

Minutes

Public Safety Committee

Wednesday, February 15, 2017, 4:15 pm, Room 331

Gerace Office Building, Mayville, NY

Members Present: Wendel, Bankoski, Tarbrake, Whitford, Niebel

Others: Tampio, Gerace, Dennison, Himelein, Leone, Crow, K. Taylor, Barone, Narroway, J. Hansen, Horrigan, Swanson, K. Peebles, M. Volpe

Chairman Wendel called the meeting to order at 4:20 p.m.

Approval of Minutes (1/18/17)

MOVED by Legislator Bankoski, SECONDED by Legislator Tarbrake

Unanimously Carried

Privilege of the Floor

No one chose to speak.

Proposed Resolution – Confirm Appointments – EMS Council

Mr. Leone: This is Terry Penhollow who is a current member of the council and Bob Crane from Sherman and John Griffith from Falconer, a member of the council.

Chairman Wendel: Any questions for Mr. Leone:

Unanimously Carried

Proposed Resolution – Reallocating Salary Grade for Senior Emergency & Police Dispatcher

Legislator Whitford: At Administrative Services didn't have an issue with it mainly because it's difficult to recruit anybody at a Grade 15. They don't get candidates for that because of the different responsibility. We certainly didn't have any problem with it.

Chairman Wendel: Any other discussion?

Unanimously Carried

Proposed Resolution – 2016 Hazardous Materials (Hazmat) Grant Program

Mr. Leone: This is a continuation. The grant has already been processed through with a previous resolution in 16' and this is allocating funds from that grant into the 2017 budget. The grant runs through 2019 so these are the funds that we will be expending in 2017.

Chairman Wendel: As in the past, we have a main –

Mr. Leone: This is the grant that we share with Cattaraugus, Allegany, the Seneca Nation and we continue to be the lead for the grant.

Chairman Wendel: They don't have any vehicles, do they?

Mr. Leone: No. If they needed a response we're the responder.

Chairman Wendel: Any other questions for Mr. Leone:

Unanimously Carried

Proposed Resolution – Fiscal Year 2016 Hazardous Materials Emergency Preparedness (HMEP) Grant Program

Mr. Leone: This is a different grant program under the same heading of hazardous materials and what it does is, it gives us the ability for planning for hazardous materials. Again, the same thing we're working with Cattaraugus, Allegany, and so on. What this will do is, it will give the County Executive the authority to sign all the necessary papers to get the grant executed.

Chairman Wendel: Have we ever done any joint drills with them on a large scale basis?

Mr. Leone: We have in Cattaraugus County. We're actually going to be holding one in Chautauqua County, a railroad incident at Sunset Bay, coming up, sometime in late summer or early Fall..

Chairman Wendel: Any questions for Mr. Leone:

Unanimously Carried

Proposed Resolution – Amend 2016 Budget for Year-End Reconciliations – Emergency Services

Mr. Leone: This obviously cleans up our 2016 budget and moves monies from one account to the other to cover. Particularly under .1, 3989, we saved money back in other categories. Pat Cook retired this year and we brought on Valerie Hayes and they trained together so that accounts for some of the funds, the overage under 3989.1, the \$25,720 and then there was also, our EMT Training program, it's all under 3989, there should have been and we hadn't done this as of yet, should have been a payroll allocation to their for \$16,000 and that has not occurred. That really accounts for the difference and that's obviously the big one.

Legislator Niebel: Julius, your budget for 2016 was \$106,000 and this does represent almost a 25% increase and this is the reason for the increase?

Mr. Leone: Right. We put the EMT training and the paramedic programs all under 3989 which is EMS. I would think next year as the fly car program starts to develop some history, that will probably look different and probably under a different category.

Chairman Wendel: Any other questions?

Unanimously Carried

Proposed Resolution – Authorize Acceptance of Indigent Legal Services Grant for the Period January 1, 2015 to December 31, 2017

Mr. Barone: This is the request that we have submitted for the authorization for the County Executive to accept and disburse any and all funds awarded by the grants that we've arranged with the Indigent Legal Services and that is for the period of January 1, 2015 through December 31, 2017. It's a three year grant so we're looking for the authorization for the County Executive to accept that.

Legislator Niebel: This was included in your budget last fall? It has been included in the 2017 budget?

Mr. Barone: Yes. Again, these actually, well, we were hoping for additional greater amounts over the next couple of years pursuant to some legislation but unfortunately some of that legislation wasn't passed. We're still working on these particular grants and we would anticipate that next year of course, because of our increases in different caseloads and expenses, the funding that you see pursuant to this particular grant will more than likely increase over the next three year term.

Chairman Wendel: Hopefully.

Mr. Barone: It should, I certainly hope so,

Chairman Wendel: Does that look like there is going to be any changes to that? I know the Governor vetoed that legal services.

Mr. Barone: That is a good question. Actually a new proposed funding has been submitted to the Legislature by the Governor's office. IIS(?), is working on that right now. They'll get there. It may not be in the same form as the last one was. That is the one we have worked on and lobbied for and really put some effort into it and that would have been the one that we had hoped for. But, we'll get there. It's just going to take a little bit longer than what we had hoped.

Chairman Wendel: Any other questions for Mr. Barone?

Unanimously Carried

Proposed Resolution – Amend 2016 Budget for Year-End Reconciliations – Public Defender

Mr. Barone: As you can see we have made a request for an increase in the appropriation accounts for proximately \$10,290. Again, we exceeded what we had anticipated for the year. Of course, quite frankly, there's costs that we can - we do our best at kind of trying to determine what certain costs will be but throughout the year there are so many different variables in our department that are based on so many different factors. It's awful difficult to get where we are. To be upfront with you, I thought that we were pretty close. Only asking for this amount and that was based on and I can tell you again, a lot comes back and I keep saying this but, our caseloads are increasing tremendously at a rate that I don't even want to sometimes think about. But, you just can't anticipate all costs associated with the openings of those files, processing those files, and more importantly, we've handled more actual felony trials in County court at any other time in the history of the Public Defender's office here in Chautauqua County. Last year alone, we had more than in any year, handled by the County Public Defender's office. That puts a tremendous requirement on what we do and what we don't do which directly increases certain types of costs for our office. I can tell you this year and I know that it wasn't Public Safety, Audit & Control cut our budget by \$8,000 on this same area and quite frankly, it's going to be more. I start a murder trial next Tuesday, we have five major murder trials and attempted murder lined up over just over the next six months. The cost that you see here is going to be much more than that for next year. So, I am just warning you. Anyway, that is the reason why we have that additional cost.

Legislator Niebel: The increases and decreases, they are all within the Public Defender's budget so I don't have a problem with it.

Mr. Barone: Thank you.

Chairman Wendel: Anyone else?

Unanimously Carried

Proposed Resolution – Amend 2016 Budget for Year-End Reconciliations – Probation

Mr. Narroway: This resolution is for the year end. The primary overages were in .1's for base pay primarily due to CSEA contract settlement and some increased employee use of the wellness program. It's covered within our budget through some other overages.

Chairman Wendel: Any questions or concerns?

Unanimously Carried

Proposed Resolution – Amend 2016 Budget for Year-End Reconciliations – Sheriff

Mrs. Dennison: I do have some changes to the resolution. I apologize for the lateness of this but some of the accounting results changed since we did the original resolution so I would like to give you the amended version.

Just to highlight the changes before we entertain any other questions, there were some additional contractual expenses that came through in the Sheriff Department, the A.3110 number so we needed to increase that appropriation line a little bit more than originally planned. That is the change in the first box for increase appropriations. In the second box there are some categories that we originally were going to decrease the appropriations and after further analysis we found out that it was not appropriate to decrease the items for the Unified Court costs because that category, the revenues and expenditures are essentially a wash so we wanted to leave the budgets the same so the revenues and expenditures would again be equal at the end of the year. Then on the flip side, because of the small increase in the contractual expenditures, we do need to modify the bottom line there. We are making up some of the deficit from the Community College tuition line and also Mental Hygiene programs. So the last line there that has some blanks on it, we are pulling money from classification A.4320.8, employee benefits, Mental Hygiene programs.

Ms. Crow: I would just like to add some comments as to why we're using to balance out the net adjustment for the Sheriff's. The Community College, we reported during the year that we were running under budget for that account. We have adjusted the budget down for 2017 but we did have sizeable surplus this year for Community College tuition. So we were able to utilize that surplus here to offset some of these increased expenses in the Jail. Then just throughout and I guess you will see it at the full Legislature on other resolutions and to refresh your memories, when we settled the CSEA contract, those wage increases were not included in the 2016 budget because it was already adopted but we knew that offsetting those costs would be savings in the health insurance because our actual health insurance rate came in lower than what was budgeted in 2016 so you'll see a lot of departments have utilized the savings from the .8's to offset their .1's or some other adjustments. But overall, we do have a net surplus from the health insurance savings. We utilized some of that surplus from the Mental Hygiene Department to cover the balance that was needed here.

Chairman Wendel: How come an increase in the jail for \$700,000. This is year two. Last year it was \$900,000 and some thousand and this year we're looking at another \$900,000 overage that we are able to pick up inside of the budget. How are we able to do this two years in a row?

Mrs. Dennison: The overage, that is split almost, pretty much 50/50 between wages and overtime. The situation is similar to 2015. For starters the budget does not accurately, did not accurately reflect the number of shifts that are actually worked by correction officers. So, after 15', we did an analysis, looked at the number of shifts that we really have between the mandatory staffing and time off that is taken by correction officers. So, in 16', we have an accurate calculation of the number of shifts that are actually worked. In the 17' budget, we did factor in enough part time people to cover all of those shifts. So for 2017, we have a wage budget of \$6.5 million roughly and in 16' the wage actuals were \$6.4 million. So with the additional staff that was added for the 17' budget, we feel we've addressed that issue of never having a budget that actually reflected the number of shifts that are worked. So that is the first piece, the

wages. The second piece is the overtime. The overtime budget historically has only been what is contractually required. That would be the 12 holidays that each full time employee is entitled to take. So with the jail, every time someone is off for the holiday, that shift has to be backfilled usually with somebody that – well, not usually, occasionally with somebody that is on overtime. They get the overtime because they are contractually entitled to it and we also have to replace that person. So, we feel the overtime budget in past has never been large enough to accommodate what really happens. Because there is a contractual overtime but there is the actual overtime of constant watch for inmates or everything else that happens in the operations. Again, in the 17' budget, we do have a higher overtime budget to more appropriately reflect what the operation requires.

Legislator Niebel: Just to follow up on that last question. So then for our year-end reconciliation for 2017, for next year, the corrections that you have made, we should not see close to \$800,000 increase in the appropriations for the jail? Is that what you are telling us?

Mrs. Dennison: That is certainly the goal, yes.

Sheriff Gerace: We have unforeseen things that we can't predict. The population of the jail, that is why I have been talking to everybody that I can about the cost to us. We have to better manage who is in jail and how long they are in jail and why they are there. We don't control this but there are people, in my opinion, that should be in State prison instead of serving a year in County jail which costs us a lot of money. If they are high end medical, two years ago we had two that had to have pacemakers at \$90,000 a hit. So there are things that we can't control. We can't deny them that medical attention so the increase in issues with addiction, these people go on constant watch, they meet the protocol as soon as they hit the door. We're doing a better job with the mental health of it, trying to get them screened and cleared more rapidly but we're now planning for in the 17' budget, constant watch being a regular post because there wasn't a day in 2016 that we didn't have somebody on constant watch but our budget didn't reflect that extra position. So that ended up being overtime. We, unfortunately, like many of my peers across the State are struggling to find qualified correction officers. It's a little scary. We gave a test last Saturday and only 28 people took it. We used to have over 100 and that causes staff shortages which causes issues which could end up enforcing people to stay over and work overtime which is unfortunate reality that happens more than it should. Having said that, the adjustments in the 17' budget, we took everything into account. We did a, Kathleen, did a tremendous job doing an analysis of how many shifts that we had to fill per day and we do not have enough full time employees to fill those shifts by any stretch of the imagination. So we rely on part time people to fill the shifts and when they are not available, because they move onto other jobs or they are not interested in the job, then we're forced to use full timers in overtime. We did an analysis prior to budget presentation. I've asked Mrs. Dennison to look at, should we be hiring more full time people? Is there a benefit to us in the long run, cost benefit, but it didn't pan out that way. We're still ahead of the game by having a turnover of part timers until we can no longer find those people that are qualified to work. Again, we don't want people that are sub-par because we then open up the door to other issues. Then the pharmaceutical end of it, that is something that we can't control either. Our pharmaceutical costs have gone up.

Legislator Niebel: I understand there are factors that you guys just can't control but, you do feel that some of the corrections you've made, especially as far as overtime in the 2017 budget should reduce this increase in appropriations. I mean, this is \$800,000, it's significant.

Sheriff Gerace: We're well aware of it.

Legislator Niebel: So you do feel that some of the corrections you've made should reduce that figure for next year?

Mrs. Dennison: We do because we have added part time position for the second time of the year and then we think that we have an appropriate coverage for the shifts that are actually required but the overtime budget for 17' is still , is very lean.

Sheriff Gerace: We need to have more part timers that are available and the struggle we get is that they are very available when you interview them and once they are hired, they start finding other jobs and give you fewer hours and it becomes a struggle. We're in mandatory staffing so if somebody calls in sick, we can't just leave that position open. We start calling other part timers and if they are not available then if someone has to fill it with overtime, even if they don't want to.

Legislator Whitford: You have a minimum staffing that you have to

Sheriff Gerace: Yes, that is State regulation. Every housing unit, every job is set down by the State and they monitor and regulate us and find us in violation if we don't – that would open us to unbelievable liability. We don't go below minimum staffing.

Legislator Tarbrake: Kitty, we talked about the college tuition surplus. What is the formula that you used to disburse that?

Ms. Crow: Disbursed the?

Legislator Tarbrake: The extra money.

Ms. Crow: I just used it to wherever we needed it to balance. A department was not able to make their adjustments within their accounts. I think we used some of it as well to balance out the Assigned Counsel costs. That is a separate resolution.

Sheriff Gerace: If I may Mr. Chair, I think the Criminal Justice Coordinating Council and the work that has been done and goes forward in the future is critical. It's critical that we reduce the expense of operating the County jail. That is by what I call right sizing and trying to get all the players in the criminal justice system to be on the same page and still be fair to the defendant but, this is a huge expense. Operating that jail is a huge expense.

Chairman Wendel: It's still mandated so there is really – I guess the concern that I have is we're here two years in a row to a \$8 to \$900,000 overage that we somehow cover with our budget. It's nerve racking that if we are here again –

Mrs. Dennison: I just want to make sure that we stress that the base pay budget for 17', we feel confident that that is appropriate and that it covers the mandated shifts. But the overtime, the budget is really almost entirely or exclusively the contractual overtime.

Legislator Niebel: It's tough to (*cross talk*).

Mrs. Dennison: Yes and as the Sheriff mentioned, we do have somebody scheduled now every day for constant watch so there shouldn't be the need to put somebody on overtime to fill that need but this budget is based on really almost nothing unusual happening that triggers overtime. And that's probably not going to happen.

Sheriff Gerace: People get sick, people get hurt, people go on extended leave, we have to fill their positions.

Mrs. Dennison: The only thing that does benefit a little bit in the budgeting of the overtime is that, some of the full time people, they have the option to, instead of taking overtime for their holidays, they can take accrued vacation. So, for every holiday that they work, instead of getting overtime, they are getting 12 hours of vacation. When they use that time, that time gets recorded as base pay. It doesn't get recorded as overtime so we will save a little bit. Actually about a third of the people, instead of working holidays (*inaudible*), they take the time off. So we do know that they'll be some benefit on that overtime line because some of the people will actually get paid that benefit as base pay instead of overtime.

Sheriff Gerace: And just to clarify. Some of that has to do with our availability of part timers. When we take vacation time, we can plan ahead and try and schedule part timers (*inaudible*), but when a full timer takes a vacation, if we can't find someone to backfill it, it might end up with a forced overtime. Especially if there is a sick call in the middle of that.

Legislator Whitford: Can they use the forced overtime as comp time? Is that what you are talking about?

Sheriff Gerace: Contractually they have the option when they work a holiday, they actually work on the holiday, they have the option of converting that to 12 hours of vacation time rather than getting the pay and a lot of them opt for that. But on the other side of that, they take that time off or they sell back their vacation time.

Legislator Whitford: So then that creates another manpower (*cross talk*).

Sheriff Gerace: If it can be backfilled with a part time correction officer then we have a definite savings. When you can't, we still have to fill the

Legislator Bankoski: How many shifts are there in a year?

Mrs. Dennison: About 21,000 and that is just full time and part time correction officers. That is really where the issue is as far as backfilling for vacancies. The other thing that I want to point out too is that even though, let's say the personnel services are over by a large amount of

money but within the Sheriff's organization, we have achieved other savings of almost \$300,000 to reduce that overage in other areas of the operation.

Chairman Wendel: I guess my biggest concern is that we're able to balance it but we're balancing with \$797,000 that we've over budgeted in our account. Well, I will take that back. Three hundred and sixty four thousand from the Community College. I mean, how can we take \$104,000 out of our employee benefits?

Ms. Crow: That's because the health - like I said, the health insurance rates were significantly lower than what was budgeted because we don't have our actual rates at the time we have the budget. So, across the County, our savings under the health insurance was almost \$3 million dollars.

Chairman Wendel: We were over that in all those accounts?

Ms. Crow: No, we're not over that.

Chairman Wendel: We over budgeted obviously if we're getting a cut (*cross talk*)

Ms. Crow: Because of the time that we set the budget, those were the rates that we anticipated. Once that rates were finally - the final negotiations of the rates were much better than we expected and that was presented at the time when we were ratifying the CSEA contract. We then knew we would be able to offset those wage increases for CSEA and/or create a surplus. So have anticipated the surplus in that area all year. That is unusual. Usually we don't have much variance from our projected rate at the time of the budget to what the actual rates are but we were very fortunate to have such a savings on our rates for 2016.

Legislator Whitford: So you had to make adjustments going forward for that anticipated savings through the health insurance.

Ms. Crow: Well, our 2017 rates were - the projected rate at the time of the budget was, for 17', about the 17' actual rate so there is going to be any big variances in 17'. Every year we budget for whatever the new health insurance rates are going to be.

Legislator Niebel: I have one last question and I guess Kitty this is for you. Besides the adjustments that we have made in the appropriations, the increase and decrease, we're also increasing our revenues accounts. We've got things like, sale of equipment, as a matter of fact, it looks like we have a couple of sales of equipment, we've got other unclassified revenue, navigation law enforcement, increase in that revenue account, JCC reimbursement, that's an increase in that revenue account and that's different from the decrease in the appropriation account for Community College tuition. I guess my question to you is, is it fairly reasonable to assume that we're going to achieve these increases and these revenues?

Ms. Crow: We already did. That is why we're using them in this resolution. We already know that we have a surplus of revenue.

Legislator Tarbrake: So Mr. Chairman, do we have to make an amendment to change the original resolution?

Chairman Wendel: Yes.

Legislator Tarbrake: I'll make that motion.

Legislator Whitford: Second.

Chairman Wendel: Vote on the amendment to the resolution?

Unanimously Carried

Chairman Wendel: Now to vote on the proposed resolution as amended for 2016 year-end reconciliation for the Sheriff's Department. All those in favor?

Unanimously Carried

Proposed Resolution – Amend 2016 Budget for Year-End Reconciliations – DA's Office

Mr. Swanson: This is a rather minor reconciliation. It's our employee benefits were under estimated by \$7,600 and this is a budget from 2016. My understanding is I think that we had an Assistant District Attorney get married that year and she changed her election. We do have money to come out of our contractual line to cover that \$7,600.

Chairman Wendel: Any questions for the District Attorney?

Unanimously Carried

Discussion – Julius Leone – Flycar Update

Other

Chairman Wendel: Is there anything else to come before the Committee? If not, motion to adjourn.

Moved by Legislator Tarbrake, SECONDED by Legislator Niebel

Unanimously Carried (5:05 p.m.)

Respectfully submitted and transcribed,
Kathy K. Tampio, Clerk/Lori J. Foster, Deputy Clerk/Secretary to the Legislature