

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

**Members: Chairwoman Conklin, Legislators Birmingham & LoBue**

**Tuesday (October Meeting Moved Due to Weather) November 13, 2012**  
**(Full Legislative Meeting will immediately follow)**

The meeting was called to order at 6:05 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 #3) Approval of Minutes – September 24, 2012**

The minutes were approved as submitted.

**Item #4a) Sales Tax Report** was duly noted.

**Item #4b) Board In Revenue Report** was duly noted.

**Item #4c) Transfer/Revenue Report** was duly noted.

**Item #4d) Contingency/Sub-Contingency Report** was duly noted.

**Item #4e) OTB Report** was duly noted.

**Item #5a) Overtime/Temporary Report** was duly noted.

**Item #5b) Approval/Budgetary Amendment (12A084)/IT Department/Fiber Optic Lines (Tabled from September Audit Committee Meeting)**

Legislator Birmingham asked if this went out to bid.

Director of Information Technology Tom Lannon stated that it did not. The existing fiber optic network that we have now is maintained by Lighttower. Nobody else could actually provide the service to us because this is something we already did as an RFP so the network is already in place therefore we could not let anyone else come in. He stated he did bring some quotes from other similar projects to prove that this is in line with their pricing. That is what the going rate is.

Legislator Birmingham asked if this is the system currently in place in their current location in Brewster.

Director Lannon stated that they are currently on our fiber ring.

Legislator Birmingham stated that they are not getting anything new.

Director Lannon stated that they were not getting anything new. That if they did not get this then they will actually go backwards and will not be connected to our servers or our network.

Legislator Oliverio stated that the concern he had was that the initial estimate was significantly lower than this one. The backup Director Lannon gave is great and breaks it out part by part but, Legislator Oliverio asked how the discrepancy happened.

Director Lannon stated that initially when he called them they attempted to get numbers very quickly because the project was moving ahead so fast. They explained where the location was and they made an error of where they said it was. Lightower thought they were already on a road that they were not. Once they got the money and he called Lightower again, their Lightower engineer went out and discovered the issue. Nothing was given to the County in writing, just a phone conversation so we could not hold Lightower to anything.

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

**Item #5c) Approval/Budgetary Amendment (12A089)/Finance/Vacancy Control Factor June –October 2012**

Legislator Birmingham asked Commissioner of Finance Bill Carlin where this brings us in regards to the full year.

Commissioner Carlin stated that it finishes this year off. It closes out the year, we hit the mark.

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

**Item #5d) Approval/Budgetary Amendment (12A090)/Highway/Road Machinery Fund Through End of Year 2012**

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

By Roll Call Vote: Two Ayes. One Nay – Legislator LoBue. Motion Carries.

**Item #5e) Approval/Budgetary Amendment (12A091)/Sheriff/2012 Homeland Security Grant**

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

**Item #5f) Approval/Budgetary Transfer (12T328)/Purchasing/Gasoline**

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

By Roll Call Vote: Two Ayes. One Nay – Legislator LoBue. Motion Carries.

**Item #6) Approval/Fund Transfer (12T304)/Bureau of Emergency Services/Purchase Haz-Mat Gear**

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

**Item #7) Approval/Fund Transfer (12T309)/Highway/Purchase Plows for Winter Trucks**

Legislator Birmingham asked Commissioner of Highways & Facilities Fred Pena if these were the plows themselves or the blades on the plows.

Commissioner Pena stated he believes they are the plows themselves because they do not have a lifespan for bonding or other funding sources. He is trying to find out which it is exactly.

Legislator LoBue stated that is why the Legislature asks for a breakdown to accompany each funding request so we know exactly what the money is being used for.

Legislator Tamagna stated that all of these items are County assets and we need to look at how we manage our assets. We should have everything identified so routinely in any season we know we are going to need X number of plow blades and X number of plows replaced. He stated that he believes every asset the County owns should be managed this way. He stated we are a bit behind the curve in that respect but in the future it needs to be much better along with the breakdown accompanying each request.

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

**Item #8) Approval/Fund Transfer (12T320)/Sheriff/Cover Overtime till Year End 2012**

Legislator Birmingham asked if this was the Jail line or Road Patrol.

Undersheriff Peter Convery stated that it was for Road Patrol.

Chairwoman Conklin stated the item says it is due to open personnel lines.

Legislator Tamagna stated that we need to look at how we are managing these things and what the legacy cost is of this overtime. Though we may be saving money in the short term by paying overtime, this is a big number and what happens when we add this number to the retirement amount the legacy that we pay for the next twenty plus years is an even bigger number. Therefore, maybe there should not be open personnel lines. It is a Catch 22 and needs an analysis. At the end of the day, this is not just a one-shot cost. The people of Putnam County pay for this for the next twenty or thirty years.

Legislator LoBue stated she is in agreement with Legislator Tamagna. She spoke to a Deputy Sheriff who is putting a plan in place to counteract this overtime issue. Then next month in the Audit Meeting an individual can come in to explain how they will counter this overtime going forward.

Legislator Birmingham stated that we are all worried about the cost of pensions due to overtime. It is something that needs to be studied. He will be putting forward a County Code change, in addition to putting our budget online, that when the budget comes out there should also be a breakout in our official newspapers of specific amounts of overtime, who gets it and how much they get. He further stated that he would like to see it by individual not by department as a whole. It should be public. We are not penalizing hard workers; maybe it should be a percentage over your base pay should be published.

Legislator LoBue stated that under the Freedom of Information Act we are also supposed to be posting the Personnel lines online and we did not.

Legislator Birmingham stated that to be fair, there is no law that requires the budget to be put online. The Administration did it on their own accord but that Legislator Birmingham himself was not aware that the Personnel lines were not posted online.

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

**Item #9) Approval/Fund Transfer (12T323)/Humane Society/Monthly Payment Oct-Dec 2012**

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

**Item #10) Approval/Fund Transfer (12T338)/Finance/Remainder of Previous Transfer Request**

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

**Item #11) Approval/Fund Transfer (12T350)/Social Services/Professional Nurse & MA Unit Caseload Increase**

Legislator Birmingham made a motion to waive the rules and accept this item's additional information, 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.

**Item #12) Approval/Fund Transfer (12T351)/Social Services/Cover Overtime in MA Unit**

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

**Item #13) Approval/Local Law/To Amend Chapter 173 of the Code of Putnam County by adding new section entitled "Waiver of Item Pricing Requirements Based Upon Pricing Accuracy; Consumer Protections" (Previously Approved at Budget & Finance Meeting)**

Legislator LoBue stated that she was hoping that this could be modified. The first threshold of \$750.00 for stores that are under 3,000 square feet in size is going to put a lot of these tiny businesses out.

Legislator Birmingham stated that he thinks that the idea of this is to alleviate the administrative burdens at a small store that would have otherwise had to item price each item of purchase.

Director of Consumer Affairs Jean Marie Noel stated that under the current law you can assess a fine to the business owner who does not item price a box of TicTacs. Then the business owner would in turn need to pay the fine and then hire someone to item price their items for purchase. This gives the business owner a choice. There are exclusions for certain stores, including delicatessens, mom and pop stores, people who sell eggs, people who sell cherries, etc.

Legislator LoBue stated she was referring more to retail based stores. A lot of the time it is easier for them to individually price items.

Director Noel stated that they have the choice to do that.

Legislator LoBue asked if those stores can do that without paying the fee.

Director Noel stated that is correct but, should her office find them not in compliance with that requirement they can be fined.

Legislator LoBue stated she is not sold on this change.

Legislator Oliverio stated that he is glad to hear most delicatessens are excluded. He stated that this makes great sense for places like The Home Depot or any store like that but, like Legislator LoBue, is worried about small businesses.

Director Noel stated there are exclusions to different items and we will work with stores. She stated that when she read this law she realized it was onerous to businesses and that something needed to be done. She stated that she looked at how other counties in New York were dealing with it. There is a retail responsibility to provide consumer protections.

Legislator LoBue stated that she would feel more comfortable removing the under 3,000 square feet fee line. If we were able to amend that she would be in favor of the law.

Legislator Tamagna stated that he agrees with Director Noel but believes that this needs a little bit more work. It should not be looked at as a revenue source but about protection for the consumer. Consumers should know what the price is before cashing out or making a purchase. We also need to protect small business, maybe the first time they should get a warning not a \$2,000.00 fine.

Director Noel stated that her office's practice is educate, warn, then fine. Discretion is used. This law is about consumer protection.

Legislator LoBue made a motion to table this item.

Legislator Birmingham stated that one thing to keep in mind is we did put revenue in the budget for this change.

Legislator Tamagna stated he was not suggesting that we table this.

Legislator Birmingham made a motion to move the item as amended by accepting the additional on this item which was in their mailboxes eight days before the meeting, seconded by Chairwoman Conklin.

Legislator LoBue stated she wanted to amend this item further.

Legislator Birmingham stated that any subsequent amendment would have had to be in the Legislator's mailboxes eight days before the meeting since it is a local law, therefore the item cannot be further amended at this time.

By Roll Call Vote: Two Ayes. One Nay – Legislator LoBue. Motion Carries.

**Item #14) Approval/Semi-Annual Mortgage Tax Report/April 1, 2012 through September 30, 2012**

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

**Item #15) Putnam Humane Society/Third Quarter Statistics Report/FYI**

Legislator Tamagna stated that it would be nice to see this on a schedule. He stated that the number does not reflect any dogs or cats that are in foster care and he believes it should be included. We should be given the Humane Society's entire numbers, foster care included.

**Item #16) Schedule of Revenues/Fines Levied by Boards/FYI** was duly noted.

**Item #17) Other Business**

Legislator Birmingham stated that a number of these items are from the last week or so and suggested that the Committee take them one by one.

The Committee agreed.

**Item #17a) Approval/Budgetary Amendment (12A092)/Finance/Entergy Donation for County Tech Upgrades**

Legislator LoBue asked what department this furniture was going to.

Acting Commissioner of the Bureau of Emergency Services Adam Stiebelling stated it is going to emergency operations and it will be used to share key information between departments in the County during an emergency.

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

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

**Item #17b) Approval/Budgetary Amendment (12A093)/Sheriff/Reduction in State funding for Selective Traffic Enforcement Program**

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

Commissioner Carlin stated that the allocation was not as big as was budgeted.

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

**Item #17c) Approval/Budgetary Amendment (12A094)/Sheriff/Reduction in State funding for Buckle Up New York Program**

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.

Legislator Tamagna stated that a letter should be written on the previous two items to the Governor because he wants to spotlight where the State keeps taking money away from the County. We need to be smart about it and very careful. We should send letters back when the State reduces the money. We should tell Governor Cuomo that it is not acceptable. We get a reduction letter from the State that says how important these programs are yet the State still reduces the funding. Legislator Tamagna suggested that someone send a letter to the Governor stating how unacceptable this is.

**Item #17d) Approval/Fund Transfer (12T155)/Sheriff/Purchase Computers, Scanners, Printers, Etc.**

**AND**

**Item #17e) Approval/Fund Transfer (12T353)/Sheriff/Replace Deadlined Vehicle**

Legislator Birmingham stated that these two items should be reviewed by the November Protective Services Committee, though that meeting was cancelled, they should then be placed on the November Audit Committee meeting at the end of the month.

Legislator Birmingham made a motion to move Items #17d and #17e to the November 26, 2012 Audit Committee Meeting, seconded by Legislator LoBue. All in favor.

**Item #17f) Approval/Fund Transfer (12T354)/Social Services/Cover Temporary Typist**

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 Chairwoman Conklin. All in favor.



**Item #17g) Approval/Fund Transfer (12T360)/Finance/Taxes & Assessments on County Owned Property**

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 Chairwoman Conklin. All in favor.

There being no further business, at 6:52 P.M., Legislator Birmingham made a motion to adjourn; seconded by Legislator LoBue. All in favor.

Respectfully submitted by Krista M. Butler, Administrative Assistant.