklin made a motion to adjourn, seconded by Legislator Birmingham. All in favor.

Respectfully submitted by Krista M. Butler, Administrative Assistant.