

Section 31

**Schoharie County
Public Health Department**



MEMO

**To: Paul Brady & Alicia Terry
Budget Officer(s)**

**From: Cassandra Ethington
Acting Director, Public Health Department**

Date: October 7, 2011

Re: Budget Transfers

I am requesting the following budget transfers:

<u>BUDGET TRANSFERS</u>			AMOUNT
FROM	TO		
A4010.4___ Gas & Oil	A4010.4___	Medical Supplies	\$ 6,000
A4010.4687 Bio-Terr Contractual	A4010.2255	Bio-Terror Equipment	\$ 3,605

To transfer funds from existing appropriation to cover anticipated expenses.

Section 32

**SCHOHARIE COUNTY BOARD OF SUPERVISORS
12th REGULAR MEETING
December 16, 2011**

Call to order by Chairman Vroman at 10:05 a.m.

Roll call: Sixteen Supervisors present. County Attorney Michael West present.

The salute to the flag was done and the invocation was given by Reverend Ferenczy.

A moment of silence was observed for Chris Lucas, a DPW employee, who passed away this week.

Motion #404 by Mr. Singletary to take Resolution No. 115 out of order. Seconded by Mr. VanGlad. Voice vote: carried.

RESOLUTION NO. 115

TITLE: HONORING MARTIN SHREDERIS, DENNIS RICHARDS AND MARIE CAMPBELL FOR THEIR YEARS OF DEDICATED SERVICE AS MEMBERS OF THE SCHOHARIE COUNTY BOARD OF SUPERVISORS

OFFERED BY: Harold Vroman, Who moved its adoption.

SECONDED BY: Donald Brandow, Chairman Rules & Legislation Committee

Now that MARTIN SHREDERIS [1998] of the Town of Schoharie, DENNIS RICHARDS [2003] of the Town of Middleburgh and MARIE CAMPBELL [2004], of the Town of Broome, are retiring from public life and public duties after so many years of dedicated service as Supervisors of their respective Towns and as members of the Schoharie County Board of Supervisors, we wanted to applaud in words their respective years of service as members of our family.

Some of us may be heard to say that each of you are leaving too early, but when the labors and emotions of this day are done there will be no doubt left in anyone's mind of the great and lasting contributions you have each made to the legacy of this County and this Board.

We have been honored, blessed if you will, with the many diverse talents that each of you brought to this table. Each of you were endless voices of reason, warm and friendly to a fault, never hesitating to step into the hottest part of any fray, especially when the needs of your constituents were at stake, to show a quiet temper, restrained patience, firmness, integrity, diligence and above all else great common sense.

It can well and truly be said, that each of you, having been dedicated to public service, has faithfully discharged your duties, have exemplified in every way the qualities and traits of a professional and compassionate leader, now, therefore, be it hereby

RESOLVED, that the Schoharie County Board of Supervisors, and all those present this day, stand in applause of MARTIN SHREDERIS, DENNIS RICHARDS and MARIE CAMPBELL, as members of this Board of Supervisors, and we offer our most heartfelt thanks for your dedicated and honorable service to the county, and we do hereby commend you in name, spirit and memory to the time-honored rolls of Supervisors past, with the knowledge that yours was a job well done and that your services will be greatly missed.

Voice vote: carried.

Privilege of the Floor: Earl Gaskill, Town of Summit

Disappointed in the Board's reaction to key layoffs. The County has 4.1 million dollars for the Route 7 corridor. The 2 million dollars should be taken off the table at the present time so that layoffs do not happen. Take at least 1 million back to save jobs. Back in May I requested the breakdown in jobs for Howe Caverns. Alicia Terry has not submitted.

Privilege of the Floor: Tom Lacko, NYS Ag and Markets

Important to touch base with his office regarding Emergency Watershed Program for highways, bridges, roads, etc. to help assist municipalities. The benefit is if FEMA will not fund, we may be able to help. Would like to know what needs are to do assessments.

Mr. Skowfoe – What is criteria? Name of program.

Mr. Lacko - Needs to be an eminent threat. Can work on private property, but limited. Same for debris removal.

Mr. Skowfoe – Did not know where to send people.

Mr. Lacko – In the same building as Soil & Water.

Mr. Skowfoe – Dollar figure allowed per project?

Mr. Lacko – Analysis per project. Is it feasible or is there another option? No cap. 25% match. Provide assistance with engineering as well.

Privilege of the Floor: Jack Kelly & Brian McKane

Consideration of a formal proposal. Thanked efforts of Alicia Terry and her staff.

Create 110 new jobs
36.4 acre site
460,000 sq. ft. 2 Buildings

Mr. Murray – Comprehensive plan and zoning have been reviewed. Hope we can move ahead.

Mr. Skowfoe – Hear County Treasurers' thoughts on sale.

Mr. Cherry – Able to hear and evaluate possible purchase in October. Have some concerns with building. Blocks of agreement.

- * \$5000 down payment is a very low number

- * Realtor commission needs to be paid and County has cash flow issues.

- * County had building appraised 3 years ago at 4.4 – 4.5 million. Suppose could be argued as real estate has dropped.

- * 2.5 million could be reduced to total purchase price of 1 million with job credits. Generous deal.

- * Tax issue – want to know what taxes this property will be paying. Industrial Development Agency's PILOT agreement will affect town, school and county.

Mr. Skowfoe – Land on opposite side of road could be reserved by County.

Mr. Murray – That piece has been kept out. Down payment will be 1.2 million. Jack Kelly will spread out commission over time.

Mr. Kelly – Thanked Bill for input. \$5000 does appear to be a small amount, but the improvements will be substantial and the County maintains ownership for 10 years. Properties today 65% of 2008 market. Property is over valued for assessment purposes. Current value about 2.7 million. The County needs jobs. We have someone from the private sector willing to make an investment. This is a creative opportunity to make jobs happen. What solution do you have to create 110 jobs?

Chuck Williamson, Butternuts Beer & Ale – This is going to be years in the making. Reality 1st year is construction. Long-term jobs will happen in 2-10 years. There is a lot at stake for everyone. Warranted for community to know the whole story. Will be a lot of give and take for the first couple of years. Looking to be a part of the community. We want to give back to the community. Building jobs will be apart of that. Would also like to focus on retail which will be a source of sales tax. Activity creates more activity. Butternuts is willing to take the risk.

Mr. Bradt - \$15,000 credit to mortgage per job full and/or part-time. Pay scale average. Is there a stipulation for time period?

Mr. Kelly – Full-time job 35 hours or full time equivalent. Each year an audit of number of jobs. Jobs will be minimum wage to supervisory along with truck drivers and sales people.

Mr. Skowfoe – 2 part-time equal one full time. End of year audit at what phase of project do credits come in? Do not count 2 part-time as full-time as tells me avoiding benefit package. \$760,000 from State in grant money. How much of your own?

Mr. Williamson – Millions of dollars to be put into this. We will be looking at every source available and legal to use. Need trained personnel. Not looking for part-time employees. Spoke of comparison to Ommegan.

Mr. Skowfoe – How much capital are you investing?

Mr. Williamson – Do not know the answer, but have resources to put project together.

John Lorence – Trying to get to step one. Need a commitment to determine total costs with engineering studies, etc.

Mr. Mann – Thank you for your interest. Many good folks in the County who will serve you well. Do not want to get to year 10 and have to pay back. Assume that will not happen.

Mr. Kelly – correct.

Mr. Skowfoe – Has PILOT been decided?

Mr. Kelly – Need agreement to be in place before we can work out final details. This is step one.

Michele Stacy – I live across the street from the property. What have you been told about the easement and how much water are you going to use?

Mr. Kelly – Butternuts will be a good neighbor. Easement title search has been done. Water is to be used only for parcel on small building fire protection only. Butternuts intention is to use Village water. Actually they do not use a large capacity of water.

Bruce Stacy – Easement comes to our property. Use for fire.

Mr. Kelly – Read easement to say solely for smaller of two buildings.

Mr. Williamson – Not in our plan to tap into pond. Water usage is 2.8 to 1 for production and cleaning.

Mr. Kelly – Maintain conversation with Butternuts in private with the Stacy's.

Motion #405 by Mr. Richards to allow County Chairman to approve the agreement with Butternuts. Seconded by Mr. Singletary.

This is the beginning of a process. There is much to do. Perception is that Schoharie County is not business friendly. I support people who want to invest in this County. Give them an opportunity to take a chance on us. Over site Committee has done due diligence. There are questions we do not know the answers to. We need to move forward.

Mr. Barbic - \$100,000 savings to County for school tax. Procrastinate and the County will still pay.

Mr. Murray – We would pay if Butternuts not making a purchase. AG Business is our preference. Stated would sell for \$1 if it would bring jobs to the County. Putting a lot into maintenance. Time to pass this on.

Mr. Singletary – As long as money is being invested, doesn't matter where it comes from. They are stabilizing and making improvements on a building we will own for 10 years. We have nothing else and believe this will be an extraordinary benefit to the County.

Mr. Mann – Would have preferred straight transaction, but if this gets us closer to jobs than an empty building we need to move forward.

Mr. Skowfoe – Would prefer a lease with option to purchase.

Mr. West – Needs to be owned to make improvements. You have foreclose option to get back if necessary.

Chairman Vroman – Support as way to move forward.

Mr. Skowfoe – FEMA Trailer

Mr. Kelly – Contract has an addendum with County agreement with FEMA. Have meeting to review to coincide.

Mr. Skowfoe – Also have contract with FEMA for security.

Mr. Kelly – Any and all agreements covered by this agreement.

Mr. Skowfoe – Have not seen the contract. All members should have a copy to review.

Mr. Kelly – Distributed copies electronically to those available. Happy to meet with anyone with questions. Your input is well taken.

Roll call vote: Yes - 2683; No – 291, Mr. Skowfoe and Mr. Barbic. Carried.

Mr. Malone – Think there is an extreme monetary loss. Wish to caution with respect to what type of employment that will be generated.

Mr. Skowfoe – Authorized to do but will be back before final agreement. Need to know PILOT and other information. Need a copy of the agreement.

Mr. Kelly – Meeting with IDA today.

Privilege of the Floor: Lynette, Maranatha

Mananatha project has broken ground and foundations put in this week. Community project. Working with private and public. Creating 44 jobs as part of agreement and hope to do more. Look forward to working together with you. Will bring further updates in the future. Steel structure going up end of December. Indoor soccer arena, basketball courts, physical therapy and therapy pool. 6500 sq. feet of rental space plus gym. Restoring Dutch barn on property to use as a child area.

Renee Grapowski – What agreements have you received?

Lynette – Have IDA PILOT and Restore NY Grant.

Ms. Grapowski – exempt for how long?

Lynette – Gradual over 5 years.

Mr. Richards – Thank you for taking an opportunity with Schoharie County. This will bring interest from outside the County.

Mr. Lape – Thanks for persevering has been a number of years.

Chairman Vroman – One more step in the right direction for Schoharie County.

Buildings & Purchases Committee – Mr. Shrederis

Employees and Committee working hard to get to second and third floor of County Office Building.

Chairman Vroman – Recovery team set up. Structure to proceed to get back into buildings. No timeline current. Will be available soon. Moving along to get back to first floor.

Extension, Ag, Conservation Committee – Mr. Goblet - No Meeting

Highway Committee – Mr. VanGlad

Blenheim Bridge pieces being retrieved. DPW is helping. Old Bridge signs being donated to Gas Up.

Mr. West – Cannot sell pieces. They need to come back to Schoharie County.

Motion #406 made by Mr. VanGlad to continue our contract with Bassett Healthworks for CDL Drug Testing in 2012. Seconded by Mr. Murray. Voice vote: carried

Update on bridge and road closures.

Transportation Committee – Mr. VanGlad

Pat Cooper is retiring on the 20th of December. She has been a key player with Federal Grants.

Mr. Milone – Civil Service title?

Motion #407 made by Mr. VanGlad to recommend interim person for May 1st and advertise for Director. Seconded by Mr. Richards.

Mr. Singletary – By time test taken will be more than (2) months. Have Interim until May 1st.

Voice vote: carried.

Historical, Planning, OFA, Promotional and Youth Committee – Mr. Richard

Occupancy Tax Grant program being advertised \$25,000 available. Contact Cassie Putnam at Planning. Move process forward to help projects starting early in the year.

Route 7 Corridor Project received 4.1 million. Good news for Schoharie County. Need Economic growth.

EDA Grant – finishing touches or last version submitted 12/15/11. Moving through process. Encourage you to lobby officials. Need to get more aggressive. Unless we ask we can miss opportunity.

Creation of County email address for grants.

Motion #408 by Mr. Richards to create a County email address for grants. Seconded by Mr. VanGlad.

Mrs. Terry – In order to register for grants we need a County contact e-mail address, grants@co.schoharie.ny.us, to get information to the right department. Federal and State grants.

Mr. Milone – specific dollar amount for EDA grants?

Mr. Richards - \$10,000

Voice vote: carried

Motion # 409 by Mr. Richards to declare surplus one Hewlett Packard scanner, one GE air conditioner, one Fedders air Conditioner, one Carrier air conditioner and one FE 8000 Btu air conditioner. Seconded by Mr. Shrederis. Voice vote: carried.

Mr. Murray – A lot of projects would not have moved forward with out Dennis. Thank you. Making great progress because of your position in that seat.

Law Enforcement Committee – Mr. Bradt

Motion #410 by Mr. Bradt to allow Probation to renew GPS Contract. Seconded by Mr. Mann. Voice vote: carried.

Correction Officers resolved for FEMA Contract.

Mr. Desmond – Will get into the minutes once Paul is finished with calculations.

Public Health Committee – Mr. Goblet

Motion # 411 by Mr. Goblet to advertise for Director of Community Services. Seconded by Mr. Richards. Voice vote: carried.

Mr. Singletary – Is that zeroed out of budget?

Mr. Goblet – Julie Burton resigned, may incorporate with savings. Great deal of confusion of financial status of CHHA. Have Vanesky Reports

\$373,000 year to date received

\$753,607 year to date expenses

Money in Delta to bill for \$285,864 ahead for sale.

Mr. Mann – Vanesky does annual audits. Minimum of \$253,000 lost 2010. 2011 first year to have savings. Projected \$500,000 of \$200,000 due to sale.

Mr. Skowfoe – Do not have back up documentation needed for Delta. May need to pay back in the future.

Mr. Richards – Services much better by HCR

Mr. Mann – Required to have forms by doctor. Due to flood, documents are at Document Reprocessors. Flood making complicated. Also reason revenue will be delayed.

Mr. VanWormer – Ms. Shipp-Hilts being person officially in charge?

Mr. Goblet – Waiting on State.

Mr. VanWormer – Letter sent?

Mr. Goblet – was sent.

Mr. VanWormer – is she official?

Mr. Singletary – letter sent mid-November. State Department of Health is reviewing. May be holding back due to experience. Should have full approval soon.

Mr. VanWormer – Who is officially in charge?

Mr. Singletary – We put Mrs. Ethington in charge.

Mr. VanWormer – I do not recollect that, put in charge of sale of CHHA. If Ms. Shipp-Hilts does not have qualification how can person be in charge.

Mr. Singletary – At the time Board of Health recognized the person.

Mr. West – We put Mrs. Ethington in charge of the sale of the CHAA. Will not find anything in the minutes.

Mr. Singletary – Agree this needs to be rectified.

Mr. VanWormer – Need to be concerned for liability.

Mr. West – Motion to be followed with resolution. Will back date resolution.

Human Services/Veterans Committee – Mr. Lape – everything in the minutes

Radio/Emergency Services Committee – Mr. VanWormer III

Mid-State is waiting for a radio that goes in the cabinet. It should be available after Christmas. They will need to test, etc. The cabinets should be on poles by mid-January. The Priddle Camp siren and pole is going to be removed and placed somewhere else. The remaining 16 sirens have been assessed. Coyne is working with National Grid to do the repairs.

Motion #412 by Mr. VanWormer to declare a light and siren controller and a light bar in the Fire Coordinators Office surplus. Seconded by Mr. VanGlad. Voice vote: carried

Ms. Warner – Consulting firm for After Action Report is meeting January 25, 2012 at the Cobleskill Fire House with elected officials, emergency services and human services. They will meet with volunteer fire and EMS at a later date.

Mr. West – Cobleskill/Richmondville Sheltering? Up to you.

Mr. Singletary – NYPA releasing water unexpectedly plus release during the emergency that made a surge.

Ms. Warner – 25-30 thousand cfs is my uneducated opinion that made a surge.

Mr. Singletary – Need to review.

Ms. Warner – Flood Committee is reviewing.

Mr. VanWormer – Communication has been an issue. They have assured us it will be better.

Motion #413 by Mr. VanGlad to send a letter.

Ms. Warner – We sent a letter for levels and received information, but no response for Saturday, August 27, 2011.

Mr. Richards – Significant difference of information now and information in 1996. This was not controlled.

Mr. Shrederis – We were not notified. We should be notified of any release along the corridor. Need to know what is happening.

Ms. Warner – New interim, we are looking to set up meetings with local officials.

Mr. Milone – Condition that contributed to surge was bulkhead. Timetable of events is available.

Ms. Warner – Discrepancy in line table.

Mr. Buzon – 90 days to serve notice of legal action. Any progress of legal action to NYPA for event? For every 10,000 ft. raising 1 foot coming through. Cause much damage. Limitation 12/28. Relicensing coming up gives power for negotiation.

Mr. West – 90 day window of notice of claim. None filed by any municipality that I am aware of. Unless class action. Obvious there is a lose. Courts lenient to file. Any notice of claim County could file would be their own damages. Allows time to investigate. Number of elements fall into play. Rotterdam Junction filed notice of claim.

Mr. Richards – Flood Committee to review.

Mr. Mann – Good point. Give consideration. Empower Flood Committee to give authorization.

Mr. West – 90 days has past. Maybe able to file late notice. Gentlemen dealing with relicensing would be a good source.

Decided to discuss at Flood Committee.

Mr. Buzon – Reason not just County impact, but assessments, etc. effecting everything in County.

Mr. West – Was it foreseeable? Are damages speculative?

Flood Committee – Mr. VanGlad

DEP had EAP meeting last Friday.

Ms. Warner – Good coments. Plan will be updated.

Mr. Mann – Scope limited. Good suggestions.

- Homes to be mitigated – Shane Nickle is working on
- Dick Bovee – looking at other siphon options (2) large in another area.
- Hurricane Irene damage to plunge pool. Working on repairs.

Mr. West – Look at with insurances. Deposited John Barlow guns at Sheriff's Department \$32,000.

Notice of claim. Insurance no coverage with insurance.

Sheriff seizes property – maximum \$10,000 per lose.

Obligation to think about families with lose. Sheriff charged to protect.

Sheriff Desmond – approximately 225 guns.

Mr. West – Once wet destroyed. John's collection was valuable.

Mr. Milone – What about estimate of repair?

Mr. West – Need to deal with and talk to insurance agent.

Finance – Mr. Mann

Equipment 2008 spent 4.8

Equipment 2010 spent 4.0 – spending less

2009 recognized early in year Sales Tax was falling and asked Department Heads to cut expenses. Have been taking expenses out, but not sustainable, will have to replace equipment.

Contractual expenses –

Salaries continue to rise we are obligated under union contract.

2008 17.7,

2010 18.2 ½ million higher – Sales Tax revenue did not increase. Puts pressure on Property Tax.

Fringe Benefits - trend ever increasing. If we cannot change salary have no choice but to change number of employees.

Conclusion – 2009 hiring ceiling has not reduced annual expenditures on salary or fringe benefits.

Motion #414 by Mr. Mann to raise Chemical Dependency Counselor grade from 13 to 15 – When hired a promise was made that after training would receive upgrade. Seconded by Mr. Singletary. Voice vote: carried. No: Mr. Bradt and Mr. VanWormer.

Mr. VanWormer – After laying off valued employees cannot give increase.

Mr. Barbic – Excellent report. In 2006, 2007, 2008 we did not expect.

Motion #415 by Mr. Mann to recommend awarding bid to BELFOR. Seconded by Mr. Singletary.

Ms. Campbell – What are figures?

Discussion of numbers to get documents reproduced and where numbers came from.

Mr. VanGlad – FEMA reimbursement:

Chairman Vroman – Yes, 75% FEMA, 12½% State.

Mr. West – A lot of Departments have adapted to being without documents. Some documents will be needed but may not be as many as originally expected.

Mr. Singletary – Documents were taken out. Have been frozen and are sitting at warehouse. Final process to make safe and useable.

Discussion of expenses to date and payments to Document Reprocessors pending. Will be a general release before payment.

Mr. Singletary – In order to get FEMA reimbursements in 2ns stage of recovery, need to do RFP for work to be done.

Roll Call: Yes: 2974. Carried.

Motion #416 by Mr. Mann to have computer equipment returned to the Health Department for their use. Seconded by Mr. Shrederis.

Mr. Singletary – Spoke with Mr. France.

Voice vote: carried

Authorized Sheriff to enter into a FEMA Contract per budget officer changes. See list.

\$119,648 expense

\$149,000 revenue – positive to collecting

Changes result in reinstating Corporals and Deputies.

Finance committee discussed bonding that is in place. Designated Recovery Team to make decisions and payments as needed.

Mr. Milone – Documents – what happens to originals.

Chairman Vroman – Will be destroyed.

Mr. West – State of NY has to sign off. Certification process for confidence of documents.

Mr. Milone – Pronounced escalation with Health Care. Any dialogue in respect to self insurance for County or joint county venture.

Mr. Mann – Have explored Health Insurance at least three times in my tenure most recently in 2009. Contract requirement is equal to or better than NYSHIP.

Mr. Milone – But self insurance for health care. Actuary tables.

Mr. Richards – The problem comes with information available, but NYSHIP not willing to release data tables. Union unwilling to work with. NYSHIP is self perpetuating. NYSHIP sits on over \$30 million of assets. They do not need that type of money. Nassau County took them to court and won. County and Towns should ask NYMIR to get involved. NYMIR puts out RFP to privatize health insurance. Would be a savings of millions.

Mr. Milone – Great concept. Information talking about Union should be able to address.

Sheriff Desmond – Agree to staffing analysis by Corrections Commissioner and holding pen for 4 hours. Camera system and phone for security.

Mr. Mann – Yes. Budget would reflect.

Sheriff Desmond – FEMA Contract has been approved and signed. Started working Saturday. FEMA will reimburse. Need to make our own schedule. Need to use full pool including those subject to layoffs.

Mr. Mann – No problem with Sheriff making schedule. No overtime costs, fair labor standards, Union contracts.

Sheriff Desmond – Looking at possible leave of absence, which will cause changes.

Mr. Bradt – As long as you stay within dollar amount.

Mr. Singletary – Last Friday night was a disaster. No doubt we have to lay people off as we have no jail. Unfortunately County and taxpayers are not in the business of hiring to provide private service. Do not have a problem with that, but have a problem with intermingling full-time with layoff employees. Not in the best interest of Schoharie County. Clouds the issue. If need 21 at jail, how do we have time to send to FEMA.

Sheriff Desmond – Respect, fully disagree. We have to be flexible. People being laid off are employees of Schoharie County. Not trying to pull wool. Found another revenue stream to keep people working.

Mr. Singletary – Opens a can of worms. People working for FEMA are not working as Correction Officers. Working out of job description should pay at another level.

Sheriff Desmond – Do not understand your logic. Somebody is going to get the money. Let us do it.

Mr. Singletary – 8 people laid off for the next three months. Not in the business of providing security for other entities.

Mr. Skowfoe – Do not feel Board should be micro-managing. Should be allowed to provide his own schedule. Have contract with Village of Middleburgh. FEMA federal government.

Mr. Singletary – Need to be very clear.

Mr. Milone – This is not really a case of working out of title.

Mr. Goblet – Should not micro-manage, but giving access to other people is not what we agreed to.

Mr. Mann – Adopted a budget with cloudiness as to Sheriff's Department. This is clarification. Salaries to expire at end of FEMA Contract. This is document we need to adopt for 2012 budget.

Motion #417 by Mr. Mann to implement change to 2012 Budget. Seconded by Mr. Skowfoe.

Mr. Goblet – Should be identified as addendum. This doesn't say anything.

Mr. Mann – Adjustments will be in 2012 Budget.

Mr. Singletary – Will vote reluctantly. Understand, but in defense of schedule from Correction Commissioner if they are needed.

Mr. Bradt – Cost 30 per officer, FEMA 45 put bills in weekly.

Sheriff Desmond – Will do.

Roll call vote: Yes: 2819; No: 155, Goblet. Carried.

Hiring ceiling since 2009

Numbers	12/14	391 Full-time
		23 Vacancies
	12/31	362 Full-time
		11 Vacancies
		57 Part-time

Motion #418 by Mr. Mann to adopt a new ceiling. Seconded by Mr. Richards.

Mr. Skowfoe – How many did we actually layoff?

Mr. Mann – 17

Mr. Skowfoe – Will go down 8 more after contract.

Voice vote: carried. No - Mr. Skowfoe.

Mr. Richards – NYPA siren maintenance in are for 2 years.

Recess called.

Call to order by Chairman Vroman at 1:35 P.M.

Roll call 14 Supervisors present. Mr. Murray and Mr. VanWormer III. County Attorney Mike West is present.

Motion #419 by Mr. Shrederis to go into executive session. Seconded by Mr. Singletary. Voice vote: carried. Excused: Mr. Murray and Mr. VanWormer III.

Advise of council, Gene Milone, Anne Batz, Jim Buzon, Paul Brady, Alicia Terry and Cassie Ethington asked to stay.

Mr. Murray arrived 1:36

Mr. VanWormer arrived 1:37

Motion #420 by Mr. Mann to come out of executive session. Seconded by Mr. Shrederis. Voice vote: carried

Called to order at 2:18 pm.

Roll call: 16 Supervisors present. County Attorney Mike West is present.

Personnel Committee – Mr. Singletary

Motion #421 by Mary Roach for Personnel Chairman Dan Singletary that on December 12, 2011 the Schoharie County Board of Supervisors will deny the class action grievance from CSEA. Seconded by Mr. Goblet. Voice vote: carried.

Motion #422 by Mary Roach for Personnel Chairman Dan Singletary that on December 16, 2011 the Schoharie County Board of Supervisors will deny CSEA grievance dated December 9, 2011 relative to claim of right to retreat. Seconded by Mr. Goblet. Voice vote carried.

Motion #423 by Mary Roach for Personnel Chairman Dan Singletary on December 16, 2011 the Board approves the Grievance from CSEA on behalf of Asante Shipp-Hilts, Epidemiologist Coordinator for her to be paid her overtime as per CSEA contract. Seconded by Mr. Mann. Voice vote: carried.

Motion #424 by Mr. Singletary that responsibility for Weights and Measures to Health Department. Ag and Markets requires a Deputy Director for Health Department. \$55,000 salary, add \$60,000 for expenses. Seconded by Mr. Goblet.

Motion #425 by Mr. Barbic to reduce the salary to \$57,500. Cortland County 4 times the size of our County. Seconded by Mr. Goblet.

Mr. Singletary – Money well spent at this level.

Mr. Barbic – Trying to bring things down.

Mr. Skowfoe – Problem bringing anything more into it. Have been saying not enough work to do.

Change title and move it. Sanitarians will be doing the work.

Mr. Mann – happen to like the amendment reasonable compromise. Inclined to support \$2500 vs. \$5000.

Voice vote on amendment - carried. No, Mr. Singletary and Mr. Skowfoe.

Motion as amended – carried. Yes: 2476, No: 498, Bradt, Brandow, Skowfoe and VanGlad.

Motion #426 by Mr. Singletary to renew contract with Roemer for one year. Ask Mike West to negotiate. Seconded by Mr. Mann.

Mr. Singletary – Committee thought one year contract vs. three would best save.

Mr. Mann – The raise is miniscual. Good to get a quote. Not dissatisfied.

Mr. VanWormer – We have a good history with firm. Unfair to expect to get through 3 labor contracts and then look for someone else. You could get someone you do not know how you will relate to.

Mr. West – Feel they would accept. Hope you would do apples to apples.

Mr. Skowfoe – Open contract give opportunity to undercut.

Mr. West – Only 3 or 4 firms you would want to tie up with. Contact other counties for comparisons.

Mr. Milone – Retainer for contracts with labor lawyers. If not broke, don't fix it. Exposing yourself to another learning experience. If served well hold on to.

Roll call vote: Yes: 1882, No: 1092, Batz, Brandow, Buzon, Singletary, Skowfoe, VanWormer III and Vroman. Carried.

Mr. Skowfoe – No provision in 2012 Budget amendment already.

Mr. Mann – Budget adopted values for Sheriff included. This person is not hired yet. Will be enough in line no amendment will be necessary.

Mr. West – Just looking at possibilities? See what is out there.

Mr. Singletary – Mike West to negotiate with CSEA for carry over for vacation and comp. time. Have other unions requested?

Mr. West – Others have asked.

Mr. Singletary – Through union representative or casual? Would prefer official request.

Can reinstate time if necessary.

Mr. Mann – inclined to grant. People put in enormous time and effort. Would approve if union requested.

Mr. Skowfoe – Agree with Mr. Mann. The people stepped up we need to do the same.

Ms. Warner – Include non-union members.

Motion #427 by Mr. Singletary to allow all County employees to carry comp. and vacation time until 7/31/2012. Department Heads vacation only. Seconded by Mr. Mann.

Mr. Skowfoe – Should show on pay checks all accounted for on paychecks no accountability.

Mr. Murray – All records destroyed.

Mrs. Troidl – We do have computerized tracking at Treasurer's Office.

Mr. Milone – Is there an increment at the beginning of the year?

Ms. Ethington – Only carry what you earn in a year. No COLA only steps.

Mr. Milone – Can have a direct effect to budget.

Mr. Mann – Same salary more days off.

Voice vote: carried.

Mr. Mann – Payroll adjustment.

Motion #428 by Mr. Mann to allow Treasurer to make Budget adjustments. Seconded by Mr. Richards. Voice vote: carried.

Mr. Mann – Ms. Gigandet and Ms. Grimes are 100% grant funded. Ms. Gigandet corrected.
Part of Ms. Grimes reimbursable not 100% grant funded.

RESOLUTION NO. 97

**TITLE: APPORTIONMENT OF SALES TAX REVENUE SHARING AMONG
RESPECTIVE TOWNS AND VILLAGES FOR 3RD QUARTER 2011**

OFFERED BY: Robert Mann Jr., Who moved its adoption.

SECONDED BY: Donald Brandow, Chairman Rules & Legislation Committee

RESOLVED, that the Schoharie County Treasurer is hereby authorized and directed to pay and distribute the 3rd Quarter of 2010 Sales Tax Revenue to the various Towns and Villages of Schoharie County, as follows:

<u>TOWN</u>	<u>MUNICIPALITY</u> <u>SHARE</u>
BLLENHEIM	\$7,616.42
BROOME	5,839.79
CARLISLE	8,823.69
COBLESKILL [T]	8,864.92
COBLESKILL [V]	23,711.52
CONESVILLE	7,147.89
ESPERANCE [T]	6,231.16
ESPERANCE [V]	1,170.86
FULTON	8,104.45
GILBOA	20,884.64
JEFFERSON	9,908.32
MIDDLEBURGH [T]	9,468.34
MIDDLEBURGH [V]	6,446.03
RICHMONDVILLE [T]	9,817.14
RICHMONDVILLE [V]	2,815.36
SCHOHARIE [T]	10,330.51
SCHOHARIE [V]	6,384.52
SEWARD	6,949.35
SHARON [T]	5,783.61
SHARON [V]	7,158.36
SUMMIT	6,998.78
WRIGHT	9,225.54
	<hr/>
	\$189,681.23

No. 97 Voice vote: carried.

RESOLUTION NO. 98

TITLE: APPROVAL OF GML SECTION 207-c BENEFITS TO CORRECTION'S OFFICER

OFFERED BY: Larry Bradt, Who moved its adoption.

SECONDED BY: Donald Brandow, Member Rules & Legislation Committee

RESOLVED, to approve the application dated September 8, 2011 of a Corrections Officer for General Municipal Law, Section 207-c benefits on the grounds that the injury/illness was suffered in the performance of duties.

No. 98 Voice vote: carried.

RESOLUTION NO. 99

TITLE: AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE OF THE STATE MASS TRANSPORTATION CAPITAL PROGRAM AID 100% OF THE TRANSIT STATE DEDICATED FUND PROGRAM AID AND THE STATE- ADMINISTERED FEDERAL PROGRAM AID COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, TO FULLY FUND THE LOCAL SHARE OF FEDERAL-AID ELIGIBLE AND INELIGIBLE PROJECTS COSTS, AND APPROPRIATING FUNDS THEREFOR.

OFFERED BY: Anthony VanGlad, Who moved its adoption.

SECONDED BY: Donald Brandow, Chairman Rules & Legislation Committee

WHEREAS, a Project for the County of Schoharie, P.I.N. 9796.16.305, 9796.17.305 and 9797.15.305 [the "Project"] is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Board of Supervisors of the County of Schoharie desires to advance the above project by making a commitment of 100% of the federal and non-federal share of the costs of \$404,375.00;

WHEREAS, any State matching funds to this Federally-funded project may be used up to 50% of the non-Federal share of federally-funding projects, but not to exceed 10% of the project costs,

WHEREAS, any Transit State Dedicated Fund aid may not be used to fund the non-Federal share of federally-funding projects,

Section 33

**SCHOHARIE COUNTY BOARD OF SUPERVISORS
PUBLIC HEALTH COMMITTEE MEETING
For: Public Health Department
November 8, 2011**

Present: William Goblet, Chairman, Carl Barbic, Richard Lape
Absent/Excused: Mike Brandow, Marie Campbell
Staff: Cassandra Ethington, Personnel Director; Asante Shipp-Hitts, Epidemiologist;
Patti Gustafson, Fiscal Coordinator
Call to Order: William Goblet, Chairman, called the meeting to order 5:45 pm.
Location: MOSA Office Building, Howes Cave, NY
Guest(s): Eva G., Bio-Terrorism Coordinator; Penny Grimes, DOH Public Health Educator

PERSONNEL

DOH Layoff(s): Cassandra reported that four (4) staff are targeted for layoffs within the DOH. The duties associated with these four positions will be absorbed by existing staff. The NYS grant funds and state aid would be re-distributed to remaining staff as well.

Deputy Director DOH: Cassandra reported she and Asante may be looking at a DOH Deputy Director; instead of a Director of Environmental Services, to meet NYS DOH requirements in obtaining a LHCSA License.

Guest: Eva G expressed her concerns regarding the layoff notice she received and the future of implementing the Public Health Preparedness program. Discussion was heard regarding Department Head responsibilities, chain of command, employees roll/duties, grant funding, parameters of the Public Health Preparedness state funds, management's role to utilize resources, employee concerns or issue's to be directed and handled by the Department Head {Cassandra E. or Asante Shipp-Hills} not brought to a BOS – PH Committee meeting, the need for continuity of services, NYS DOH recognition of Cassandra E as Acting Director and Asante SH as pending Director. Upon motion of Carl Barbic, seconded by Richard Lape, the Committee unanimously moved to discontinue conversation regarding layoffs and Departments Heads role, and whereas, the Board of Supervisors must maintain the integrity of the structure in place {chain of command} and whereas, they recognize and fully support Cassandra E and Asante SH as the Department Heads and Oversight Director respectively, and whereas, the Board of Supervisors do not have the time allotted to micro-manage the Departments; leaving day to day operations at the discretion of the Department Heads.

Guest: Penny Grimes expressed her concerns regarding the layoff notice she received. Penny distributed a letter to committee members and asked for their support to keep her position filled.

Decision: PH Committee members expressed their sincere empathy for the layoff(s) but recognized the need to reduce spending, taxes, and the important role of county government to be responsible stewards of county finances. The layoffs are recognized as a strategic vision linked to a budget plan to reduce costs. Members commented that there are many challenges that lay ahead for Schcharie County – a continuously deteriorating infrastructure, New York State mandates, and loss of tax base {due to the flood}. They expressed their appreciation for the many years and fine work of each employee.

FINANCE

Budget Transfers: upon motion of Richard Lape, seconded by Carl Barbic, the PH Committee unanimously approved the budget transfers as requested; and to submit the request to the Finance &

Personnel Committee for approval. Budget transfer to cover costs associated with Medical Supplies and Physical Therapy contractual services; for a total of \$7360. {see attached Finance memo}

OLDBUSINESS

Budget Summary: a Budget Summary will be compiled and presented to the PH Committee members asap.

NEWBUSINESS

Executive Session: upon motion of Richard Lape, seconded by Carl Barbic, the PH Committee adjourned to enter into executive session at 6:15 pm to discuss personnel issues. PH Committee meeting reconvened at ___pm. No action taken.

Adjournment: the portion of the meeting relating to the Public Health Department adjourned at ___pm.

Respectfully submitted,
Patti Gustafson

Section 34

PERSONNEL COMMITTEE MEETING

November 9, 2011

MEMBERS PRESENT: Dan Singletary, Bob Mann, Larry Bradt, Tom Murray, Martin Shrederis, Carl Barbic & Phil Skowfoe

OTHERS PRESENT: Cassandra Ethington, Sheriff Desmond, Siobhan Reddick, Mike West and Sandy Coleman

MEETING TO ORDER: Singletary called the Meeting to order at 8:25 pm in the MOSA Conference Room

Motion made by Mann to eliminate the two newly requested positions in the Health Department and fill the Deputy Director position instead. *2nd by Barbic Motion Carried No-Skowfoe*

Motion made by Mann to go into Executive Session at 8:31 pm to discuss two 207c Applications from the Sheriff's Department and other personnel matters inviting Ms. Ethington, Sheriff Desmond and Ms. Reddick to stay.

2nd by Barbic Motion Carried

Sheriff Desmond, Undersheriff Stevens and Ms. Reddick dismissed from Executive Session at 8:45 pm.

Motion made by Barbic to come out of Executive Session at 9:30 pm *2nd by Mann Motion Carried*

Motion from Executive Session to go to Full Board by Mann 2nd by Shrederis Motion Carried: Propose that the 207C Applications from 10/6/11 and 11/9/11 be denied.

Discussion regarding contract negotiation dates and holding off until after the 1st of the year due to budget meetings.

- *426 Report Attached*

ADJOURNMENT: Shrederis moved to adjourn @ 9:45 PM *2nd by Mann Motion Carried.*

Respectfully submitted,

Sandy Coleman
Senior Personnel Clerk



Dan Singletary
Chairperson, Personnel

Section 35



ANDREW M. CUOMO
GOVERNOR

STATE OF NEW YORK
DEPARTMENT OF CIVIL SERVICE
ALFRED E. SMITH STATE OFFICE BUILDING
ALBANY, NEW YORK 12239
www.cs.ny.gov

April 27, 2012

Cassandra Ethington
Personnel Officer
Schoharie County Personnel Department
284 Main Street
P.O. Box 675
Schoharie, New York 12157

Dear Ms. Ethington:

On March 7, 2012, staff of the Office of Commission Operations and Municipal Assistance conducted a review of the operations of the Schoharie County Personnel & Civil Service Department. As a follow up to this review, we would like to share with you our observations regarding civil service administration by your office and provide you with recommendations to improve merit system administration in Schoharie County.

Based on the records reviewed, civil service administration was found to be effective in the following areas:

- Eligible List Establishment and Maintenance;
- Examination Administration;
- Preparation and Distribution of Examination Announcements; and
- Civil Service Rules.

While these areas were found to be effective, if you should have any questions regarding them, please do not hesitate to contact our office.

The following areas of civil service administration are in need of improvement and we have made recommendations accordingly:

Roster Record Maintenance & Payroll Certification

Roster Record Maintenance

Section 97(1) of the Civil Service Law and Schoharie County Rule XXI, Reports of Appointing Officers, requires appointing officers to promptly report to the Personnel Officer detailed information relative to an employee's employment history. Section 97(2) of the Civil Service Law and Schoharie County Rule XXI requires the Personnel Officer to maintain an official roster (roster record) detailing the employment history of each employee within the classified

service. While most transactions begin with the appointing authority, it is the responsibility of the Personnel Officer to ensure that every personnel transaction is made properly and is appropriately documented.

Information in the roster record is used to determine an employee's civil service rights, eligibility for promotion and/or retirement and the compensation to which he or she is entitled. It also is the source document for certifying payrolls.

Generally speaking, your agency's roster record maintenance is effective; however, we offer the following suggestions for improvement. It is recommended that for permanent competitive class appointments from an eligible list, that the eligible list number be recorded in the Authorization for Action section of the roster record. For example: "Eligible List 70-235" indicates that the employee has received an appointment in the respective title and refers to the eligible list number as the source document.

Also, as noted in the Transactions Manual, "...since the purpose of the entry is to ensure that the civil service agency has approved and recorded the appointment or change of status as conforming to law and rules, it is critically important that the proper authorization be cited for all permanent, provisional, temporary and non-competitive class appointments. By using appropriate entries in the "Authorization for Personnel Action" column, not only is the source documentation being cited for the action for future reference, but also this will provide a check for civil service staff that the type of appointment is in accordance with law and rules."

Roster records indicate "CIS" as the Action, and "426 PayrollCert -date." It is unclear what this notation means. The abbreviation "SAL" is recommended for "Change in Salary." However, please note that the payroll provided by an appointing authority for certification should not be used to update the roster records. Rather, changes in salary should be reported using a Report of Personnel Change form. In instances where salary changes occur due to a scheduled, collectively bargained increase, a note in the roster record indicating this would be sufficient to document the action/authorization. (Please refer to attached roster record as an example of these notations.)

Payroll Certification

Effective payroll certification ensures that all appointments and employments are in accordance with Civil Service Law and Rules and should mirror the information recorded on the roster record. An exception taken to a payroll by a municipal civil service agency because of insufficient or non-matching information on the roster record is the principal tool a municipal civil service agency has to enforce the Civil Service Law and municipal rules.

Payroll certification is not being conducted as required by Civil Service Law and your agency's municipal civil service rules. The review found that although the Personnel Officer received the county payroll for certification in 2010 and 2011, the payroll was not certified prior to payment. The Personnel Officer did not take any exceptions to the payroll although there were instances where the Schoharie County Rules were violated. For example, there are two individuals employed in the District Attorney's Office who are occupying multiple positions. As provided in Schoharie County Rule I (3), a "position" means an aggregation of duties to be performed and responsibilities to be exercised by one person. Therefore, it is recommended that the duties and

responsibilities exercised by these employees be reviewed and the class specifications updated to reflect the "aggregation" of the duties performed. (Also, see "Position Classification" below.)

As noted in the Transactions Manual, unless a personnel change is certified by the civil service agency, the disbursing officer may not authorize the payment of salary to the employee. Certification of the individual employee's change allows payment for the period approved by the civil service agency. To satisfy the requirements of section 100 of Civil Service Law and the Schoharie County Civil Service Rules, interim personnel changes can be reported to the civil service agency for approval and payroll certification on Form MSD-426-A (Supplementary Payroll Certification and Report of Personnel Change or similar form). If the Form MSD-426-A or similar form is used to certify interim payroll changes, the civil service office should complete the bottom of the form indicating how long the certification is valid for and return a copy to the appointing authority.

Position Classification

We reviewed your position classification activities during the past two years for positions in the County. Position classification efforts generally were effective; however, as indicated above, a position should be classified to reflect all the duties and responsibilities of the position. There were several instances found in the course of this review, where one individual was appointed to more than one position. It is recommended that the classification of these positions be reviewed and the positions reclassified to incorporate all the duties and responsibilities exercised by the individual performing them into one position.

Also, section 22 of the Civil Service Law requires that prior to the creation of a new position or reclassification of an existing position, a statement of the duties and responsibilities of the position must be provided to the Personnel Officer. There were two new positions created for which a New Position Duties Statement or Classification Questionnaire were completed by the appointing authority and the corresponding class specification adopted were reviewed. The two positions reviewed were:

- Epidemiology Coordinator (requested by Board of Health 3/28/2011; classified 4/5/2011; filled 5/4/2011).
- Economic Development Marketing Coordinator (requested by Director of Planning 12/13/2010; classified 12/30/2010; filled 8/22/2011).

However, a New Position Duties Statement requesting the classification of the position of Deputy Public Health Director/Director of Weights & Measures which was also recently created was not available for review. The position was provisionally filled on February 6, 2012.

Provisional Appointments

If no eligible list exists, or if fewer than three candidates on the eligible list are willing to accept appointment, section 65 of the Civil Service Law provides that an appointing authority may nominate a person to fill the position on a provisional basis. Provisional appointments are a non-

tenured method of filling competitive class positions with qualified individuals, pending the holding of an examination and the establishment of an appropriate eligible list. The Personnel Officer must approve the nominee's qualifications prior to appointment. This approval consists of a review of the nominee's qualifications listed on the application against the minimum qualifications established for the position which are listed on the class specification. If the nominee is found to be qualified, he/she may be appointed on a provisional basis to fill the position until selection and permanent appointment can be made following a competitive examination.

Every effort should be made by the civil service agency to avoid the necessity of provisional appointments and to limit their duration. Consequently, section 65(2) of the Civil Service Law requires that the civil service agency initiate the examination process within one month of authorizing a provisional appointment and section 65(3) of the Civil Service Law provides that a provisional appointment to any position shall be terminated within two months following the establishment of an appropriate eligible list. The Personnel Officer must approve each provisional appointment and properly document the appointment on the employment history record.

A provisional appointment to the position of Director of Patient Services in the Schoharie County Public Health Department was reviewed. The provisional appointment was made effective February 8, 2010, absent an eligible list for the position. The prior eligible list had contained one name and the same individual had been previously appointed to the position, therefore the eligible list was exhausted. We reviewed the application for provisional appointment against the established minimum qualifications.

The application showed that the individual had a lengthy work experience in the nursing profession; however, the application did not contain dates of employment. Absent the lengths of employment on the application, the Personnel Officer would be unable to assess whether the individual met the "years of experience" required. Furthermore, the Application Status section of the Schoharie County Application for Employment does not indicate whether the applicant was deemed "qualified", "not qualified" or "more information required." A special requirement for the position of Director of Patient Services is that a "Candidate must possess a limited permit to practice or licensure and current registration to practice as a Registered Professional Nurse in New York State at time of appointment." The certificate showing that the applicant is a Registered Professional Nurse was not received by the Schoharie County Personnel Department until June 15, 2010, which is over four months following the provisional appointment and the individual's resignation from the position.

The New York State Education Department, Office of the Professions, provides an online, licensure verification application available at: <http://www.op.nysed.gov/opsearches.htm> This website shows the applicant possessed the required licensure prior to appointment to the position of Director of Patient Services; however, there are no notations on the application that this website or other method of verification was used by the Personnel Officer during the application review process. If this type of verification is conducted, it is recommended that a copy is placed with the application to document the possession of the necessary professional requirements.

Temporary Appointments

Section 64 of the Civil Service Law governs temporary appointments and indicates that a temporary appointment may be made when the permanent incumbent of a position is on leave of absence or in the event the position will exist for a short and specified period of time. The review of recent and current temporary appointments indicates that application review for positions filled by temporary appointment could be strengthened. It was unclear if the application review occurred prior to the temporary appointment and where an application was available, the application contained the initials of the individual who conducted the review, but did not contain the date it was reviewed. The Personnel Officer should review Section 64 of the Civil Service Law and all existing and future temporary appointments to ensure they are in compliance with Civil Service Law.

The temporary appointment to "Interim Public Health Director" illustrates a number of weaknesses in the review of temporary appointments:

- There is no civil service appointment type called "interim." The appropriate type of appointment appears to be a temporary appointment pursuant to section 64 of Civil Service Law;
- The title "Interim Public Health Director" is not classified in Schoharie County; the proper title for the position is Public Health Director;
- It is the responsibility of the Personnel Officer to require an application from individuals interested in a temporary appointment and to ensure that the individuals meet the minimum qualifications for the temporary position to which appointment is sought; and
- The Report of Personnel Change for the position of "Interim Public Health Director" was signed/certified by the Chair of the Board of Supervisors; the only individual legally authorized to certify a Report of Personnel Change is the Schoharie County Personnel Officer.

Section 27 of Civil Service Law

A municipal Civil Service Commission or Personnel Officer is prohibited from certain other public employment and political activity pursuant to section 27 of Civil Service Law. Several reports of personnel changes submitted as part of this review showed you certifying the actions as the "Interim Public Health Director." This is the type of conflict of interest that section 27 of Civil Service Law is designed to avoid. (Please refer to our letter dated February 21, 2012.) Although this conflict has ceased to exist given that a permanent appointment to the position of Public Health Director has been made and approved (conditionally) by the New York State Public Health Department, it is recommended that any actions taken during the period of time the Personnel Officer also served as "Interim Public Health Director" be reviewed by your agency's legal Counsel.

Layoffs

Section 80 of Civil Service Law provides for the process to be followed when competitive class positions are abolished due to lack of work or funds. The reports of personnel change, roster

records of individuals occupying the positions abolished, roster records of other employees in each department where a layoff occurred, and the 2012 Schoharie County Adopted Budget were reviewed. The review was conducted with the understanding that the departments listed below were established pursuant to a general law or through the enactment of a local law.

The majority of the positions listed below indicate that they were abolished as part of the 2012 Budget. However, there was no notation or source document indicating the reason for the abolition of the position of Accounting Supervisor (Grade B) in the Health Department which occurred on 10/7/2011 and pre-dates the 2012 Budget.

Title	Location/Department	Date Position Abolished
Account Clerk Typist	Transportation	12/23/2011
Accounting Supervisor (Grade B)	Health	10/7/2011
Agricultural Marketing Specialist	Planning	12/23/2011
Early Intervention Service Coordinator	Health	12/16/2011
Economic Development Assistant	Economic Development	12/23/2011
Public Health Educator II	Health	12/16/2011
Public Health Preparedness Coordinator	Health	12/16/2011
Planner Assistant	Planning	12/23/2011
Program Coordinator	Mental Health	1/1/2012
Safety Officer	EMO	12/23/2011

Except for the position of Program Coordinator, the incumbents of the positions listed above were the only individuals occupying a position in the title abolished, had the least retention standing and had no opportunities to bump or retreat. Regarding the position of Program Coordinator in the Mental Health Department, which was abolished on January 1, 2012, the letter to the individual being laid off correctly indicates that her name will be placed on a preferred list to the title of Program Coordinator for four years; but incorrectly indicates that a bumping opportunity exists to the position of Staff Social Worker – Community Services.

Vertical bumping, as defined in the Schoharie County's Layoff Rule XXIV (3)(a), "occurs when an employee in a specific title to which there is a direct line or promotion, who is himself/herself suspended or displaced, displaces an employee in the next lower occupied title in direct line of promotion in the same layoff unit having the least seniority if the employee who seeks to displace has greater retention standing." The Schoharie County Layoff Rule XXIV (1)(a) states that "direct line of promotion shall be strictly construed in that in order to be considered as direct line all titles must have the same generic root." Consequently, since no direct line relationship exists between the title of Program Coordinator and Staff Social Worker – Community Services, bumping would not be appropriate. Although no opportunity to bump exists, an opportunity to retreat may exist.

According to the Schoharie County Layoff Rule XXIV (4)(a)(b) "...retreat occurs only when and only when there is no lower occupied position in direct line of promotion at any level..." and "...an employee may retreat by displacing the incumbent with the least retention right who is serving in a position in the title in which the displacing incumbent last served on a permanent basis prior to service in the title from which he/she is currently suspended or displaced. Retreat may only occur where the position in the title formerly held by the displacing incumbent is occupied in the

competitive class, in the same layoff unit, and at a lower salary grade; the service of the displacing incumbent while in the former title must have been satisfactory, and the junior incumbent must have less retention standing than the displacing incumbent.”

Since a retreat can only occur to an occupied position, it is unclear why a preferred list was not established to address the layoff rights of the individual occupying the position of Staff Social Worker – Community Services who was displaced by the retreat. It is recommended that the procedures for “retreat” found on page 18 of the Guidelines to the Administration of Reductions in Force be reviewed to determine if any additional actions are needed. This publication can be found on MSD Online at:

https://www.cs.ny.gov/msd/msdonline/pdf/manuals_guides/reductions_in_force_manual_04_08.pdf

Preferred Lists

Section 81 of Civil Service Law provides for the reinstatement process of individuals from preferred lists established according to section 80. Preferred lists are required to be established for four years from the effective date of the layoff. They must be used to fill appropriate vacant positions within the entire civil division where the layoff occurred. According to the records reviewed, there currently exist preferred lists for the following competitive class positions under your jurisdiction which are mandatory for use by Schoharie County for positions in the same or similar title for positions in line of promotion to the title or for positions which are deemed comparable:

Title	Location/Department	Expiration Date
Account Clerk Typist	Transportation	12/23/2015
Accounting Supervisor (Grade B)	Health	10/7/2015
Agricultural Marketing Specialist	Planning	12/23/2015
Early Intervention Service Coordinator	Health	12/16/2015
Economic Development Assistant	Economic Development	12/23/2015
Public Health Educator II	Health	12/16/2015
Public Health Preparedness Coordinator	Health	12/16/2015
Planner Assistant	Planning	12/23/2015
Program Coordinator	Mental Health	1/1/2016
Safety Officer	EMO	12/23/2015

Since individuals who are laid off in a particular department in County government have the first opportunity for reinstatement back to the department they were laid off from, the preferred list should indicate where the position that was abolished existed. This piece of information was not included on the preferred lists provided for our review. It is recommended that the department name be added to each preferred list. Should any questions arise regarding whether a preferred list is appropriate to fill a vacancy, our Department is available to provide a comparability of examinations.

Summary

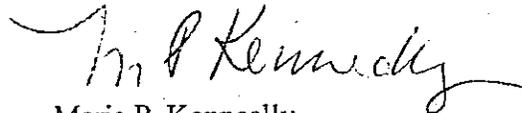
As previously indicated, the purpose of the review was to provide you with an analysis of your merit system administration program areas and focus attention on both the strengths and weakness of your merit system administration. Several areas of administration were found to be effective and we recommend you continue your efforts in those areas. In the list below we have summarized the recommendations for improvement mentioned above so that you might increase the effectiveness of merit system administration in Schoharie County.

Recommendations to improve merit system administration:

- Review the roster record to confirm the correct status, jurisdictional classification, and authorization for appointment for all employees under your jurisdiction;
- Improve communication and written documentation of personnel actions between appointing authorities and the Personnel Officer, required by section 97 of Civil Service Law and Schoharie County Rule XX by requiring that all requests for personnel actions be submitted in writing;
- Review the statutory requirements for payroll certification and adopt procedures to ensure that all payrolls are officially certified in accordance with section 100 of the Civil Service Law and Schoharie County Rule XXI – Certification of Payrolls;
- Review the provisions of sections 64 and 65 of the Civil Service Law regarding temporary and provisional appointments;
- Review section 27 of the Civil Service Law which prohibits you from certain other public employment and political activity; and
- Review the provisions of sections 80 and 81 regarding layoffs and the use of preferred lists.

Should you have any questions regarding the information contained in this letter or any aspect of merit system administration, please call us at (518) 473-5139 or contact us by e-mail at: assistance.request@cs.state.ny.us.

Sincerely,



Maria P. Kenneally
Office of Commission Operations
& Municipal Assistance

Attachments

Cc: Richard Lape, Chair, Schoharie County Personnel Committee (Current)
Daniel Singletary, Chair, Schoharie County Personnel Committee (Former)

Section 36



SCHOHARIE COUNTY DEPARTMENT OF HEALTH MEMORANDUM



Public Health
Prevent. Promote. Protect.
Schoharie County
Department of Health

DATE: August 11, 2010

TO: Supervisor William Goblet
Chairman Public Health Committee

FROM: Kathleen Farrell Strack
Public Health Director

SUBJECT: Potential Layoffs – CHHA Sale as requested
by Betsy Bernocco, President Board of Health

Please find positions/staff affected by the potential event of the CHHA sale. I appreciate the support of the Public Health Committee to expand public health programs to meet constituent needs.

The potential positions are:

Vivian Thurber	RN	Grade 17	FTE
Michele Roach	RN	Grade 17	FTE
Marilyn Schuimerich	RN	Grade 17	FTE
Patricia Hombeck	RN	Grade 17	FTE
John Driessen	RN	Grade 17	FTE
Mackenzie Venetz	RN	Grade 17	FTE
Joan Chase	PACT	Grade 10	FTE
Jennifer Tsamis	SACT	Grade 8	PT
Jennifer Adams	PHN	Grade 18	PT
Lisa Kelly	PHN	Grade 18	PT
Shirley Von Linden	RN	Grade 17	PT

FTE: 7 PT: 4

Mrs. Mary Ann Purack RN, Grade 17; Mrs. Candice Boyle RN, Grade 17; Mrs. Diane Fischer PACT, Grade 10; Mrs. Diane Croote SACT Grade 8; and Mrs. Carol Shaver OKW, Grade 5 will be retained to support public health programs.

I am informed Mrs. Purack RN and Mrs. Fischer PACT are nearing retirement; both are senior employees longevity with the department is unknown at this time. Retirement before the disposition of the CHHA will shift next senior RN and PACT to public health.

Staffing for the "new" Licensed Home Care Service Agency and Diagnostic and Treatment Center is projected as:

(1) DPS	Grade 20	
(1) SPHN	Grade 19	
(2) PHN	Grade 18	(? 1 PHN and 1 PHE)
(1) PACT	Grade 10	
(1) SACT	Grade 8	
(1) OKW	Grade 5	

FTE: 7

cc: Betsy Bernocco, Board of Health
Cassandra Ethington, Personnel Officer
Public Health Committee
File

CONFIDENTIAL

Section 37

**STATE OF NEW YORK
SUPREME COURT COUNTY OF SCHOHARIE**

**In the Matter of the Application of
PENNY GRIMES,**

Petitioner,

AFFIDAVIT

-against-

**THE COUNTY OF SCHOHARIE,
a Municipal Corporation, and CASSANDRA
ETHINGTON, Personnel Office**

**INDEX NO. 2012-213
RJI NO. _____**

Respondent.

for Judgment pursuant to CPLR Article 78

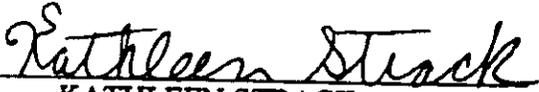
STATE OF NEW YORK)
COUNTY OF FRANKLIN) ss.:

KATHLEEN STRACK, being duly sworn, deposes and says:

1. I am currently Public Health Director for Franklin County New York. Previously I was Public Health Director for the County of Schoharie.
2. I making this affidavit at the request of Penny Grimes who I understand currently has a proceeding pending against the County with respect to her termination from employment.
3. I understand that the County indicates that the person who made the recommendation to eliminate Ms. Grimes position was the then Director of the Public Health Department, Asante Shipp-Hilts.
4. I have no direct personal knowledge but I can tell the court that when I was Director of the Public Health Department there was consideration of lay-offs because of the elimination of the Certified Home Health Agency. I prepared a list of potential lay-offs based upon my view of the functioning of the department.

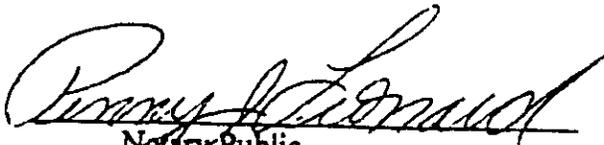
Ms. Ethington prepared her own list of potential lay-offs and even though I was the Director at the time, it was Ms. Ethington who made the final determination which positions could be eliminated and which personnel should be laid off. I did not have any option of making that final decision.

5. I also understand that the County has indicated that one of the reasons that Ms. Grimes was let go was that she was performing only minimal duties for the County, essentially only handing out brochures. I can only say that this is not true with respect to the time that I was Director of Public Health for the County.
6. When Ms. Grimes worked for me she was involved in numerous committees. She was involved in writing grants. She was involved in providing health education in the schools. She was a very busy and valuable employee of the Schoharie County Department of Health during the time that I was director.
7. Ms. Grimes was always willing to accept any task that I asked her to perform and certainly her job duties were never limited to handing out brochures.


KATHLEEN STRACK

Sworn to before me this

26th day of June, 2012.


Notary Public

PENNY J. LEONARD
Notary Public, State of New York
No. 4865183
Qualified in Franklin County
Commission Expires 7/21/2014

Section 38

* TITIK

1.

Treasurers

OKW - (1)

Carol Shaver

Acct Clerk (2)

~~Monica~~ (2)
~~Shirley~~ (2)

Sr. Acct (1 1/2)

~~[Redacted]~~ (2)
Treasurers

Principal Acct CLK (2)

~~Diane Fisher~~ (8)
Joan Chase

Admin Support I (1)

Annie McCluish

Child Program Assist (1)

Carol Warner

Acct Supervisor Grade B (1)

Kim Guler

RN's

~~Mary Ann Purack~~ (8)
Michelle Roach
* Candice Poyle
Vivian Theuber
Shirley Von Linden (1/2)
Jon Dreese
Marylyn Shermick
Katie Hornbeck

Public Health Nurse

Vil Manchester
Jan Adams (PT)
Lisa Kelley (PT)

Public Health Educator II

Penny Grimmer

BT Coord.

Wae Gigest.

Section 39

Got your list

Subject: Got your list

From: Cassandra Ethington <cethington@co.schoharie.ny.us>

Date: Tue, 12 Oct 2010 15:13:50 -0400

To: Kathleen Strack <kathleenstrack@co.schoharie.ny.us>

I will be at the meeting tonight. I want this to come to a rest as of this week.

You have come in closer but bottom line is you are still Clerical heavy.

As for your safety assessment there was a complaint because your clerical staff did not understand nor do they still understand why Mary Meir sits out there and can not be bothered to greet people??? They were complaining because they hoped this would get you to do it not create another position for someone.

As for your administrative staff you are going to have to choose between Anne or Kim. With the CHHA leaving so is work and since you have never billed for nor do you still to date bill for Public Health visits that is going to be leaving a lot of down time for people.

We are leaving the department more then manageable you need to just learn to manage it better by better utilization of your staff. And you will just need to learn to be more self sufficient like the rest of the department heads that write their own documents, write their own write-ups and do their own email. I am done and I am not beating around the bush anymore. We are a small county and as department heads you have to be able to do it all.

Surrounding counties are looking at layoffs of up to 20% of their work force. Bottom line we have to learn to do with less and be more efficient.

Will talk to you about this tonight.

Cassandra

Section 40

PERSONNEL COMMITTEE MEETING

October 13, 2010

MEMBERS PRESENT: Dennis Richards, Harold Vroman, Marie Campbell, Martin Shrederis, Carl Barbic and Phil Skowfoe

MEMBERS EXCUSED:

OTHERS PRESENT: Cassandra Ethington, Tom Murray, Paul Brady Alicia Terry, Betsy Bernocco and Karen Miller

MEETING TO ORDER: Richards called the Meeting to order at 8:15 pm in Room 360

EXECUTIVE SESSION: Richards made motion to go into Executive Session to discuss the following items and inviting the following people for those items: Vroman *2nd Motion Carried*

1. Two different Personnel Issues in Health Department requesting Paul Brady, Alicia Terry, Cassandra Ethington, Tom Murray and Betsy Bernocco
2. Employees Longevity Issue requesting Tom Murray, Paul Brady, Alicia Terry and Cassandra Ethington to stay
3. Personnel Employee related issues in W&M requesting Tom Murray and Karen Miller to stay
4. Update on a pending Grievance matter requesting Paul Brady, Alicia Terry and Tom Murray to stay

Motion was made by Barbic to come out of Executive Session @ 10:31 pm and was *2nd* by Shrederis
Motion Carried

ACTION TAKEN & MOTIONS FOR FULL BOARD FROM EXECUTIVE SESSION:

1. Richards made a motion to have the Full Board approve to pay the two grievants in the matter of on-call pay for the CHHA staff with the intent that no other CSEA can bring forth a grievance to also get paid on this matter. Barbic *2nd motion carried*

OTHER MOTIONS FOR FULL BOARD:

2. Campbell made motion to get approval from the full Board to give the Personnel Officer Permission to post the Director of Veteran Affairs position part-time for a salary of \$18,000 *Skowfoe 2nd*

OTHER DISCUSSIONS:

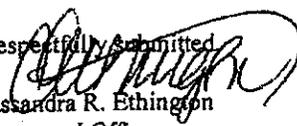
- ✓ From Cassandra Ethington -Personnel Office Updates - 426 Report
Attached...plus the information below.....
- ✓ CHHA Transfer Timeline – Timeline looks to be still on schedule. Spoke to the state two weeks ago and they forwarded the contracts to the legal department. Will get another update on October 15th.
- ✓ Health Insurance RFP – Had a meeting and the information is now being discussed by CSEA. Does not look like we are going to make it for this year but will have to look at everything at contract time starting in the next 6 months.

- ✓ **Layoff list** – Mine and Katie's layoff list still do not match. She still has not provided any stats as to workload levels and/or her justification on her layoff list since it was requested at the end of August. I am asking permission to move forward and submit what I have to Mary Roach so we can get posted by November first. Committee agreed and said to work with Paul and Alicia also and do what has to be done for the November 1st posting.

Motion was made by Richards to come out of Executive Session @ 10:25 pm and was 2nd by Campbell
Motion Carried

ADJOURNMENT: Richards moved to adjourn from Personnel @ 10:45 PM 2nd by Barbic
Motion Carried.

Respectfully Submitted


Cassandra R. Ethington
Personnel Officer

Dennis Richards
Chairperson, Personnel