

COMMITTEE OF THE WHOLE MEETING MINUTES

Date: Tuesday, June 11, 2019 @ 1:00 PM

Present: Berwanger, Kehl, Grant, Granger, Davis, Tallman, Vasile, Brunner, Leuer, May, King, Ryan, Copeland

Absent: Hastings, Brick, Becker

Also Present: C. Ketchum/Board Clerk; J. Cook/Budget Officer; M. Dadd/County Atty.'s office; E. Hopkins/Senator Gallivan's Warsaw Rep.; D. Farberman/Human Resource Director; D. Linder/Undersheriff; G. Rudolph/Sheriff; T. Gadd/Co. Highway Supt.

Department Agenda Item	Discussion	Decision	Action
1:00 PM Treasurer's Office w/C. Mayer			
1. Review <u>2018 Independent Audit Report</u> by Drescher & Malecki w/T. Malecki		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
<p><i>T. Malecki reviewed the 2018 Independent Audit conducted by Drescher & Malecki and commended the Board of Supervisors for continuously balancing their budgets. He added that a summary of all Capital Assets would be helpful as it is currently by department and not all in one place. In conclusion he added that succession planning is important... Capital Assets Summary is managed by the Treasurer's office typically. Currently piecemealed. Statement included in the audit report.</i></p> <p><i>Chairman Berwanger stated that discussions during the NYSAC Board of Directors meeting revealed that the cost of IT operations is 3% to 3 ½% of overall budget. T. Malecki spoke to the issue of IT from a vulnerability standpoint. Comparisons made to the City of Baltimore and holding information hostage. Cyber Security.</i></p> <p><i>Cost of staff.</i></p> <p><i>WCCH – Drescher & Malecki doesn't audit but the information is brought in... Financials are sound. More programs and more patients. IGT increase. 6 years to now - pretty strong.</i></p>			
1:30 PM Sheriff / County Highway w/Sheriff Rudolph & Co. Highway Supt., T. Gadd			
1. Proposed relocation of the Sheriff's impound yard on County Highway grounds		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
<p><i>Supervisor Becker, T/Sheldon had expressed his concern over privacy for the families of fatal mva's and suggested moving the sheriff's impound yard to a more private location. The impound yard has been located in the same place for over 40 years. Sheriff Rudolph not in favor of moving, although can do a better job with privacy. The current location stays plowed and the Sheriff stated that they've got eyes on the yard when driving by. There was a question of expansion? Make gates bigger? Highway Superintendent Gadd asked about making the yard bigger so a flatbed can be turned around. He thought currently it was a little tight because of the solar array has some material in the way. Fence and rollers could use some attention with the addition of privacy slats on three sides.</i></p> <p><i>Chairman:</i> <i>Conclusion:</i> <i>Co. Highway Supt. Gadd will research the cost of privacy slats.</i></p> <p><i>Supervisor Davis, T/Covington suggested only doing two sides with the privacy slats. Relocation of the impound yard is off the table. Supervisor Davis, T/Covington remembered the solar array material being in the way.</i></p> <p><i>Two fatalities per year over the last two years.</i></p>			

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<i>Investigate shield to reduce visibility in the yard.</i>		Motion: May Ayes: 13 Noes: Absent: 3 Hastings, Brick, Becker	Carried: XXX Defeated: Referred to: APPROVED
Board of Supervisors			
<p>1. <i>Wyoming County Board of Supervisors can tour Waste Management facility in Chaffee, NY:</i></p> <ul style="list-style-type: none"> • Choose a day in either week: <ul style="list-style-type: none"> ○ 06/17/19 – 06/21/19 or ○ 06/24/19 – 06/28/19 	<i>Supervisors need to decide on a day so that we can let Waste Mgmt. know and plan for transportation with WTS.</i>	Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
<i>It was decided that 06/20/19 at 9:00 AM would be the best day and time. Chairman Berwanger agreed to reach out to his Waste Management contact to make these arrangements.</i>			
<p>2. <i>Review of Executive Sessions:</i> When can a meeting be closed? The law provides for closed or "executive" sessions under circumstances prescribed in the law. It is important to emphasize that an executive session is not separate from an open meeting, but rather is defined as a portion of an open meeting during which the public may be excluded (§105).</p> <p>To hold an executive session, the law requires that a public body take several procedural steps. First, a motion must be made during an open meeting to enter into executive session; second, the motion must identify "the general area or areas of the subject or subjects to be considered;" and third, the motion must be carried by a majority vote of the total membership of a public body.</p> <p>A public body cannot close its doors to the public to discuss the subject of its choice, for the law specifies and limits the subject matter that may appropriately be discussed in executive session. The eight areas that may be discussed behind closed doors include:</p> <p>(a) <i>matters which will imperil the public safety if disclosed;</i> (b) <i>any matter which may disclose the identity of a law enforcement agency or informer;</i> (c) <i>information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;</i> (d) <i>discussions regarding proposed, pending or current litigation;</i> (e) <i>collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law);</i> (f) <i>the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;</i></p>		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:

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<p><i>(g) the preparation, grading or administration of examinations; and (h) the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.</i></p> <p>These are the only subjects that may be discussed behind closed doors; all other deliberations must be conducted during open meetings.</p> <p>It is important to point out that a public body can never vote to appropriate public monies during a closed session. Therefore, although most public bodies may vote during a properly convened executive session, any vote to appropriate public monies must be taken in public.</p> <p>The law also states that an executive session can be attended by members of the public body and any other persons authorized by the public body.</p> <p>Note that item (f) is often referenced as "personnel," even though that term does not appear in the grounds for holding executive sessions. Only when the discussion focuses on "a particular person or corporation" in relation to one or more of the topics listed in that provision is an executive session permitted.</p> <p>**Attorney/Client discussions are not covered by open meetings. Minutes simply need to reflect, that <i>the board had a discussion with the attorney over legal matters, which is a privileged attorney / client discussion...</i></p>			
<p><i>Clerk Ketchum talked about the importance of adhering to the provisions of the Open Meetings law and reminded Supervisors to just be mindful of these provisions when asked by a Department Head to go into an Executive Session.</i></p>			
<p>3. Replenish the <u>Supervisors' Sunshine Fund</u> (\$20 ea.):</p> <ul style="list-style-type: none"> • Discussion points: <ul style="list-style-type: none"> ○ When lunch in is necessary they will be paid for out of the Supervisors' regular Budget. <ul style="list-style-type: none"> ▪ Comments, questions or concerns? ○ Funds are generally used for: <ul style="list-style-type: none"> ▪ Memorials made in honor of Supervisors and their immediate family and Dept. Heads. ▪ Candy ▪ Kitchen supplies ▪ Supplies for the Dairy Princess ▪ Comments, questions or concerns? 		<p>Motion: Ayes: Noes: Absent:</p>	<p>Carried: Defeated: Referred to:</p>
<p><i>Chairman Berwanger explained that it was in a Supervisor's Handbook that anytime a Supervisor had to be in Warsaw for a Committee Meeting they were entitled to lunch and mileage reimbursement. Supervisor Davis, T/Covington remembered the same thing...</i></p>			
<p><i>Clerk Ketchum & HR Director Farberman will work together to provide language in the Salary Schedule I Handbook.</i></p>			

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Department Agenda Item	Discussion	Decision	Action
4. <i>NYSAC Bottle Bill white paper</i> <ul style="list-style-type: none"> The History and Future of the NYS Bottle Bill (May 2019) 		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
5. <i>Discussion:</i> <ul style="list-style-type: none"> Warsaw Monument ownership <ul style="list-style-type: none"> Estimated worth calculation Insurance coverage? 		<i>Motion to insure the monument per Tompkins estimate:</i> Kehl Ayes: 13 Noes: Absent: 3 Hastings, Brick, Becker	Carried: XXX Defeated: Referred to: APPROVED
<i>Supervisor Kehl, T/Attica stated that Doug Higgins, owner of Cascade Falls in the Town of Attica wants to donate the 2 +/- acres to the county. Supervisor Ryan, T/Warsaw expressed concern over the liability exposure and asked for an opportunity to research before an answer is given to the owners. Chairman Berwanger said that he doesn't see a down side to accepting the property. Mr. Higgins wants the property left the way it is... Chairman Berwanger instructed Supervisor Kehl to let Mr. Higgins know that the county is interested and will get back to him in a month.</i>			

Signature of Committee Chairman: p/A. D. Berwanger (C. Ketchum).

Next meeting scheduled for **Tuesday, July 09, 2019 @ TBD.**