

Minutes

Administrative Services Committee

November 13, 5:00 pm, Room 331

Gerace Office Building, Mayville, NY

Members Present: Scudder, Himelein, Starks, Muldowney, Davis

Others: Tampio, Ames, Abdella, Hemmer, Dennison, Caflisch

Chairman Scudder called the meeting to order at 5:10 p.m.

Approval of Minutes (10/02/18 & 10/15/18)

MOVED by Legislator Muldowney, SECONDED by Legislator Davis

Unanimously Carried

Privilege of the Floor

No one chose to speak at this time.

Proposed Local Law Intro 9-18- A Local Law Amending Local Law 6-01 Regarding Budget Procedures after Issuance of Annual Tentative Budget

Mr. Abdella: Well, all this would change is it would eliminate the 2 o'clock public hearing and you would simply have a single public hearing at 6:30 p.m., which would allow you to potentially not have double session that day. You could still schedule a regular meeting separate if you wanted or have them combined in the later session. At the least, this will give more flexibility which might depend a little bit on what's happening that particular October as to whether you split them in some way. You would no longer have to have the 2:00 p.m. session to hold the public hearing.

Chairman Scudder: Speaking for myself, and I believe Pierre and Chuck also, was to not have both meetings with that long span of time in between. I guess there was a time where it was much more political and things took longer and the budget was more argued-

Legislator Himelein: More debated.

Chairman Scudder: Yes, more debated. We just felt that we don't need that, but we do have the option to do it if we would like to. So, that was our goal to just have the one meeting if that's what we want to do.

Mr. Abdella: There will only be one required public hearing at 6:30 p.m. What you do with the structure of the regular meeting and the budget portion of the meeting, you can do what you wish.

Chairman Scudder: Our goal was to just have the one meeting and not spend the day here.

Legislator Himelein: I'm all for it, Mr. Chairman.

Chairman Scudder: Do we vote on this?

Ms. Ames: Yes.

Chairman Scudder: We do?

Mr. Abdella: We usually have the committees take a vote on the proposed local law.

Chairman Scudder: All in favor say aye. Opposed?

Unanimously Carried

Proposed Resolution- Requesting State Legislature to Permit Up to Four (4) Assistant District Attorneys to Reside in Adjoining Counties

Legislator Starks: How many assistant district attorneys do we have all together? Are there more than four?

Mr. Abdella: Yes, there are more than four.

Legislator Starks: So, it's giving a portion of them, not all of them.

Mr. Abdella: That's right. It would not be the Chief Assistant or the First Assistant District Attorney.

Legislator Muldowney: The chief is higher than the first assistant?

Mr. Abdella: Well, I think they're only using the title chief assistant-

Mrs. Dennison: There's a first assistant and a second assistant and then the assistants.

Mr. Abdella: But the chief assistant is the first deputy that acts for the District Attorney in his or her absence.

Legislator Muldowney: Who is that?

Mr. Abdella: It's John Zuroski.

Legislator Muldowney: Are they currently fully staffed?

Mrs. Dennison: I believe so. They have one new- well actually, they have a position that was approved for 2018 that they did not staff. So, that position is anticipated to be filled in 2019. In 2018 there was one position that was approved and instead of filling that position, the money was allocated to other positions.

Legislator Davis: The way this is worded it suggests to me that there's a feeling that if they open this up to individuals from other counties they wouldn't have any trouble filling those vacancies.

Mrs. Dennison: Well, the reason there's a vacant position is not that they necessarily had trouble filling it; it's that the District Attorney opted to not fill it because he wanted to use those funds for other needs. So, looking at the 2019 budget, there are seven assistant district attorney positions that are requested and currently all of them are filled except one. In addition to the assistant ADA's there are three first assistant district attorneys-

Legislator Muldowney: Are the three first assistants all full time?

Mrs. Dennison: They are.

Legislator Muldowney: And the seven ADA's are part time?

Mrs. Dennison: Of the ADA's one of them is a point eight-five FTE and the others are full positions.

Legislator Muldowney: We created a new position for 2019, right?

Mrs. Dennison: No, we did not create a new one. There was one created- there was a new one created in 2018 that was not filled. So, that position was established and- well, this comes back to our discussion from the Public Facilities meeting that when the budget is adopted it is not adopted for a specific number of positions, or even for a specific mix of positions. It's just adopted to say this department has \$300,000 to spend on personal services and the department head uses that money however he or she sees fit. So, when we create the budget we calculate it based on OK, we are going to have eight district attorneys. So, that's how we calculate the number, but the number of positions is not an adopted item for the budget.

Chairman Scudder: So, the money that was for 2018 was chosen not to use it for another- but, for 2019 it will be used?

(Cross-talk)

Legislator Davis: I thought that was additional funds and I thought there was an understanding that they would be used for an additional attorney.

Mrs. Dennison: Are you talking about 2018 or 2019?

Legislator Davis: 2019.

Mrs. Dennison: It was the understanding in 2018 and is also the understanding in 2019.

Legislator Davis: OK.

Legislator Muldowney: But just to be clear, we- for 2018 there's monies put out and the District Attorney decided how he would spend it?

Mrs. Dennison: Correct.

Legislator Muldowney: OK. For 2018 we added additional monies to his budget with the hopes of him hiring another body?

Mrs. Dennison: I guess I would not characterize it that way because-

Chairman Scudder: That might be how it was sold, but it's not necessarily how it has to be used.

Mrs. Dennison: That's true.

Chairman Scudder: That might be a little too blunt. That's how it was sold in 2018, Kevin. Until we see a hire, we don't know- and you know what, that's up to them. We are kind of at the mercy of what he wants to do with it.

Legislator Muldowney: Right, he's the department head. I guess what I'm saying- what I'm trying to get at though is in 2018 we gave him additional monies and he chose to do whatever he did with it. So, then in 2019 we gave him additional monies on top of the 2018.

Mrs. Dennison: That is true, but not specifically for an additional position. It's just that we took the positions because the assumption in the budget is for managerial positions- there's a 3% wage increase. Most of the positions in the District Attorney's department are managers, so the budget dollar amount is based on taking the existing positions- well- and I'll modify this- the existing positions and most of them have a 3% increase over the 2018 budget. What we do from a mechanical standpoint is that position that was added in 2018, in June when we initialize the budget for 2019, that position was not occupied so it was not in the 2019 budget. The District Attorney added it back to the budget, if that makes sense to you. He could have said OK, I didn't fill that position in 2018. It was budgeted but it was vacant in June, it's not in my initial 2019 budget, I don't need it. Then his FTE count would have gone down for 2019. He instead said to us OK, that position was added in 2018 and I didn't have it filled by June 28th of 2018, but I want

it in 2019, so please put it back in. His FTE count was unchanged from 2018 to 2019. So, the money for the position was in the 2018 budget and he distributed it among other positions. Money for that position is in the 2019 budget. So, I wouldn't say that it was added back to the 2019 budget. It's kind of like it was already there in 2018, but all of the positions have roughly a 3% increase so there's more money to spend in 2019.

Legislator Muldowney: I remember that there was a talk of increasing the secretarial hours and that's where some of those monies went.

Mrs. Dennison: Yes.

Legislator Muldowney: Did we drop those hours?

Mrs. Denison: No, so you're right to the extent that the base for his existing positions is higher now going in to 2019.

Chairman Scudder: We have added to his budget.

Mrs. Dennison: Yes we have.

Chairman Scudder: And how he spends it is how he spends it.

Legislator Muldowney: Right. I guess where I'm coming from on all of this because I'm not trying to run his budget, but part of me- if the positions are full, why are we asking for this?

Chairman Scudder: Right.

Mr. Abdella: Well, I think it would be partly just in anticipation of turnover, which does occur. I think there's a lot of different things at work here. One is that with regards to criminal law as a specialty, there are fewer and fewer lawyers really doing it. You really even have less attorneys doing what I would call general practice where they are doing full blown criminal work and even doing trials. So, what was stated by Mr. Swanson and Mr. Zuroski when they spoke to leadership and the County Executive was that at this point, they'd like to have in-county residents wherever possible. It's just, if you want to hire someone with experience it's becoming more and more difficult especially when the roster of positions is now full time and you're asking someone to give up whatever practice to take this job. They're good positions and they pay well. There is still a lack of certainty of job security and will always be there because it's fully exempt. A new district attorney can change staff. I think also that most families these days are two person earners. It's not just one person's decision anymore- not that it maybe ever was- the economic decision of where are we going to live and let's see where we work in this household is more complex than it maybe used to be.

Legislator Starks: It could be that both earners are driving an hour to work in two different directions.

Mr. Abdella: Right, so there's a lot more commuting going on and there's just not the guarantee anymore that there's going to be home grown attorneys residing in the county that have respectable criminal law experiences. They can occasionally hire one fresh out of law school and try to train them up, but it's really-

Legislator Davis: It makes sense to me.

(Cross-talk)

Mr. Abdella: You can see other counties have done it but they've all been a little bit different as far as how many eligible and that kind of thing.

Legislator Davis: But if by passing this resolution we can increase the pool of qualified candidates to me, that's a no brainer.

Chairman Scudder: Steve, is there still the conflict if you're in the DA's office, is it different than the public defenders? I mean, if you're prosecuting does it not matter if you have a conflict- I mean, is there no conflicts when you're the prosecutor.

Mr. Abdella: Well, essentially not if you're full time and if-

Chairman Scudder: Because you're representing the county, you're not representing-

Mr. Abdella: You may have conflicts because they were someone you in prior practice represented and you might not be able to prosecute them now, but that fades away really quickly.

Chairman Scudder: OK, not like the public defenders.

Mr. Abdella: If they were part time then there would be more of a conflict issue.

Chairman Scudder: And if we pass this it just goes to Cathy Young and Andy Goodell and if they can get it through, then it's a go? We don't have to look at it again?

Mr. Abdella: With your request they would probably draft the legislation and then it will come back to you a second time to approve.

Chairman Scudder: OK and they might modify it.

Mr. Abdella: They could, but they would probably take your request and go with that.

Chairman Scudder: OK.

Mrs. Dennison: Mr. Chairman, may I just make a financial comment?

Chairman Scudder: You may.

Mrs. Dennison: Just coming back to Mr. Muldowney's questions, in 2018 the decision was to increase the personal services for the district attorney- \$100,000. A flat increase of \$100,000, spend it how you chose to. Just for sake of comparison, the budget for 2019 is going up almost \$90,000 from the amended 2018 budget. So, you are correct that essentially that money was redistributed among the existing positions, so there is a higher base going into 2019 and then we are filling that position that is currently vacant. The budgeted salary for that vacant district attorney is \$60,000.

Legislator Davis: And the \$60,000, that's a full time position?

Mrs. Dennison: Correct.

Chairman Scudder: Anybody else? All in favor? Opposed?

Unanimously Carried

Proposed Resolution- Approving Consolidation of Vital Statistics Registrar Districts between Town of Sherman and Village of Sherman

Mr. Abdella: Mr. Chairman, there is a pattern. I think this is the third one we will have had presented. The State is encouraging it and it's a good idea supported by our public health department.

Chairman Scudder: Yes. We are two for two so far. Questions, comments, concerns? All in favor? Opposed?

Unanimously Carried

Proposed Resolution- Quit Claim Deeds

Chairman Scudder: Just one?

Mr. Caflisch: Just one.

Chairman Scudder: And she wants to give us more than the taxes that are owed.

Mr. Caflisch: So, I recommend we take the deal. Sometimes you get lucky.

Chairman Scudder: Under the recommendation of Mr. Caflisch- any comments, questions, concerns?

(Cross-talk)

Chairman Scudder: All in favor? Opposed?

Unanimously Carried

Proposed Resolution- Distribution of Mortgage Taxes

Chairman Scudder: This is an annual event?

Mr. Caflisch: Semi-annual. We do it in May and-

Chairman Scudder: That's right.

Mr. Caflisch: I just prepare it and Kathleen would have more- if you have questions on the financials.

Mrs. Dennison: I checked and they add up.

Legislator Muldowney: Are we up?

Mrs. Dennison: We are, in general, trending ahead of last year. I don't have a specific quantification of the surplus we might expect, but we are anticipating a surplus.

Chairman Scudder: Just the words "trending up" give us all the confidence we need. All in favor? Opposed?

MOVED by Legislator Starks, SECONDED by Legislator Davis to adjourn.

Unanimously Carried (5:34 p.m.)

Respectfully submitted and transcribed,
Olivia L. Ames, Committee Secretary