

Minutes

Audit & Control Committee

Thursday, February 16, 2017, 8:35 a.m., Room 331

Gerace Office Building, Mayville, NY

Members Present: Chagnon, Nazzaro, Muldowney, Borrello

Members Absent: Gould

Others: Himelein, Foster, DeAngelo Walsh, Carlson, Dennison, J. Gerace, McCord, P. Swanson, J. Hansen, V. Hayes, Abdella, Crow, Schuyler, Lis, Barmore, Horrigan, Brumagin

Chairman Chagnon called the meeting to order at 8:38 a.m.

MOVED by Legislator Borrello, SECONDED by Legislator Muldowney and duly carried the minutes were approved. (1/19/17)

*Unanimously Carried*

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1<sup>st</sup> Privilege of the Floor

No one chose to speak at this time.

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Renew & Amend Res. 111-16 – Authorize Director of Finance to Increase Appropriations for the South Main Street Bridge, PIN 5761.00 County Bridge 1085 Rehabilitation

Ms. Crow: George was out and he did ask Kathleen to speak on his behalf at Public Facilities and Lex can certainly speak to the project itself and we can speak to the fact of why we needed to do the renew and amend. I think it's mainly because the State funding and the total project cost had changed since the original resolution was completed. So, the simplest process was to going to remove that resolution and replace it with the new one that reflect the total new projective cost and what the actual breakdown of the State and Federal and local funding will be.

Chairman Chagnon: So essentially what happened is, New York State aid went from 10% to 15%.

Ms. Crow: Yes and sometimes we don't have notification from the State at the time the resolution was done that they are going to fully fund their normal share so we have had verbal confirmation that they intend to. Sometimes it's a matter of when the State budget is released.

They can't actually put on paper but this will reflect what we anticipate the actual funding breakdown will be.

Chairman Chagnon: So, even though the cost of the bridge replacement went up, the local share went down because the New York State aid went from 10% to 15%. Lex is looking puzzled about that.

Mr. Brumagin: I know the State, it was under funded and that is why this renew and amend that previous resolution adds more money so the local share –

Ms. Crow: From the budget perspective what we had in the actual budget is what we are looking at in terms of the actual cost going down. So, how the resolution read before –

Mr. Brumagin: Your numbers went down, my numbers went up. I guess that is a good thing for you.

Chairman Chagnon: The taxpayers are pleased with the net result.

Mr. Brumagin: There will be another supplemental agreement and resolution after April 1<sup>st</sup> when the State adopted their 2017 budget adding Marchiselli funding, which is not shown here but that is forth coming in the spring.

Chairman Chagnon: Any questions?

*Unanimously Carried*

Chairman Chagnon: Before we proceed to the rest of the resolutions, I would like our Director of Finance to explain to us the implications on many of these resolutions of the personnel services and the benefits because we have seen a number of these resolutions with increase budget in personnel services and a decrease in benefits so could you give us the over view of that Kitty?

Ms. Crow: Sure and before I get started too, I think you all know Kathleen but Kathleen is officially taking over my former position as Budget Director. She's certainly has had her hands full on day one of the job working through all these resolutions with the departments and I appreciate her work on that.

As Legislator Chagnon was saying, if you recall back in late 2015, I know that you weren't here then Kevin, but the CSEA contract was ratified in late November when the 2016 budget had already been adopted. So therefore the wage increases that were approved in the new contract were not included in the 2016 budget. However, right at the same time we had finalized our actual health insurance rates for 2016 and we knew that they would be significantly less than what we had budgeted for. Therefore we felt comfortable that in large part, the wages could be covered by the savings in health insurance and/or create a general surplus. That is the case in a lot of these resolutions. We're moving from the benefits line to the wage line to offset the wage increase cost over budget. In some smaller departments it's more obvious than the larger departments if they have had vacancies, they might not have needed as much from their point

eights to cover point ones because of the lag in refilling positions and then some departments, if a whole program haven't started they wouldn't have needed to have an adjustment so we might have used their savings elsewhere to cover some other costs increases like Assigned Counsel, you'll see later.

Chairman Chagnon: Thank you for that explanation. Then we'll move on to the first proposed resolution.

Proposed Resolution - Amend 2016 Budget for Year-End Reconciliation – Public Facilities Transportation Division

Ms. Crow: Again, George had asked Kathleen to present his resolution. She has a pretty good handle on the next several items.

Mrs. Dennison: On the transportation division there was an overrun in the salt or the stockpile budget and that is what is causing the over budget situation in the point fours. So that appropriation is being increased due to unusually large expenditure in the December salt usage. On the other side, it is a self-balancing adjustment so there was a surplus in the contractual category in the maintenance of roads in their other contractor's line and then also in the point eights for maintenance of roads there was a surplus due to the health insurance situation that Kitty previously described.

Chairman Chagnon: Kathleen, you may not be able to answer this question but what strikes me is that the contractual for snow removal is 50% increase in the budget. The budget was a \$1,438,100 and it's a 50% increase in the budget. That is startling to me.

Ms. Crow: Well, with this snow removal budget and the road maintenance both are very directly correlate to the weather and so we could have more snow events in a given year or more rainy days and other things that prevent or improve the opportunity to do road maintenance. It's always a balance between the two areas. The salt usage is directly related to however many snow events we have in the year. We're obviously going to be under budget for this spring right?

Chairman Chagnon: I appreciate your effort but I'm still not buying it.

Ms. Crow: I'm sure that George could give you more details in terms of -

Chairman Chagnon: If you could ask George to give us some more details on that because if we had been 10% over or 15% over, I would have been buying it but 50%, I need more information.

Ms. Crow: I'll look to it for what the cost was for the salt. That could have been an impact as well.

Legislator Nazzaro: But don't we know that price ahead of time when we do the budget. We have those contracts a year in a advance.

Ms. Crow: There is a transaction that is based on the inventory so it could have been kind of last in, first out, whatever rate we purchased it at was the rate that we expense it at when it is used. We'll look at that. That could be a component as well.

Legislator Nazzaro: And I think he looks at a three year after as far as usage or something like – I mean, nobody can predict the weather and I believe that it is a three year average and again, we know the salt prices a year ahead so I agree with you Mr. Chairman that 50% over is really unacceptable.

Chairman Chagnon: It's hard to understand so more information would be appreciated.

Legislator Borrello: Procedurally, are we going to table this?

Ms. Crow: Can I speak to that please?

Chairman Chagnon: Please.

Ms. Crow: these adjustments we do to reconcile the final actual results so that we can generate reports to our auditors so the timing of this is somewhat - there is a timing issue related to approval of these amendments, the posting of these amendments and then generating reports for the auditors in early March.

Legislator Borrello: Essentially the money has already spent and you just want to be able to do the bookwork.

Ms. Crow: Yes.

Chairman Chagnon: Any other actions it would take would follow on from that. As you say, the money has been spent, we just have to balance the books. Any other comments or questions?

*Unanimously Carried*

Proposed Resolution - Amend 2016 Budget for Year-End Reconciliation – Public Facilities Road Machinery

Mrs. Dennison: This one has smaller numbers to consider. There is a slight overage in the point ones due to the contractual changes but the road machinery was able to compensate for that underutilization of their contractual expenditures.

Chairman Chagnon: O.k., any questions or comments?

*Unanimously Carried*

Proposed Resolution - Amend 2016 Budget for Year-End Reconciliations – Buildings and Grounds

Mrs. Dennison: There was an overage in the point fours contractual for the Hall Clothier Building and also for the Jail building. Those overages are due to a leak in the cooling system that affected the Clothier building, also the Court House, GOB, and the Jail. To fix that leak in the cooling system acquired additional expenditures with outside contractors so that is why those two categories are over. There was also a leak in the cooling towers that caused additional water and sewage expenditures. I did talk to Drew Rodgers and he said that both of those situations, they have been corrected and fixed so we do not anticipate having a similar problem in 2017. Those overages were covered by a savings in the employee benefit category.

Chairman Chagnon: O.k. we would consider those leaks to be an emergency situation that required prompt action.

Mrs. Dennison: Correct.

Chairman Chagnon: Any other questions or comments?

*Unanimously Carried*

Proposed Resolution – Amend 2016 Budget for Year-End Reconciliations – Parks & Forestry

Mrs. Dennison: They had a small overage in their personnel costs in the point ones which were covered by a transfer from employee benefits due to the situation that Kitty described. There were a couple of other small movements between classifications. Those could have been taken care of by an executive transfer due to their small amount but we elected to put them into the resolution just because there was a resolution that needed to be prepared for the point ones and the point eights.

Chairman Chagnon: Any questions or comments?

*Unanimously Carried*

Proposed Resolution – Amend 2016 Budget for Year-End Reconciliation – Department of Public Facilities – CARTS

Ms. Dennison: CARTS has, as you can see, an overage in the point one category. That is due to the CSEA contract but also due to a change in their provider for Medicaid runs. CARTS now uses a different service that schedules their Medicaid pick up and deliveries and apparently the new service does not correspond as closely to the current CART runs so there are additional runs that are required. So that caused additional hours for, especially the part time drivers. On the contractual side, CARTS was under budget on the contractual side due to two contracts that were budgeted in the 2016 but did not commence in 2016. There were no contractual expenditures associated with their contracts with Teen Services or with the mobility component for the Workforce Investment Board. I did speak with Michelle Westphal and she said in the 2017 budget they have made the appropriate adjustments to compensate for the two issues that I mentioned. The new contract and the Medicaid –

Chairman Chagnon: You are anticipating questions very well Kathleen. Thank you. Any questions or comments?

*Unanimously Carried*

Proposed Resolution - Amend 2016 Budget for Year-End Reconciliations – Landfill Environmental

Mrs. Dennison: When they prepared their 2016 budget there was personnel that was assigned to the landfill that were actually working in the recycling component. So, there were a lot of payroll allocations between landfill and recycling so they're kind of ups and downs between those two sub-departments. Overall the landfill is self-balancing because there was an overall savings in the employee benefit category for the landfill itself.

Chairman Chagnon: O.k., any questions or comments?

*Unanimously Carried*

Proposed Resolution - Amend 2016 Budget for Year-End Reconciliations– Water Fund(EW)

Ms. Crow: This fund is the water fund in the North County Industrial Park water tower there. It's a smaller operation. They did have some additional contractual costs. Their costs make up is mainly utilities and maintenance on the tower and we are able to offset that with – under the debt service account and I don't know if you recall from the budget but the debt service is actually booked against a liability and should not have been budgeted for. So, to budget there was a surplus so we were able to adjust from there in 2016. We did take that out, the debt service line out of the 2017 budget so we've adjusted for that already.

Chairman Chagnon: Any questions or comments?

*Unanimously Carried*

Proposed Resolution – Amend 2016 Budget for Year-End Reconciliations – North Chautauqua Lake Sewer District

Mr. Carlson: As everybody knows the personnel service employee benefits because of the contract, that issue, but, contractual with the North District, we have so many different - a lot of little things that just added up to our overage. We put in some new control panels this summer and the rewiring of those and the restructuring of those pump stations just added more to our contractual costs with the bits and the pieces that go together. We didn't spend all of our depreciable equipment money so it did balance within the budget. That is all I got.

Chairman Chagnon: That is all we're looking for. Any questions or comments?

*Unanimously Carried*

Chairman Chagnon: Do you want to jump to ahead to Portland-Pomfret?

Mr. Carlson: Yes, if we could.

Proposed Resolution – Amend 2016 Budget for Year-End Reconciliations – Portland-Pomfret-Dunkirk Sewer Districts

Mr. Carlson: Under contractual, they contract with the North Chautauqua Lake Sewer District for personnel services. They have no employees. So, any sort of increase to personnel services would be under that contractual amount so I believe that's why that is up. We did have a few other issues with the vehicle that we had extra money for and again, a lot of little bits and pieces just came together to make that increase. Also, to offset that, we didn't spend all of our depreciable equipment money. The other thing, the contract under 8130, 8134, was caused because we discharge wastewater to the Village of Fredonia. They treat it for us and their cost went way up and our proportion went way up because ConAgra stepped out. The formula is proportional. Our proportional flow to theirs, correlates to our proportional cost and expense to theirs. So, that is why we have that overrun there.

Chairman Chagnon: Any questions or comments? Since you are the first department head this morning, I'd like to thank you for operating within your total budget this past year.

Mr. Carlson: Just got lucky.

Chairman Chagnon: All those in favor?

*Unanimously Carried*

Proposed Resolution – Amend 2016 Budget for Year-End Reconciliations – South & Center Chautauqua Lake Sewer District

Mr. Walsh: Our overages were directly related to the contract that places us over with personnel services and fixed contractual but we were able to cover the costs and decrease appropriations in the sewage treatment.

Chairman Chagnon: Any questions or comments? Again, thank you for operating within your total budget last year. All those in favor?

*Unanimously Carried*

Proposed Resolution – Determining that it is in the Public Interest to Modify the Map and Plan for the Increase & Improvement of Facilities for Phosphorus Removal and Other Upgrades to the Treatment Plant of the North Chautauqua Lake Sewer District

Chairman Chagnon: It looks like we do have an amendment to that proposed resolution.

Mr. Abdella; Yes Mr. Chairman. As to that amendment, at Public Facilities it was requested that we add a WHEREAS clause that included the information in resolution 11-17 that set the public hearing that states specifically what the increase in charges would be to the typical single family home within the district and how that compared to what those charges were proposed to be under the original project approved in May of 2015. So, we inserted that WHEREAS clause as requested and of course it's reflecting that the new project, notwithstanding that it costs significantly more. Actually will still cause a decrease from what was originally proposed in the increase in charges. Primarily because of the no interest financing that was able to be obtained. But, I will let Tom, I know that this has been discussed previously but just give a brief summary of what the changes are to the project in causing the additional cost.

Mr. Carlson: Changes came about because part of the disinfection. We normally disinfect with chlorine gas. New DEC guidelines now would require us to remove that chlorine after we put it in disinfect. That was not on the table two years ago. So, an alternative to that would be to use ultra violet. The Village of Mayville has low electrical costs. It's a good fit. It's very environmentally safe, it gets rid of chlorine gas off of our property. The upfront cost was greater but the 20 year buyout on that would have been about the same. Another thing was a piece of equipment used in our process that was put in, in 1978, has long since been needed to be replaced. The bar screen, so that is part of this project and also some blacktop repair and removal when we get done with the whole thing.

Legislator Borrello: So instead of using chemicals, you are going to use ultra violet light to kill off the –

Mr. Carlson: It actually doesn't kill it. it just makes it sterile so it doesn't populate.

Chairman Chagnon: Good for the environment.

Legislator Borrello: Absolutely.

Chairman Chagnon: Any questions or comments? As I said last month, this is a win/win for the users because they are getting a bigger, better project for less month, less cost to the users so this is good news. O.k., any questions or comments?

*Unanimously Carried*

Proposed Resolution – A Resolution Authorizing the Issuance of \$3,972,700 Bonds of the County of Chautauqua, New York, to Pay the Cost of the Design and Construction of Improvements to the Treatment Plant of the North Chautauqua Lake Sewer District in and for Said County

Mr. Abdella: This resolution replaces the original bond resolution passed for the project back in May of 2015 and supersedes that original bond resolution and is at the amount of the revised project.

Chairman Chagnon: Pretty simple. Any questions or comments?

*Unanimously Carried*

Proposed Resolution – Reallocating Salary Grade for Transfer Station Supervisor

Chairman Chagnon: No one wants to defend this one.

Legislator Nazzaro: We talked about this in Public Facilities. My recollection of this is, it reflects – the Supervisor is actually making less than the people under him and there was 2.5 FTE's and there was a premium on the current rate so if you get rid of that premium (*inaudible*) \$1.25 per hour, it created a higher grade for the Supervisor so he'd be above those under him and there is 2.5 FTE's and there is about a \$1,000 budget impact.

Legislator Muldowney: Which they were able to handle in their budget and they said that they were not able to recruit good candidates for this supervisor position because of the -

Legislator Nazzaro: And if you look at the amount of \$22.36 or \$17.50 with a \$1.25 premium, that was \$18.75 so it starts – a Grade 14 was actually slightly below what is currently and if you look at the high end, \$22.36, you add a \$1.25 to that that is actually slightly below \$23.98 it's slightly above that. So, it's to create that new grade and you do away with that premium adjustment.

Chairman Chagnon: O.K., with that? O.k., we'll rely on our esteemed colleagues at this end of the table. Any other discussion?

Mr. Abdella: This puts the Supervisor position at the same grade, 14, as all of similarly situated supervisors in the other DPF divisions.

Chairman Chagnon: Thank you for that clarification as well. O.k., all those in favor?

*Unanimously Carried*

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

Sheriff Gerace: Mr. Chairman, we have an issue with trying to find people that are interested in the promotional opportunity. We have five senior emergency and police dispatcher which are the supervisors on the floor during the operation of the communication center. So, what we are trying to do is separate the supervisor which was one pay grade higher so there is an attraction for people that want to be promoted to that job. And we have budgeted for this in the 2017 budget.

Legislator Borrello: So right now, the supervisors make the same as the –

Sheriff Gerace: They make on pay grade higher, I believe. Is that correct, Kathy? It's very close. What comes into play is the scheduling because they pick their shifts by seniority

and when someone is looking at having to go from a day shift to a night shift as a supervisor, there is no attraction for them to do that when the monies difference isn't there.

Chairman Chagnon: Any other questions?

*Unanimously Carried*

Proposed Resolution – Reallocating Salary Grade for Nurse Practitioner (Public Health) and Nurse Practitioner (Mental Health)

Mrs. Schuyler: I can't exactly speak to the Mental Health component of the Nurse Practitioner position but I did request the reclassification for the Public Health Nurse Practitioner mainly because of looking at what is paid to these mid-level providers throughout our area and even throughout our region. The County's salary range is very low. This is a very competitive market for a health care provider and I don't believe that this Nurse Practitioner level has been looked at for many, many, many years. A year or two ago, Mental Health did add on a physician assistant and that physician assistance salary grade was put at two levels higher than what the nurse practitioner currently is. In looking at scope of practice, a nurse practitioner actually has a much broader scope of practice, can do more than a physician assistant. The physician assistant have to be under the direct supervision of a physician where nurse practitioners don't. We do have collaborative agreements between the County physician and a nurse practitioner but they truly could function much more independently than a physician assistant. So, it really did not seem right that their pay grade was two grades below a physician's assistant. We currently have two nurse practitioners, 1.8 FTE's in Public Health. One of those nurse practitioners was with us as a RN in the County jail and then came over and worked for me in Public Health. She also did Public Health in Canada before she came to the US. So she definitely has the passion for the work that we do and has a public health brain. She has several offers in the private sector currently and I really want to be able to retain her and need to adjust the salary to make it a little more competitive. We still are not going to be where the private sector is at. This is difficult work and it's specialized work when you look at public health and correctional health. We no longer have a contract for outside physician assistance for Jail medical. We (*inaudible*) internally but this nurse practitioner so it's pretty imperative that we're able to retain her in order to do the jail medical services as well.

Legislator Nazzaro: So this grade will be now one grade above the PA?

Mrs. Schuyler: In Human Resources is who did the reclassification –

Legislator Nazzaro: It's currently two grades below is what you said.

Mrs. Schuyler: Correct. Currently the nurse practitioner is a 32 and a physician's assistant is a Grade 4. This would put the nurse practitioner at 35.

Legislator Nazzaro: It would make no sense to have the NP below the PA. Was this budgeted for, this upgrade?

Mrs. Schuyler: We have room in our budget for this yes. Jail medical, as you know, there is no State reimbursement for jail medical services but on the Public Health side, our nurse practitioners are covered by grants.

Chairman Chagnon: O.k., any other questions or comments? Christine, thank you for that explanation.

*Unanimously Carried*

Proposed Resolution – Amend 2016 Budget for Year End Reconciliations – Board of Elections

Mrs. Sanderson: I came to answer all your questions. I'm filling in for the Commissioners today who are doing a presentation at the schools. We are requesting to have our personnel services increased and they were due to additional hours required for the preparation of the Presidential election. We have also increased our revenues, \$11,981 for bringing on all the schools into our election process.

Chairman Chagnon: And you are decreasing the contractual account because -

Mrs. Sanderson: I am not sure I can answer that.

Chairman Chagnon: Because you are real good at managing, right?

Mrs. Sanderson: That's right.

Chairman Chagnon: Any questions?

Legislator Borrello: Just a comment. They also had an additional unexpected election or vote I should say in Forestville this year which was not budgeted for because that came under a citizen petition.

Mrs. Sanderson: That is correct, thank you.

Chairman Chagnon: Any other questions or comments?

*Unanimously Carried*

Chairman Chagnon: Thank you for managing within your overall department budget this past year.

Mrs. Sanderson: Thank you.

Chairman Chagnon: Please pass that along.

Mrs. Sanderson: I will.

Proposed Resolution – Amend 2016 Budget for Year-End Reconciliations–Law Department

Mr. Abdella: We have a couple of adjustments there on the personnel services side. We have some of the similar impact as was described earlier with the CSEA contract. On the contractual side, I'd referenced to the committee in December that we had an unexpected need to utilize outside counsel on a homicide case in a juvenile delinquent prosecution. It came in at the end of the year, an invoice, because we had a conflict in the office. So that is what accounted for the increase in the contractual amounts. So we were able to offset that with the employee benefits savings and then also the additional income that we received from our work for the Land Bank. An additional \$2,500 above the budgeted revenue.

Chairman Chagnon: So the increase in the contractual is what you discussed with us earlier in the year?

Mr. Abdella: That's right.

Chairman Chagnon: You brought that to us earlier to forewarn us of that and it's much appreciated. And certainly appreciate you operating within your total department budget for the year. Any questions or comments?

*Unanimously Carried*

Proposed Resolution - Amend 2016 Budget for Year-End Reconciliations – Real Property Tax Services

Mrs. Dennison: Speaking for Mr. Caflisch this morning. As you can see, he has in his department what we have experienced in the other departments, an overage in the personnel services category that is covered by an under budget situation in his employee benefits. The other line item here, the adjustment contractual, there was an over budget situation for his other contractors which was entirely due to contracts with RAM Data Systems.

Chairman Chagnon: Any questions or comments? Do we know what RAM Data Systems is?

Mr. DeAngelo: That is the company we have our custom built tax software. They build and maintain all the software that runs the taxes.

Chairman Chagnon: So there was more maintenance than what was anticipated in the budget?

Mr. DeAngelo: Yes.

Chairman Chagnon: And you are comfortable with that Jon?

Mr. DeAngelo: Yes, I review that.

Chairman Chagnon: O.k., thank you for that. All those in favor?

*Unanimously Carried*

Proposed Resolution – Real Property Tax Foreclosure Parcel

Mr. Abdella: This was a case where one of the parcels had received an offer from the existing owner to reacquire it. It had been approved by the Legislature but that party was unable to follow through and complete the reacquisition. So we just needed to have the Legislature confirm that we would, in essence, rescind that approval of that reacquisition and put the property back into the foreclosure process in the auction process.

Chairman Chagnon: Thank you for that explanation. Any questions or comments?

*Unanimously Carried*

Proposed Resolution – Applications for Credit of Real Property Taxes for 2016

Mr. Abdella: This was a property that was placed on the tax rolls in error. It's eventually going to be put on the tax rolls but the individual had acquired the property from a tax exempt entity, the Jamestown Urban Renewal Agency and in those situation where you buy from a tax exempt entity, it becomes taxable, not immediately but becomes taxable at the next taxable status date. The assessor's office, not Kevin, had immediately put it as a taxable property which was in error so we need to correct that and refund the \$3,000 or correct it.

Chairman Chagnon: Can we amend the resolution to blame Kevin?

Mr. Abdella: Just by association, I guess.

Legislator Muldowney: We're not here to pick on assessors.

Legislator Borrello: We're here to pick on you.

Chairman Chagnon: Thank you for that explanation Steve. Any questions or comments?

*Unanimously Carried*

Proposed Resolution – Amend Budget for CS Fund

Ms. Crow: Susan was nice enough to prepare these next two before she left. The CS fund is our liability fund. Earlier this year there was two settlements that were paid out and we should have included a budget amendment in that resolution but that was over looked so we need to add that to the budget now.

Chairman Chagnon: And the use of funds are coming out of the reserve, the insurance reserve?

Ms. Crow: Yes.

Chairman Chagnon: And you are comfortable with the balance of the insurance reserve after this?

Ms. Crow: This insurance reserve is pretty healthy.

Legislator Nazzaro: I'm going to ask what pretty healthy is?

Ms. Crow: Well, this reserve has – going back to when we had the fire in Dunkirk and the net balance of that is still – there is still a pretty – I can't remember off the top of my head but there might be – I mean, there is over a million dollars or more in there. I just don't remember of the top of my head what it is. But mainly attributable to that.

Mr. Abdella: Occasionally we need to tap for the retention level. In essence the deductible not covered by the insurance policies.

Chairman Chagnon: Any questions or comments?

*Unanimously Carried*

Proposed Resolution – Amend 2016 Budget for MS Fund

Ms. Crow: We did have some additional claims that we settled and paid out that created an overrun in the .4 contractual. When it's to our advantage, we will try and settle a claim to close it out. But we also had some refunds from claims that we had. Dennis has done a good job to make sure that we're getting back everything that we should be getting back and so we did have a surplus of revenue in that area.

Chairman Chagnon: Kitty, for clarification, could you explain what the MS fund is?

Ms. Crow: The MS fund is our Worker's Compensation fund.

Chairman Chagnon: Any questions or comments?

*Unanimously Carried*

Proposed Resolution – Amend 2016 Budget for Year-End Reconciliations – County Clerk

Mr. Barmore: Well as we discussed nearly a year ago, we knew that we were going to have a shortage in our payroll for DMV and we felt that we would have the money to transfer over to cover it and we did. We used more stationary over there than we thought we were going to have to have and that is the \$990. Weights and Measures, you probably remember our Director retired in 2015 so we had a lot of training both for the new director and the new assistant so I authorized some overtime that wasn't in the budget so that they could get some of their work done and get caught up. Of course, we had to get new stickers and stationary and

everything with the new people's name on them so we covered that. We're expecting to have a little extra money in the payroll account and we knew that we were going to come in under on the health insurance like everybody did because we got a new contract with better rates. So we're able to make transfers within the department and stay within our budget.

Chairman Chagnon: Any questions or comments? Is it safe to say that several of these budget overages were onetime events if you will from 2016 that we wouldn't expect to repeat in 2017 because of the transfer of personnel?

Mr. Barmore: I would certainly hope so. I mean, you are always going to overspend the one account and underspend in another. Budgets are intelligent guesses sometimes, but, nothing to this magnitude, I would hope.

Chairman Chagnon: Right but some of those were because of the retirement and the replacement.

Mr. Barmore: Although my new Weights and Measures Director told me that he is going to retire June 1<sup>st</sup> next year. So now we can go through the process again.

Chairman Chagnon: But 17' should be good.

Mr. Barmore: We hope.

Chairman Chagnon: Any other questions or comments? Again, as a department head, I would like to congratulate you and thank you for bringing your total department budget in within budget.

Mr. Barmore: Thank you. That is what we're here for.

Chairman Chagnon: All those in favor?

*Unanimously Carried*

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

Mr. DeAngelo: Outside of the personnel services which Kathleen and Kitty have spoken to, the Print Shop contractual and the Print Shop revenue accounts, both higher. How that works is when we process more jobs, we spend more in supplies to do those jobs and we charge those directly back to the department that requested. This year we saw higher revenue because we did more jobs so we had more expenses and it just evened each other off. Outside of that, a little bit of a decrease in the office services. We didn't quite use what we expected to in postage and we saw some savings in communication on the I.T. side of things. So we have been really trying to over the past year or two analyze and cut down our communication expenses. We're seeing some of that fruit being born with all that work. So, things are good.

Chairman Chagnon: Any questions or comments? Jon, the Print Shop contractual, 28% over budget.

Mr. DeAngelo: That goes right what I spoke of the supplies that we purchase for the jobs that we do for other departments. So, we'll get a request in from the Legislature, it might require binding and some things that we need to go out and purchase and the way that the budget works, we purchase them out of our department, out of the Print Shop, and then we charge back the other department and that money comes in to our revenue. So, we are more than expected in revenue but we went higher in expenses. They should offset each other. Is that what you are asking?

Chairman Chagnon: Yes. They do offset but significant increase in demand from the departments.

Mr. DeAngelo: Yes and that's a good thing. We encourage them when they are doing large jobs to send them to us.

Chairman Chagnon: You view that as positive.

Mr. DeAngelo: Oh yes. It's a lower cost to the County as a whole. It's cheaper for us to do large jobs than it is for them to use their staff's time and higher priced copiers and things like that to do the work.

Chairman Chagnon: That is an interesting perspective on that because rather than looking at it as it being 28% more work that was done, that 28% was work that would have gone outside that came inside instead.

Mr. DeAngelo: That is the way that I look at it. I mean, it was going to get done by the departments in some way, anyway, so it's better that we do it more efficiently in the Print Shop.

Legislator Nazzaro: Again, I don't want to dive down into the weeds, but, a follow-up to that, technically for Jon, this is walk. More jobs, he had the expense he's allocated but to your point, then each department, they should have had - unless this is a true over budget across the whole County, if they expected to use outside then they should have less expense in those accounts. I mean, if they used internal printing opposed to sending a job out to a commercial printer, then that would be a good thing but their net increase could still have gone up. I mean, you don't know, you have to go into each budget which I don't want to -

Mr. DeAngelo: Which I did not do.

Legislator Nazzaro: I don't want to go there.

Chairman Chagnon: The point that I was making Chuck was that if this was an increase in activity then it would be a little concerning but you don't know that.

Mr. DeAngelo: It's certainly a change in our trend. Over the past five years we have been trending lower demand so that is why we budgeted that way and now we have an uptick in demand. I guess we'll find out over the next few years if it's consistent or if it goes back.

Chairman Chagnon: I like your perspective and I hope that is the correct perspective across the County is that, the work that would have been done outside was instead done inside. That's good for the County, good for the taxpayers. If it was a 28% increase in activity then we would wonder why that was (*cross talk*).

Legislator Borrello: I think that you were speaking to part of this and speaking personally but nothing annoys me more when I see someone printing off 50 copies of the same page off a laser printer with a \$150 cartridge in it versus going to the high speed duplicating machine whatever it might be, printer. I think that's a lot of it too. You are saying, take the time to send the job down to them so that they can do it at a much more economical rate versus printing 50 sheets of the same thing out of a printer that is going to cost a lot more.

Mr. DeAngelo: Correct. Instead of costing six cents per copy off of their printer, it cost our Print Shop, I think a tenth of a cent or something like that.

Legislator Nazzaro: Just a quick question but for my own benefit. We have copiers scattered all throughout?

Mr. DeAngelo: Yes.

Legislator Nazzaro: I'm assuming they are under contract.

Mr. DeAngelo: Yes.

Legislator Nazzaro: O.k., do you set the defaults on them? I know that we have had to do that where they can't print color all the time. Nothing aggravates me more too when they are printing something, a recipe or their printing work related stuff, we set the defaults black and white and then we only have certain people who can print to color

Mr. DeAngelo: Right. We have very limited color units around the County. When we are installing units, that's when we look at, do you really need color or not? We have probably less than 10 color units around the County. So, we don't limit at the unit level. If the departments asks us to, we would be happy to but that just increases our management cost.

Legislator Nazzaro: All the machines are not color?

Mr. DeAngelo: No.

Legislator Nazzaro: Because that is where you run into a lot of costs.

Mr. DeAngelo: Absolutely. Somebody by mistake prints out 400 copies of something in color and they didn't mean to. So we try to avoid those situations.

Chairman Chagnon: O.k., any other comments or questions?

*Unanimously Carried*

Proposed Resolution – Amend 2016 Budget for Year-End Reconciliations – County Executive

Mrs. Dennison: The County Executive's office has a small overage in his personnel services expenditures and it is self-balancing. We could have offset that overage entirely with the .8's as you have seen with most of the other departments. It was the County Executive's choice to break up the over budget situation into balancing it with a small amount of contractual and employee benefit categories.

Chairman Chagnon: He wanted to show us what a good job he's doing in managing his budget, I'm sure.

Mrs. Dennison: That's probably it, yes.

Chairman Chagnon: Any questions or comments?

*Unanimously Carried*

Proposed Resolution – 2016 Hazardous Materials (Hazmat) Grant Program

Mrs. Hayes: This is appropriating the remainder of \$94,000 Haz Mat grant for 2016. The equipment was appropriated last month and this is for – the equipment under \$1,000 personnel.

Chairman Chagnon: Any questions or comments?

*Unanimously Carried*

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

Mrs. Hayes: This was previously accepted. This is just appropriating the money and it will be used mostly for training.

Chairman Chagnon: Any questions or comments?

*Unanimously Carried*

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

Mrs. Hayes: Like the others, our biggest overrun was in the EMS personnel partially due to the new EMP (*inaudible*) sponsorship is part of that budget. There were personnel costs involved in that and that was offset by our contractual.

Chairman Chagnon: And you were kind enough to explain to me that the fixed contractual increase because of an adjustment coming out of Finance that the December 2016 adjustment to actual liability insurance. Do we have any understanding as to why that occurred? There was a 52% increase in the fixed contractual account.

Mrs. Hayes: And it was a journal entry in December, \$1,295.00, I believe.

Ms. Crow: It was just the actual expense and it's based on the equipment in any department. I would have to –

Chairman Chagnon: What caught my attention Kitty obviously is a 52% over budget so if it's insurance based, is it a budget error in setting the budget or was there something changed in the insurance?

Ms. Crow: Well, the equipment that any department has, whatever their assets are, determines what their cost of their liability insurance is.

Chairman Chagnon: I don't think that the department has 52% more in equipment than what they anticipated in the budget.

Ms. Crow: I don't know without looking at their list of equipment.

Chairman Chagnon: If you could check into that and let us know. It's not a big dollar amount but the percentage raised the question. Or if you could have Kathleen look into that.

Ms. Crow: She doesn't handle the liability insurance but I will look into it.

Chairman Chagnon: Thank you. Any questions or comments?

*Unanimously Carried*

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

Mr. Abdella: I know that these resolutions periodically come to you to expect these funds that I believe would be in the 2017 budget. Obviously the PD's office get those substantial ongoing grant from the State Office of Indigent Legal Services. It's one of their revenues for the budget for the department.

Chairman Chagnon: What struck me about this is, this is for an operational period of January 1, 2015 through December 31, 2017 and yet what we're being asked to authorize the County Executive to execute the contract that is a year and 3 months old.

Mr. Abdella: I know that we're doing these every year and sometimes more than once per year. So, I'm just wondering if this isn't a cumulative total that is an amended agreement to carry

us through the end of 2017. I can check that but that would be my guess that it's an amendment adding and extending that existing agreement.

Legislator Nazzaro: The agreements, I believe, are three years. (*cross talk*)

Mr. Abdella: They are adjusting the amounts.

Chairman Chagnon: There is no indication in the resolution that it's an amendment to the contract or an increase to the contract or anything so that is why the question arose.

Mr. Abdella: I can check on that.

Chairman Chagnon: O.k., if you could get us that before the Legislature meeting, we'd appreciate that. Any other questions or comments?

*Unanimously Carried*

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

Mrs. Dennison: I can speak to that. It's over in the contractual category and that is primarily mileage. Also a little bit in law books and subscription and the reason it is over is because of their caseload and they were able to balance that with the savings in the employee benefits.

Chairman Chagnon: Any questions or comments?

*Unanimously Carried*

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

Mrs. Dennison: I'm also sitting in for Mr. Narroway this morning. His point ones are over due to the CSEA contract but also he said that he had a large number of employees that took part in the Wellness program which is also in that category, additional expense in that category. His employee benefits are under budget because he had an unexpectedly large number of employees opt out of County insurance so there was a savings for the County in that category. And I did check the 2017 budget and that opted out change has been reflected in the 2017 figures. We're showing lower budget in 2017 for the health insurance.

Chairman Chagnon: Anticipating questions again Kathleen. You're going to set a bad precedence here. Any questions or comments?

*Unanimously Carried*

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

Chairman Chagnon: And this one was amended. We have an amended copy in front of us. Would you first explain the amendment?

Mrs. Dennison: On the amendment, you can see the strike out areas. The first one under Increase Appropriation Accounts, there was an increase in expenditures after the original resolution was prepared so we do need to make a little larger adjustment in that contractual category. In the second box, the Decrease Appropriation Accounts, we were under budget in appropriations for Unified Court costs because there were less officers scheduled than anticipated but those really are not true savings because there will be an offsetting reduction in revenue. Most of those court costs we get reimbursed by New York State. So upon further review I did not think that it was appropriate to, quote unquote, savings in the expenditure or appropriations category because there will be an offsetting reduction in revenue in that department so those were removed from the year-end adjustment. On page 2, because we had an overall additional appropriations that we needed to cover, we are taking some additional funds from the Community College tuition contractual expenditures and also from Mental Hygiene programs. So the changes that were struck out to be adjusted in that balance entry of the bottom of the decrease appropriation category.

Chairman Chagnon: Any questions or comments? Kathleen, according to my arithmetic we've increased the Increase Appropriations and we have stricken some Decrease Appropriations so therefore there should be some other counter balancing items unless the original resolution didn't balance.

Mrs. Dennison: The counter balancing items are the last two items in the Decrease Appropriations category so we shifted the four items there, the Unified Court costs, total \$79,524. So instead of decreasing the Unified Court cost categories, we decreased the Mental Hygiene program .8 classification. That is one adjustment.

Chairman Chagnon: O.k., so that is another amendment then.

Mrs. Dennison: There was a typographical error in the original resolution. One of the categories didn't add up properly so that is why there is not a (*inaudible*) correspondence on the change for the contractual in the Sheriff's.

Chairman Chagnon: O.k., thank you. Any other questions or comments? I do. The 3110 account for depreciable equipment. The budget was zero and the increase in appropriation is \$18,220.

Mrs. Dennison: We had two items going on in that category. One is that the budget was amended in that category due to some anticipated grant purchases of depreciable equipment and then at the end of the year we purchased a vehicle out of that account. There were several vehicles that were damaged in accidents throughout the course of the year. There were three vehicles that were completely totaled. Two of them were replaced using capital funds, so essentially we replaced those vehicles instead of buying new vehicles. But there was one vehicle that we elected to purchase with operating funds. So that is in that depreciable equipment category.

Chairman Chagnon: So even though the budget didn't reflect sufficient funds to cover depreciable equipment, we elected to purchase depreciable equipment out of the operating budget?

Mrs. Dennison: Yes, but there were significant revenues in the insurance recovery category, unbudgeted revenues that more than compensated for the purchase of that vehicle.

Chairman Chagnon: And where would we find those in this amendment?

Mrs. Dennison: You will find them in the Increase Revenue category on the second page, item number three. Now the insurance recovery is not increasing very much at this time because we did do an interim adjustment that was approved in January.

Chairman Chagnon: So that was sufficient to cover this expense?

Mrs. Dennison: Yes.

Chairman Chagnon: Thank you and then I have a similar question under navigation for depreciable equipment where the increase in appropriation is \$32,284 and again the budget was zero.

Mrs. Dennison: That item we purchased a new truck for use in the navigation patrol. The purchase was not budgeted but it is completely covered by, first of all, look on page two, the last two items in the Increase Revenue Account section, the vehicle was purchased for the \$32,000 approximately. We received a trade-in of \$15,000 so we have a navigation revenue, on sale of equipment, and then we also have increased revenue from our navigation claim with New York State. Because the purchase of that truck, half of it is funded by New York State Navigation Patrol program. So we have more revenue than anticipated in navigation and the sale of equipment also dropped that expenditure.

Chairman Chagnon: Any other questions or comments?

Mrs. Dennison: I would also add that the increase in navigational law enforcement, those two items combined are a little bit more than the purchase of the vehicle because we had additional activity in the navigation claim in general that enabled us to recoup more money from New York State for those activities.

Chairman Chagnon: My observation on that one is, generally we would appreciate hearing about this before it occurs. After the fact, after the year, we're hearing about an opportunity to produce to purchase additional equipment. That should have, in my humble opinion, should have been something that was reviewed and approved by the Legislature before the action was taken. But that's just Pierre's opinion. I would appreciate in the future hearing about this before it occurs.

Mrs. Dennison: Understood.

Chairman Chagnon: O.k., any other questions or comments on the Sheriff's budget? No one is going to comment on the Jail? The increase cost to the jail, which fortunately were able to be balanced in the total County budget but required stepping outside of the Sheriff's budget to many other departments.

Sheriff Gerace: Mr. Chair, I would be happy to comment. Some of the costs are outside of our control at times and that is why I have been so outspoken about the need to do more with rightsizing the jail if you will and the work of the Criminal Justice Coordinating Council is something I'm optimistic about. We have, in my opinion, people that are in jail that don't belong there. They should be in State prison. We have people that stayed longer than they should because the system works so slowly and those costs we can't control. We are mandated to have a certain amount of staffing by shift and without taking up all your morning, there is a lot of challenges there because we can't go unstaffed. So if someone calls in sick we have to call in for overtime. In the past we have not had an overtime budget which did more than cover our mandatory contractual overtime which is holidays. We work over the holidays. I believe the 17' budget better reflects the number of people we need. Kathleen did a tremendous analysis of the number of shifts that we have and the ones that we need to cover with part time correction staff. We struggle to recruit and retain part-time correction officers which is going to be a struggle going forward. Some of the issues that we faced are an increase population, staffing shortages to the point that we're forcing full time people to stay overtime. So they are being held captive at the end of their shift for the next shift. So we hope we'll be able to get more part time people. Having said that, the exam that was just given, there was only 28 people sat for the exam and we have had over 100 in the past. This is a problem that is State-wide. I met with the Sheriffs of the State and we talked about recruitment and we're not alone in trying to get people to take those jobs. Hopefully going forward, we've made some significant adjustments in the 2017. We haven't had enough money in the budget for pay and overtime pay. We have adjusted that in 17'. I think that it is more realistic although the overtime is going to be tight. It really depends on our ability to get people to work in the part time roles. Kathleen also did a significant, I'll call it a study, as to whether or not we should be here talking about more full time positions and fewer part timer but no matter how we did the math, it's still more beneficial for us to hire part timers and have them leave and hire more than it is to fill the spots with full time people because of the health care cost.

Legislator Nazzaro: Sheriff, how did the revenue come in compared to budget for housing Federal prisoners?

Sheriff Gerace: We were -

Mrs. Dennison: We averaged 26 Federal prisoners per day and in 2016 the budget was for 30 a day. So it is off about \$138,000 below.

Sheriff Gerace: The dilemma that we run into is that when we have adequate space we have not had the Federal prisoners available to us. Now, we don't know what the future is going to bring us with immigration inmates. We've already had a request from INS to hold more immigration inmates. They haven't delivered them yet but when our population is down that great and what we try to do is get more than our 30 a day to try and help average it out for the

end of the year because we know when our local population spikes we won't have room for the Federal inmates. The other catch 22 is, when we send them back, they are not as likely to use us again. They will find other jails that will take them without yo-yoing them back and forth.

Legislator Nazzaro: I guess the observation and you had it too Pierre because the Sheriff's jail budget is so out of your control at times, part of it, that we had to go outside of the budget for over \$400,000 to make this work. I do find comfort that in the 2017 budget that this will be addressed.

Mrs. Dennison: Well, the 17' budget for wages in the jail, base pay, is \$6.5 million dollars. The actual in 2016 was \$6.4 million dollars. But, I look at that with optimism that the actual in 16', even though they were over the 16' budget, they are under what we budgeted for 17'. So that is a favorable and a positive looking forward to 17'. As the Sheriff mentioned, the overtime budget for 17' is extremely lean and probably too low. We added part time positions in the 17' budget as we did in 16' and that is helping us to meet the minimum staffing without overtime but the overtime budget is still based only on the contractual obligations for the staff. They get paid for holidays so that is all that is in that budget.

Sheriff Gerace: If you recall during our budget presentation we asked for 9 additional part time correction positions because what is happened to us is, and it's a combination of the drug epidemic and mental health issues, we've had every day in 2016, we had somebody on constant watch. And constant watch means, a correction officer that isn't scheduled, we don't have that constant watch in our normal – didn't have in our normal staffing analysis but it was happening. Somebody comes in and they are heroin addicted and they go through a medical screen. Well, as soon as we find out they are opiate addict, they have to be on constant watch until medical can examine them and get them on a drug regimen. So that means that somebody has to sit in front of them in a cell, isolation, to make sure they don't harm themselves. The same is true with someone who fails the intake for mental health. So we looked at that and said, we have them every day. Sometimes as many as five a day. We can handle a certain number with one correction officers unless you get a male or female then we have to have a second constant watch. So what we did was budget to add that as a post in 2017. The issue is, making sure that we can get enough correction officers to fill those needs. We did the math on the correction officers and we looked at it and there is an attrition rate of 8 or more a year, it was average 8 right, where we had attrition. We hire part timers, they don't get enough hours or they have another job or they get a full time job and they leave us, but even with that, our training costs, equipment, etc., comes to just under \$10,000 per employee that we invest in those part time correction staff. But looking at that versus the cost of a full time, we're still ahead of the game by having this turn over. So, if we can employ as many people as we need to, to fill our part time ranks with quality people because we sure as heck don't want to bring somebody in that's not going to make the grade, then we should be able to combat the overtime issue by having part timers to fill in. Full timers get time off. They earn vacation time, they get compensatory pay, they get hurt, they get sick, and we try and back-fill them with part time staff when we can and when we can't, we're forced to pay overtime.

Chairman Chagnon: O.k., so the 2016 budget for the jail was essentially \$800,000 over budget. And you have given us some hope that the 2017 budget will ameliorate some of that and

you've given us some hope that Federal inmate revenue will ameliorate some of that. You only made passing comment to the judicial coordinating council. Could you perhaps elaborate a little bit as to what the impact of that was in 2016 and any hopes we might have for 2017 in changing direction?

Sheriff Gerace: It's a very difficult thing to predict because as Sheriff, I don't control who comes to jail and I can't release, but, I get frustrated with the process and hopefully this effort is putting a lot of eyes on the process and we're getting people in the system to be thinking about moving at higher speed, maybe looking at bail as being consistent and fair. In my opinion, sometimes the bails are exorbitant. One of the biggest common denominator of people in Chautauqua County jail is that they are poor. They can't afford bail and we have an inmate that has been in our jail almost 2 years pre-sentence on \$10,000 bail. It will be 2 years in April, presentence on a Class E felony. We have others that have been in there over a year and that bed space is costing us money. We have judicial judges that are sentencing people to a year in jail and I'm pleading with them to sentence them to State prison. That year in a jail costs the local taxpayers an unbelievable amount of money and if their medical challenges, and obviously I can't discuss with HIPAA but we have inmates in there that are costing us thousands of dollars a week in just their prescriptions. Because of State law, we bear the entire expense of incarceration. They come in and unless they are insured by their own health insurance or an employer, which is rare, we pay for all their procedures and their pharmaceuticals. So, it can be very, very costly. I'm hopeful that the CJCC is successful in coming up with a better system, a more efficient system. We just had a representative from the National Institute of Corrections come in and do a lot of interviews and they are going to present us with a report with suggestions and recommendations but, in direct response to your question, I'm optimistic. That just us paying attention instead of forgetting the people that are there, has already shown some progress. We went down in population this year so far, to some pretty decent levels and with the use of part time employees, I was able to actually shut down two housing units because if we had all full time employees, we'd still be paying them whether that housing unit was shut down or not. We didn't have Federals available, we had a lower jail population locally, so we actually closed the housing units so we didn't have to staff them. There was nobody in them. Now, we're seeing the population go up a little bit, we've had to open up another housing unit.

Legislator Borrello: The judges, they have the ability to decide if they are going to go to State prison or County jail for the sentence?

Sheriff Gerace: Correct.

Legislator Borrello: And maybe the District Attorney could speak to this but what would possess them to send someone to County jail for a year versus State prison?

Mr. Swanson: Variety of sentencing factors that they consider. What we've seen and I think what will be a help is having our County court Judge back. Since Judge Ward retired in the summer of 15', we've had a hodgepodge of judges come through. We did have a semi regular judge for the remainder of the year last year. But I think with our County Court Judge coming back, predictability, becoming something that is real again because in our legal system, if you have a judge that is unpredictable for both sides, it creates some issues. We want consistency, we

want to be able to anticipate what is coming but with the mix of judges we've seen, it's been difficult. Not because the judges aren't doing a good job but because the judges are different. I think what we're going to see this year is a benefit to having our County court Judge back. Some consistency and predictability back in our system that both the Public Defender and the private lawyers that defend clients and our office will be able to benefit from. Which in turn actually helps Joe. So, I think that we'll see improvements. Will have some regularity and consistencies on the bench.

Legislator Borrello: Thank you.

Legislator Muldowney: You know part of my answer comes from the locals, what I call local judges, but the County Judge could adjust bail, right?

Mr. Swanson: Yes.

Sheriff Gerace: There is a process and Patrick is far better, an expert at explaining this but the defense can ask for a bail hearing, a bail review hearing. We don't see that very often.

Mr. Swanson: No we don't. Very rarely. Very rarely is a misdemeanor bail brought to County court for review. It was done when we had visiting Judges coming in at a time last year which there is some benefit to that. That being said, our local judges and our Magistrate Association, they make an effort to follow those factors but that Joe mentioned was most of these people that are sitting in there, are low income, they have no means at all. The reality is though, the bail statute doesn't account for how much money a person has. So, you have a bail set on someone that makes \$200,000 a year, they are going to consider the same factor to somebody who had no job. So, they are not considering the person's finances when they are setting the bail, they are considering the facts to the offense, they are considering the prior criminal history of that defender, considering the quality and the kind of proof in the case, likelihood of conviction, and potential sentencing they are facing (*inaudible*) so those are the bail factors that are being considered. There is a big push both Statewide and nationally to change the consideration of bail to include financial resources but the reality is, that then becomes not fair to someone who does have money because you are in effect going to be penalized when bail is being set because you have the means to pay it. So, there is a balancing act there and right now that is not is not one of the determining factor when setting bail ....

Sheriff Gerace: And it is complicated. Because you have somebody who \$500 might as well be \$500,000, they are not going to make the bail. But where I'm frustrated is looking at the purpose of bail and its initial intent. One is to prevent them from fleeing and make sure they return to court and secondly to protect the citizens. Sometimes I feel that is not the case and those people aren't going anywhere. We've had courts where the police actually issue an appearance ticket to the individual and that individual shows up to court, on time, and then the judges sets bail and sends them to jail. He's already proven that he's going to appear and he wasn't a threat between the time he was arrested and the time of his court date. So those are the kinds of things we hope to bring to light with the Criminal Justice Coordinating Council and work with these courts to try to get some more logical reasoning. In the same breathe we have some law enforcement that don't use appearance tickets. Everybody is arrested, they take and

either do desk bail or they take them before the judge and set bail. Hopefully, again, we can't force them to use appearance tickets, but there is a reason for it. It's discretion given to the law enforcement officer. Instead of having you run through the jail, we're going to have you come back to court. So, hopefully they'll be some more positives. I think there is already have been, it just what we're focused on. But it's frustrating for us and frustrating for me to come here and say, hey, we weren't able to meet our budget and some of that stuff is outside our control. Most of it. We have made adjustments to the rest of the agency to make up for it. The best of our ability, you can't do this, you can't do that because we're going to be looking at an issue with the jail and we work like crazy to try and get our revenue higher to offset some of the expenses.

Chairman Chagnon: Sheriff, I appreciate that explanation and the reason I wanted to highlight that is that in my opinion, that is one area that the Legislature can be supportive and monitoring and supporting the activities of the Criminal Justice Coordinating Council.

Sheriff Gerace: And Mr. Chair, I have been impressed with the attention that has been given to it by the Legislature. That is the difference between how it's going to work now from when we attempted it back in the late 90's and it really did nothing but waste a lot of people's time at meetings. Having the Legislature represented there, I think gives a lot of, not only support but direction to us.

Chairman Chagnon: Thank you for that. Any other questions or comments for the Sheriff? This is the amended resolution.

*Unanimously Carried*

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

Mr. Swanson: In review of our overage from 2016 and in sitting through both the Public Safety and now this group, it appears as if we are the a nominally. Our overage is in employee benefits which everybody else seemed to be under. The reason for that is, in 2016, when David Foley resigned and became our County Court Judge, I assumed the role of the Acting DA. I hired a new attorney who was on the family plan and for those of you who didn't know, David, it was an opted out. His wife is a teacher and my understanding was, he was an opted out because of her plan so what we did was, we added an attorney who went on the family plan and we also had an Assistant District attorney get married who then added a family plan. I think that is why we're seeing the overage in that line when everybody else is seeing something under giving the over estimation. So, we did have money in our budget to cover it. We have ebbs and flows in our contractual stuff with regards to when we have to hire experts for extraditions but we have, we had an overage last year so we did have the money to cover it. it was in the amount of \$7,600 roughly.

Chairman Chagnon: Any questions or comments? Just a comment. Thank you for operating within your total department budget in 2016.

Mr. Swanson: I can't take credit for that budget but hopefully next year I'll be sitting in front of you with the same set of circumstances.

Chairman Chagnon: All those in favor?

*Unanimously Carried*

Proposed Resolution – Amend Chautauqua County Department of Health & Human Services 2016 Budget for Increased Secure Detention Costs

Ms. Lis: This one is, we had several young people up in Buffalo at their detention facility and the previous daily rate that they were charging was \$731 a day. We just received a bill for Q2-2013, so they are far behind in billing us, and they are now billing us at \$840 a day. So, we have, because of that long time period, there is a 1,099 days that we still owe them for which we have had an accrue for. We knew about it but it's costing more than we knew. So this is an increase of about \$119,000. We did have some money available in that budget line but we didn't have enough. So when I increased our accrual for that I needed to move \$75,000 into our juvenile delinquent care department but we had it, as we have said before a few times, in our contractual under Administration. We were over budgeted there. So it's a net zero. I'm just moving money from one department to the other.

Chairman Chagnon: So for services provided three years ago, they have increased their cost that they are charging us without notification?

Ms. Lis: Right.

Legislator Nazzaro: So this is from 2013 and you said they are going back?

Ms. Lis: It's not like they are going back in for things they previously billed, they just never billed it.

Legislator Nazzaro: Do we have a contract with them?

Ms. Lis: No, I don't think so. Not that I am aware of.

Legislator Borrello: They are over three years behind in their billing.

Ms. Lis: Right.

Legislator Nazzaro: And this is a public or private –

Ms. Lis: It belongs to Erie County.

Mrs. Schuyler: I honestly don't know if some of that hold up was they have to wait for approval from OCFS. OCFS approves all the rates set for all of the secured facilities in the State.

Legislator Nazzaro: What I'm wondering is, again, maybe this is – you would think that we would have some kind of contractual arrangement because that protects –

Mrs. Schuyler: We have gone around and around a few times on whether or not we should contract for secure detention. The issue is, contracting with various facilities for secure detention is that we will pay for those bed dates whether we use them or not. So you have to contract for a minimum amount of bed date. Historically here, it hasn't been worth it for the amount of bed days that we've needed to actually contract. Let's say we contract with East Ferry in Erie County. We're going to contract with them in faith, we basically are guaranteed a bed for whenever we need it. We could have one bed, two beds, six beds. We're going to pay that every day, 365 days a year, whether we have kids in those beds or not.

Legislator Nazzaro: I have to ask the question. Because this is out of my area but, why would we have to guarantee a certain amount of days?

Mrs. Schuyler: That is the way the contracts work.

Legislator Nazzaro: The contracts that we provide have negotiations to them. I mean, is that some statute somewhere? I mean, I would never negotiate a contract if they say that we have to guarantee a certain number of days. You have a rate set –

Ms. Lis: I don't know if it's a guarantee but we're reserving.

Mrs. Schuyler: We're basically reserving the bed and that is the way all the contracts across the State work. I have copies of Cattaraugus County, Wyoming County, Ontario County, -

Legislator Nazzaro: Reserving a bed.

Mrs. Schuyler: So if you have a child, whatever the hour is day or night, that has to go to a secured detention facility, you are guaranteed there is going to be a bed. If you don't have a contract with them, there is no guarantee you are going to have a bed and then we could end up shipping kids off the other side of the State, wherever we could find a bed. We really haven't had a problem with finding a bed in a facility, that's why when we have looked at it in the past, it's not been worth it financially to pay for beds every day of the year –

Legislator Nazzaro: I agree with that. It's just the –

Mrs. Schuyler: It's a weird system but it's OCFS, the State system.

Legislator Nazzaro: I mean, the rate is set by them based on what? I mean, I would hope that they just can't arbitrarily set a rate. Must be set on some kind of cost formula.

Mrs. Schuyler: I'm sure they have a cost formula.

Ms. Lis: We're not privy to that. I am sure the State –

Mrs. Schuyler: The State OCFS has to approve all the rates that are set.

Legislator Nazzaro: O.k., there is an approval process. The State approves that.

Ms. Lis: The billing does come through a State system. They are all linked together. Another reason this is higher than it would be is that, we did have that one bad case last year where that one child was in there for almost a year.

Legislator Nazzaro: I'm aware of that. You talk about the system being broken, this is definitely broken. It makes no sense to me whatsoever. Very frustrating Mr. Chairman.

Mrs. Schuyler: And this is separate from OCFS the State training line on our budget. This is a separate line. The OCFS training is even more money per day.

Chairman Chagnon: So are you suggesting any actions?

Legislator Nazzaro: I'm not close enough to it based on what I am hearing. I mean, you certainly don't want to enter into an agreement so you have to guarantee the usage, the occupancy, but, -

Chairman Chagnon: Are you suggesting that we investigate the possibility of negotiating a contract that doesn't have a guarantee?

Legislator Nazzaro: If we are allowed to do that, I would definitely say yes.

Mrs. Schuyler: We have been talking about this, programmatic level with our Juvenile Services Team because the County Attorney's office has, as well as Probation Department, would prefer that we have contracts because there is a bed guarantee and they don't have to make multiple phone calls and try and find a place to put a kid. You are guaranteed, you can just (*inaudible*) a kid. I do have another concern that that could lead to children being very quickly placed in secure detention that perhaps is not the appropriate level of care for them because all of a sudden, it's easy.

Legislator Borrello: There is also transportation costs as well. You said you've had one kid in there for a year?

Ms. Lis: A year or two. I'm not -

Mrs. Schuyler: She ended up in OCFS.

Legislator Borrello: Yes and that was a \$300,000 expense, if I am doing my math correctly. How many, in any given time or course of a year, how many actual kids do we have in secure detention.

Ms. Lis: I could find out. The one good thing about the system is that you can find out how many days you have into it. At least that information is pretty reliable. I don't have that information.

Legislator Borrello: Is it 2 or is it 23?

Mrs. Schuyler: Right now in OCFS custody, I think we have 12 kids which is high.

Legislator Borrello: This is where I am going with this and this might involve the Sheriff. Is there a way for us to create our own secure facility if it's 12 at any given time? I mean, we're talking about \$300,000 for one kid per year. Could that be – for \$850 –

Mrs. Schuyler: We've talked about that. We used to have before my time and Joe probably could talk about it, but we did have a secure facility in the County but that has been closed for many years and it's very expensive. We have been in talks with the GA Home because they have the facility there. We use them for non-secure detention. But, there again, they want a guarantee of payment whether those beds are full or not.

Legislator Borrello: If we created a secure facility and non-secure facility provide staffing, we have a lot of money to work with here.

Sheriff Gerace: We had looked into that at the time we were doing jail expansion and thought it would be an appropriate time to look at secure facility but the requirements from the State require a certain acreage of land, programs that when we redid the math, it would cost way more than we could ever get for reimbursement for housing. I just dismissed it because of the requirements from the State. The programs we would have to provide them inside a secure facility, it can't be monitored by correction staff and there has to be a certain amount of green space. Niagara County tried to do it too (*cross talk*)...

Mrs. Schuyler: I honestly would prefer to invest in preventive programs so we could get to these kids younger and divert them and keep them from penning up in a secure detention facility.

Sheriff Gerace: If I could editorialize for just one more second. The State is pushing really hard to raise the age which means, New York State and North Carolina are the only two states in the nation now that allow 16 and 17 year olds to be incarcerated in jails. Raise the age would push that to 18 which means that 16 and 17 year olds now would have to be held in State facilities that are there for – they would become (*inaudible*), is my understanding.

Mrs. Schuyler: A bill just passed the Assembly, I just got an email this morning about it.

Sheriff Gerace: The Sheriffs of the State are very concerned about our costs. We've had to take people all the way to New York City to find housing for them when they are in secured detention and if they are going to raise the age, the 16 and 17 year olds that are in jail today, we'll be transporting them to far away locations to put them in secure which is a huge expense. No question about it.

Legislator Borrello: If I'm not mistaken, the Shock Incarceration State facility here has got some open space. Have you ever considered? They have a lot of green space there.

Sheriff Gerace: And (*inaudible*) held in a grounds like that. That is a dilemma and we don't necessary – the Sheriffs are not opposing to raising the age if considerations are made for

housing and transportation reimbursements. I think we're not prepared for it now. We don't have the space today. We'd have to go to Buffalo and if they are full, we're headed across the State looking for an open bed.

Legislator Nazzaro: Do we get reimbursed any of this?

Mrs. Schuyler: This is our share of the cost.

Legislator Nazzaro: What is the total for 2016? This is the adjustment, for secured detention?

Ms. Lis: I didn't break it down. I can let you know.

Legislator Nazzaro: That was a very interesting discussion you had George. I think it's something that we could do ourselves or regionally. (*Cross talk*)

Mrs. Schuyler: I dare say that I'm looking to develop a stronger partnership with our juvenile services team which is our Children & Family Services staff as well as Probation, County Attorney, Mental Health. We need to wrap services around these kids at a younger age so that they don't get to the juvenile delinquent stage where they have to go away to secure detention. We have not been doing a very good job of that in recent years. These kids have severe problems. We have an 8 year old, 8 year old, come on. I'm not going to send them away to secure detention. We have to wrap around some services around these kids and these families so they don't have to go away to secure detention. I would much rather invest this money in preventive programs.

Ms. Lis: We have \$91,000 in our budget for it this year in juvenile delinquent care. The State Trainee School was \$342,000. That's the State when they are separated.

Mrs. Schuyler: (*Cross talk*) you don't ever know. You get one kid that there is for an extended period of time and the cost skyrockets.

Legislator Nazzaro: I thought the number was going to be larger.

Ms. Crow: Remember, she's catching up the accrual for the cost. They have been accruing every year that we have an unpaid bill and now that we know the rate for those prior years, this is a catch up of an accrual so it's not just a 2016 cost that is in the increase there. It's the prior years –

Legislator Nazzaro: I understand they are going back.

Ms. Lis: I can give you more information about how many children have been over those time periods. I just don't have it with me.

Legislator Borrello: It would be great to see it over a 3 or 5 year period. What the trend is, year over year. I am sure you've looked at many possibility and you think about this a lot

more than we do but if there is some other way help mitigate that cost or look at it, like you said, more cost for intervention so we could save on the other end if it would justify the cost of early intervention where we could save.

Legislator Nazzaro: I don't have any other comment other than getting that information to look at, what is trending. I agree with being preventive but it's just shocking for them to go back and increase the rate.

Mrs. Schuyler: It's not the first time we've heard that kind of thing.

Ms. Lis: If it were me, I'd be billing more frequently.

Ms. Crow: Was it a natural change in the rate or did they finalize what the rate is?

Ms. Lis: No, it is a change in the rate going forward.

Legislator Nazzaro: And what was the rate change again?

Ms. Lis: It was from \$731 to \$840 a day.

Legislator Borrello: And they are three years behind in collecting that money. I was in Albany yesterday and they have plenty of people to do that stuff, trust me.

Ms. Lis: This is Erie County though.

Legislator Borrello: Oh, Erie County, that's true.

Ms. Lis: It runs through the State but it's starts in Erie.

Chairman Chagnon: Any other comments or questions on this proposed resolution?

*Unanimously Carried*

Proposed Resolution – Amend Chautauqua County Department of Health & Human Services 2016 Budget for Increased Accounting & Related Services Costs

Chairman Chagnon: This was amended also.

Ms. Lis: It was amended because we had a second item and we were going to put it in in March but we were told why not move it through. The original part of this was, there is a charge that comes from the State and it's for the client notice system, sub system of WMS, which is the whole system that we use for tracking all of our clients and all of the costs. It's a State system. It's hard to tell on some of these costs, they are also way behind. I will tell you that in this January we were billed for the 4<sup>th</sup> quarter of 2013 and the first quarter of 2014. So you just don't know what they are up to. We hadn't seen a bill between December 14' until July of 16', nothing. So when I came along, we had been accruing about \$47,000 for this cost. I didn't know

any better the second year, I did the same thing because I asked my State people and they said, well, keep doing it the way you were doing it not realizing that we really hadn't been doing a good job of that. This cost about \$20,000 a quarter so as I said, we only had about \$47,000 accrued in that account, we were \$180,000 short at the end of 2014 and now we're about \$260,000 short at the end of 15'. Bills have come in in the meantime so I need to get our accrual up to represent that they are so far in their billing. So, it's a correction of prior years' error. I wasn't used to it. The person before me I don't think realized what was going on either but we did have money in the budget. We were actually under in our Safety Net so we're moving from that department into this one which goes into Social Services Admin contractual so we're ready when those bills do show up.

Legislator Nazzaro: I don't mean to be sarcastic here, Safety Net. Now, I am sure there is a piece of the puzzle that Christine would tell me I am missing because every year when we do the budget process, we've always talked about Safety Net and many times, I myself have made recommendations to reduce the budget for Safety Net. I get a lot of push back not to do that. Because this is such a complicated budget, I look at bigger lines. Here, we are doing a budget adjustment to decrease the appropriations.

Ms. Lis: This is the first time we've been able to do that. Over the years it has been creeping up and it has turned the corner. I don't know if it is going to stay that way.

Mrs. Schuyler: (*Show committee graph*). This is this month. The green are the number of Safety Net cases that we have. January 12', 13', 14', 15'.

Legislator Nazzaro: What does the blue represent?

Mrs. Schuyler: TANIF. That is Temporary Assistance for Needy Families. So when you look at how many people are either Temporary Assistance for Needy Families or Safety Net with tine County. January to December report. There was 2,054 cases over the entire population of this County. That is all that is on that are receiving TANIF or Safety Net services.

Legislator Nazzaro: So it's gone down.

Mrs. Schuyler: This is where we were in 2012. Right now there is 1,091 cases in the Safety Net group. Last year at this time there was 1,182.

Ms. Lis: We've had a hard time following – there is a lot of detail to it. We believe that the people going into Safety Net have had more complicated cases.

Mrs. Schuyler: Well, what we've seen are childless couples –

Legislator Nazzaro: This just validates how difficult it is to budget for these line items.

Mrs. Schuyler: You have single adults – right now we have a tremendous amount of single adults who have drug and alcohol issues and they are in that Safety Net population.

Legislator Nazzaro: It surprised me the decrease in dollar amount. Myself had suggested that we're taking over \$220,000 out of Safety Net and I've always been told, no, don't touch it.

Ms. Lis: I think that we were surprised. The costs have been ramping up. I can't say that this isn't unusual.

Legislator Nazzaro: It's almost like we should just give you a bucket of money, of line items and say here because all of these adjustments – (*cross talk*) – there is so many unknowns. You get invoices from 3 years ago and you have rate increases.

Mrs. Schuyler: We don't know how many kids are going to be juvenile delinquents .....

Ms. Crow: We'll remember you said that when it comes to the budget.

Legislator Nazzaro: I can elaborate on that. Careful what I say the bucket will be.

Mrs. Schuyler: This isn't widget and gadgets' and it isn't (*inaudible*) how many will walk through the door.

Ms. Lis: We don't know how many will come, how many will be in family, what their problems and issues will be, it's very difficult. Luckily we have had enough in our total budget to take care of this. This first \$20,000, this is an error. It's an error I inherited -

Legislator Nazzaro: What did you say?

Ms. Lis: This is an error I inherited.

Mrs. Schuyler: It was budgeted incorrectly in the past.

Ms. Lis: I didn't catch on because the State didn't send me any bills and when they started sending me bills, I thought, oh dear, I have to fix this. Luckily we did have enough.

Legislator Nazzaro: I think that you are doing a great job, I really do. I really appreciate you're honest. It's just frustrating. (*Cross talk*).

Mrs. Schuyler: It's frustrating for us as well because it is so complicated.

Legislator Nazzaro: My point is, from a budget end, it's so difficult because you are not dealing with widgets here, what your production cost is going to be, just all these variables.

Chairman Chagnon: I have a non-program accounting question. We are increasing the contractual, 6110.4 contractual Social Services Admin and in the previous resolution we decreased that account.

Ms. Lis: I kind of went overboard. That was my account I was using before I realized that Safety Net was another account that I could use and I kind of went overboard and I said, look what I found. I need to put some money back in there. That is really the truth.

Chairman Chagnon: We over increased the appropriation account? We over decreased the appropriation account.

Ms. Lis: Yes because I didn't know that this was coming. I tried to say, this is how much I know is coming and this is how much I can play with. This one came in the back door and surprised me.

Chairman Chagnon: I appreciate your honesty also.

Legislator Nazzaro: This is very refreshing because I just like how you –

Ms. Lis: Wait until you hear about the next one. I have some information to hand out. This is part of the \$41,000. This is something that I cannot explain to you very well. I will admit that right off the bat. It comes from Medicaid and we all know that is just a big complicated thing. It's the FMAP reconciliation. So what it is, is, it's coming from Medicaid and it's called the Enhanced Federal Medical Assistance Percentage. I really haven't had a chance to absorb it but it's a cross between that and the Affordable Care Act when single and childless couples come in who make under a certain amount of income and I believe what this is, is a correction to our local share on those people if they come back around and do a correction to that. Now, this is a liability that has been out there for several years. I believe since about 2014 or so. I talked to other counties about this and all they do is, when the liability changes they record the change and move on. When money is applied to this FMAP and decreases our liability, they take it from Early Intervention but yet it's a Medicaid thing. So it crosses a lot of different groups.

Mrs. Schuyler: It doesn't go back to Early Intervention.

Ms. Lis: So we have to record as a Medicaid expense and give it back to Early Intervention. Right now we have a \$60,722 is the FMAP liability, which isn't really big. I thought about this mid-year last year a little bit too late once I tracked it down and had all the information because I had to go back and recreate where that balance came from as much as I could so we didn't get it put out to the books last year so we want to get it on the books this year but that liability – when you think about it, at the end, Finance is going to want to present GASB34 full accrual income statement and balance sheet so I believe that this should be on our balance sheet. So what I am doing is, I'm trying to put this there. It's a Medicaid cost, I want to charge it to Medicaid. That is the same account where our weekly shares went to so I didn't really have quite enough to cover this, bringing this liability on the books so that is why I need to add \$41,000 to our Medicaid expense budget and again, that is coming from Safety Net.

Legislator Nazzaro: This is similar to other things that - I mean, it's not exactly but when I said I was familiar. The State is notorious on how they go back and you have to then – I'm trying to think of the word, recoup. They do recoupment adjustments and then it affects other programs. Very high level so you are bringing it to us and need to record it and I agree with that.

As far as trying to reconcile these, forget it, I won't go there. But, they do. There is always constant – they have pools of funding, they do recoupment and they adjust other pools and then they have to spread across all the agencies that are eligible and this is just a product of the way they do things.

Mrs. Schuyler: I honestly think that Val is doing a good job of trying to get it into the right place in our books, regarding of what other counties might be doing, she is trying to actually put it where it belongs.

Ms. Lis: There aren't many people who do the Health side – there are no other people that do the Health and DSS side so I will talk to (*inaudible*) people and they are like oh, don't even tell Health that we are using their EI money to (*cross talk*). So, I know from my days in Finance and my days in auditing and preparing financial statements for the County, back in the day that this really should be on our books.

Chairman Chagnon: So, Chuck is comfortable with this?

Legislator Nazzaro: Yes, with the overall explanation of why this, the number. You know what I do. A lot of time on these things set up an overall contingency reserve is what I do because there is so many buckets. That word again. That you set a contingency reserve because you cannot identify every one of these ahead of time. We (*inaudible*) everything out and I move things in and out of that reserve instead of liability receivables based on that particular (*inaudible*).

Ms. Lis: I'm hoping to find as many of these old things. I've cleaned up the old receivable accounts and things like that and trying to hopefully some of these aged items will start to disappear and we can move forward but there is just a few more of these that have come up.

Legislator Nazzaro: Like in my world, they have not even approved the 2015 Medicaid rate yet. But they have now approved the 2017 rate. So I have an adjustment on my book waiting for that day to come and it will come.

Chairman Chagnon: Any other questions or comments?

*Unanimously Carried*

Proposed Resolution – Amend Chautauqua County Health & Human Services 2016 Budget for Increased Handicapped Preschool Education Tuition Costs

Ms. Lis: I have come to you with this before and I admit that I was in error. I did not put enough money into this account. This is the one where we - on this one what I believed happened was I had asked for an idea of how much I needed to add. I don't think that I asked my question in enough detail to get the general whole contractual area. The girl who helped me and she just looked up her one account she needed to pay a bill in. So, I looked at what we budgeted over the years. When you look at what has happened here we've added so much. During 2013 to

2015, we budgeted \$4,338,000 to this account and our actuals were always between \$3.7 and \$3.9 million dollars. So in 2016, we lowered our budget to four million ten, thinking o.k., we're going to get closer to what the actuals have been running. Our actual went up to \$4.6 million and we've been coming to you all year saying we have more children in this program which is more expensive, the care they need is more expensive, they are traveling further afield and one other thing that made this number higher than normal was that there was \$150,000 Medicaid charge back that we get nearly every year and the 2015 year was missed so you got a double hit of that in 2016. Again, it goes back to a lot more participation in this program. Our 2017 budget is \$4.3 million. It's hard to say if it's going to be adequate. Don't compare it to the \$4.6 million because there is that \$150,000 chargeback that was missed but it could be about a couple of hundred thousand dollars low. We really can't say if we're equivalent to now. We could be a little low, it depends again, on what children come into the program and what the issues are.

Mrs. Schuyler: All counties get charged back for a portion of the special education program summer school for all kids, regardless of age. Every county gets a charge back. We pay a portion of that program. Preschools that we pay particularly we had a lot of conversation about preschool special education program and the tuition, that the cost of the physical therapist, speech therapist, occupational therapist, behavioral therapist that provide actual services to the children within the program, outrageously expensive and totally needs to be reformed. State Education Department administers the program and we get reimbursed for 59 ½% of the cost but it's just one of those programs that administratively make very little sense to me. These really, to me, are medical issues but because they are saying these disabilities are keeping children from learning from ages 3 to 5, so that's under State Ed. To me, I think it ought to go into health (*inaudible*) and something that is coordinated from a physician level and medical side of the world and billed accordingly and has actual care coordination to prepare these kids instead of a separate program that is administered the way it is. By County.

Chairman Chagnon: Christine, just to highlight what you said and what you have told us in the past is that, we have no control over this program and we just pay the bill.

Mrs. Schuyler: Pretty much. Actually school (*inaudible*) are only somewhat of a control as who goes to the CPS team meetings in all the school districts. That is where things are hatched out as far as the child developmental plan and what services they truly qualify for and really need and go back and forth between the school representative, the family advocate in trying to get the appropriate services there for the kids and through the Children with Special Health Care Needs program that we now have someone focusing on a little more at a time seeing if we can shift them from the preschool special education program into the medical world so. I see that, as County, as far as the municipality goes, that is our only chance of having any impact on the cost of the program unless the State actually goes through and (*inaudible*) been asking for, for many years and it hasn't happened.

Chairman Chagnon: Any other questions or comments?

*Unanimously Carried*

Proposed Resolution – Amend Chautauqua County Health & Human Services 2016 Budget for Increased Child Care (Foster/Institutional) Costs

Ms. Lis: This again is another one that I brought you last month and I didn't put enough in. There is a few different pieces in this one department. It's the adoption subsidies that we pay which have been pretty stable. It's the Foster children who are in homes and Foster children who are in institutions. I did make a mistake in my earlier estimates because I forgot honestly that we pay the adoption subsidies after the fact. There (*inaudible*) December we're actually for November and I need to pick up another month's worth. That is about half of this issue. The other half is again, there was more cost. I looked at what was actually – I could run a report that says this is what was paid for in January and it breaks it down for me between the two years. We had a lot of invoices come through. I did ask people to clean up their desks at the end of the year so perhaps it's that. We honestly need to find out more about this. We have again, the Foster care costs depend on what kind of care these children need and we're finding children going into higher levels of care, children staying longer. We have some information and our information is a bit fracture between the number of children and where they are and the dollars. Right now, I don't have a good link between the dollars and the activity based on the number of people and where they are.

Mrs. Schuyler: In Children and Family Services, the caseworkers are responsible for putting in what we call lines into the State system is where the charge backs come in but they are not fiscal people so they are not making the linkage to what it is costing on the other end and let's get things in timely and make sure you have the right lines. We have a lot of children in therapeutic Foster homes and the rate for therapeutic Foster homes is much greater than the rate for a regular Foster home. We also have children who are well into their teens who have been in care for years, not been adopted and now in (*inaudible*) because they have such severe medical needs.

Ms. Lis: I'm working on this and hoping to have a better link between the two sides of the house, the program and the dollars. I've been asking people for different things and I'm trying to get several years where I can show trends as well. Right now we do have a graph showing the number of children in higher level of care and this is just different kinds of care. The one thing that I can take from this is that our number of children in that group has stayed pretty much level this year. It ramped up last year so you can see it's staying up. Now, I've got some listed children, where they are, I have a list of children, how long they've been in and I have to take all these different ways of looking at the information and making –

Legislator Nazzaro: Do you have a turnover rate on something like that? Like when you do those numbers, they show how many are in the program at that time. A snapshot of that time.

Ms. Lis: This I think is a snap shot at the end of each month.

Legislator Nazzaro: It would be interesting to see at some point, not today, but whenever, just the turnover, the coming in and coming out.

Ms. Lis: I can kind of tell you.

Mrs. Schuyler: We track children going in and how long they have been in care.

Ms. Lis: I can't show you this list because it has actual names on it but there are some children that have been there for 1,100-1,200 days. We got others that have been in there for a shorter time period. Are they going to be there for these longer times? We don't know. Are they in the more expensive places? That is what I need to try and figure out.

Mrs. Schuyler: Can they go home, can they be adopted. We have some older children.

Ms. Lis: We have a lot of 15 and 16's here.

Mrs. Schuyler: That are in facilities, (*inaudible*) mental treatment facilities. When you have one shaken baby that is at Hillside in Buffalo, basically a skilled nursing facility. It costs a tremendous amount of money and that's the other end of the child Welfare world when I say prevention. You shouldn't have any shaken babies because what happens to those children in the long term, lifelong negative impact on that quality of life are tremendous and nobody factors those costs in when we talk about child abuse and neglect. And it's still happening. We have one shaken baby now.

Ms. Lis: We were a little bit (*inaudible*) over there between the program people talking to the fiscal people. I have been trying to work on making that better. We have a lot of new people on both sides at different levels and we are striving for having a better dialogue and better information so that we can come to you with explanation that makes more sense.

Legislator Nazzaro: The preventive and education and early detection of issues is so key. It's just like medical. Prevention, your life style, same type of thing here. I know exactly what you are saying.

Chairman Chagnon: I think we've already expressed the fact that this Committee is outraged and frustrated.

Mrs. Schuyler: Now you're saddened, I hope.

Chairman Chagnon: No, on the contrary. I'm appreciative of the work that you are doing to clean up the fiscal affairs of this department. And I'm appreciative of the work that you are doing to try and focus on prevention.

Legislator Nazzaro: And that is the balance that you need. Both sides.

Chairman Chagnon: Any other questions or comments on the proposed resolution?

*Unanimously Carried*

Proposed Resolution - Amend 2016 Budget for Year-End Reconciliations – Department of Health & Human Services

Ms. Lis: This is the nice ordinary one that you've heard many times today where our .1's personnel services, expenses are higher than expected due to the new contract. Our .8's are lower than expected due to savings in health insurance so we are just applying one to the other.

Chairman Chagnon: Any questions or comments?

*Unanimously Carried*

Mrs. Schuyler: If I may Mr. Chairman, one additional thing I just wanted to make sure the Committee was aware and a press release went out this morning that yesterday we had a ribbon cutting at the new South County Office Building, central intake area for Health & Human Services in the old DMV space. It's just so much better. The staff is thrilled. One receptionists did a happy dance because there was so much room. Actually for the clients to fit and as well for them to do their work. The feedback has been really great so far and thank you for supporting that initiative so that we could really improve where our customers are coming in. The County Executive joined me for a ribbon cutting yesterday morning and opened the doors for the first client to come in. So far so good and there will be some kinks but we'll work out as we go but all in all, as far as safety and security and comfort and streamlining and efficiencies that really is great. The only hiccup yesterday was there was an old vault in that area as I think it was an old bank at one time many years ago and there is truly a vault and it's used as a breakroom and a storage room. It still had the old spin dial combination on it. Well, somebody shut it, one of the contractors that were working and DMV, I'm hoping that somebody got a hold of someone from Larry's staff that could maybe try and open it. Every combination, every time the Buildings & Grounds staff was trying to get it to open and as of yesterday, it was still closed.

Legislator Nazzaro: Luckily nobody was in there.

*(Cross talk)*

Proposed Resolution – Amend 2016 Budget for Year-End Reconciliation – Office for the Aging

Mrs. Dennison: Director Spanos is out of town so she asked me to speak on her behalf. The Office for the Aging, for one of its programs in the budget, Director Spanos had planned to use an employee to execute that contract and instead it was worked by an independent contractor in place of a County employee. That is why there are more contractual expenditures than anticipated and a commensurate offset in the wages for the Office for the Aging.

Chairman Chagnon: Any questions or comments?

*Unanimously Carried*

Proposed Resolution – Accept Grant Funding from New York State's Empire State Development Market New Year Program to Market County Overland Trails

Mr. McCord: This resolution is for a grant that we were awarded through the CFA process. Three thousand dollars have been committed by the County as an in-kind match, \$3,000

by CCVB. This is a partnership between the (*inaudible*) department, the CCVB and the County Planning & Economic Development for the overall trails money.

*(Legislator Muldowney's question not heard due to cross talk)*

Mr. McCord: I believe it's 14 and 12. There is a west side and east side overland trail.

Chairman Chagnon: All those in favor?

*Unanimously Carried*

Discussion – Performance of Risk Assessment – County Executive/Finance Director  
Other

Proposed Resolution - Authorize Transfer of Oak Hill Tower and Shelter from American Tower to County

Sheriff Gerace: Thank you for entertaining this. I was approached yesterday by Kurt Gustafson from the Law Department and he is working with American Tower who leases property from us. They have a tower on our tower site at Oak Hill. They do not have any customers on that tower site. We have equipment on it. They are interesting in transferring the ownership of that tower to us for one dollar. That would be advantageous for the County to acquire that tower.

Chairman Chagnon: And the reason they are wishing to dispose of this?

Sheriff Gerace: It's costing them money. They are on our property. Eventually we would ask them to abandon it. Why would they pay for being on it, they have no customers.

Chairman Chagnon: They had anticipated getting additional customers and that did not development.

Sheriff Gerace: They did. The State of New York when they were going to build a Statewide radio network had signed a lease with them but they are no longer doing that so they have no customers and it's costing them money to lease the property from us so they are willing to give it to us.

Legislator Nazzaro: Is there any additional insurance liabilities here or does this come under our umbrella, if the tower fell over or something?

Sheriff Gerace: We actually have a tower next to it which we have to take down because it's in terrible shape.

Legislator Nazzaro: So, we're covered under our umbrella property and casualty for something like that?

Ms. Crow: We lease this out to them now?

Sheriff Gerace: We had leased the property up there.

Legislator Nazzaro: But they own the tower.

Chairman Chagnon: We lease the property to them, we lease space on the tower from them.

Legislator Nazzaro: But they own the tower currently. We are going to be responsible for the maintenance of the tower, I'm assuming. I mean, this is going to be our tower.

Sheriff Gerace: Right and we're going to that tower down that is adjacent to it.

Chairman Chagnon: When the Sheriff discussed this with me this morning, I indicated that in my opinion this probably should have gone to Public Safety Committee or Public Facilities but since it came up pretty late and with the opportunity being very short duration, I agreed that we would discuss it with the possibility of us signing it and sending it on to the Legislature for consideration next week.

Sheriff Gerace: I forgot about the shelter. That is important too. That's valuable to us and they are going to sign the shelter over.

Chairman Chagnon: Any other questions or comments?

*Unanimously Carried*

Proposed Resolution - Amend 2016 Budget for Year-End Reconciliations – Insurance M Fund

Chairman Chagnon: This did go before Administrative Services.

Ms. Crow: The "M" fund is our health insurance fund. All of the health insurance expenditures for active employees and retirees are captured in the "M" fund and we pretty much allocate back out to all the County departments based on whatever health insurance plan their employees are on and additionally, we charge a surcharge to all employees to cover our projected costs of retiree costs. Our year end results were approximately \$30,000 over in the insurance fund mainly due to our retiree costs. I have kind of mentioned this the last couple of years that we're really on an up trick trend as far as the turn in number of retirements increasing annually. We have known that this was coming just based on the age of our workforce and I can attest that we have – Brenda's been out of the office and some of those retiree estimates are coming through to me and I have a stack of them on my desk right now for people who are retiring. So, in any case, the main adjustment here is for that. The increase in appropriations and then the other component of the "M" fund is, we have had a deficit there back to when I started. It was a couple of million dollars. We whittled away as many as a couple of years ago and we're still at about a \$500,000 deficit. Right now, we're almost at a break even so I'm actually adjusting a little bit - I'm adjusting this offset also back out to the departments as part of a surcharge that

will hit their point eight accounts to cover the cost of that retiree expense but it will also put us in the black in the "M" fund. It's a lot of accounting and kind of complicated.

Chairman Chagnon: Will this offset to the departments, hit their 2017 budgets?

Ms. Crow: No, it will be at year end. It won't impact any budget adjustments that they have done already. It will be within the existing budget that we have for 2016 because we also know that we had a surplus in .8 expenses across the County departments.

Chairman Chagnon: So this won't cause any other department budget –

Ms. Crow: No, I wouldn't do that to them.

Chairman Chagnon: Any questions or comments?

*Unanimously Carried*

Proposed Resolution - Amend 2016 Budget for Year-End Reconciliations – Unified Court Costs

Ms. Crow: The Assigned Counsel costs were in excess of the budget this year, \$296,000. We had budgeted \$605,000, our actual final cost for Assigned Counsel was \$901,000. Which for a while was trending lower than the prior years but that is about the same as what we've seen in the last couple of years, a \$900,000 expense. The child custody and Steve can comment on this as well but we've had several court orders this year that we have not seen in the past for various medical screening and things like that.

Mr. Abdella: Psychiatric testing. We've been budgeted for the cost of that contract that we have with Legal Services of Western New York. I think that it was four thousand odd dollars and basically unexpected court ordered psychiatric evaluations. We'll see what happens in 2017 and maybe the budgets going forward we have to put something in for that if that is going to be a trend.

Legislator Borrello: Is this may be attributed to our temporary County court Judge?

Mr. Abdella: No, these emanated out of Family Court.

Ms. Crow: The only other thing in that account is the contractual agreement which is a flat dollar amount. We know what it is going to be so this was exactly the other items that we just mentioned. The expense for the justices and constables account, we received a bill earlier this year for something that I think it was just that in retirements, it just got lost and we couldn't figure out who used to enter this item in the budget, of existing staff and no one really knew much of anything about it. We did budget for it in 2017, it's \$3,500-\$3,600 but we do have actual expenses historically in that account and should be budgeted for.

Chairman Chagnon: So there was no budget for 2016?

Ms. Crow: Correct. We had a lot of retirement of different people who might have done in 2015. I just don't know who had been doing it before. The decrease in appropriations come from, I just kind of went through and found where we had surpluses to offset that cost. We already used some of the surplus we knew we would have for the Community College tuition to offset the Sheriff and so I used the balance of that surplus here to offset the Assigned Counsel and then just various other surpluses I found. I try to just keep them in accounts I knew so I didn't have to go to other departments and explain to them why we have to take money to reduce their budget to offset Assigned Counsel so I used mostly the Finance ones.

Chairman Chagnon: O.k., any questions or comments? Other than the misspelling of the word counsel. Are we back on outrage again about assigned counsel costs?

Legislator Borrello: And it continues.

Chairman Chagnon: Our best efforts to reduce the Assigned Counsel costs have apparently been unsuccessful to this point. Is there any hope for the future?

Legislator Borrello: I believe there still is but the cost continue to increase because of increased caseloads too. Fortunately the Governor vetoed the bill where they would assume Assigned Counsel cost because they felt it was a shift from the County taxpayers and State taxpayers which it should be because they set all the rules and the hourly rates. I guess that is my own commentary. Hopefully the Legislature will override the veto and we'll get some fairness in that horribly high mandate.

Chairman Chagnon: So our efforts to pursue a coordination of services with Cattaraugus County have come to an end?

Legislator Borrello: I don't know if they have come to an end and I haven't spoken recently but I know that there were issues with Cattaraugus County.

Mr. Abdella: The County Executive spoke to the legislative leadership over there and they are not interested at this time.

Legislator Borrello: They have plenty of money over there.

Chairman Chagnon: They have plenty of money over there. That's why their fund balance is so high. Any other questions or comments?

*Unanimously Carried*

Chairman Chagnon: Any other "Other" this morning?

Mr. Abdella: It's not really other, it's answering an earlier question on the Office for Indigent Legal Services contracts. I was able to take a break and find out answers. The situation is, they do get the series of agreements from the PD's office, from Office of Indigent Legal Services. This one is actually labeled distribution number five, distribution number four, and

there some overlapping to it. Had covered January 1, 2014 to December 31, 2016 for a certain bucket of items and this one that you would be approving which is distribution number five is for a different number of items. I have the contract for distribution number four. The bottom line is, it does cover January 1, 2015 through December of 2017. It is a new separate agreement. When I spoke to Mrs. Taylor in the PD's office she told me that, as for the expenses in 2015 that would be covered by the contract in 2016, they had an awareness or at least an estimate of what those numbers were, if not an actual number and each year they accrue these amounts. So even though it is back dated to January 1, 2015, we have been accruing the expected amount in the applicable budget. So, I guess it's an receivable, it's been sitting for two years and the State now gets us the contract so we can actually collect.

Ms. Crow: It's not out of the ordinary that the State would get to a point and finally they are releasing the funds for a prior period through a future period.

Chairman Chagnon: I understand that Kitty and I agree with that but what confuses me is that we've never signed the agreement.

Mr. Abdella: We just got the agreement.

Ms. Crow: That is what I am saying. They are just sending the agreement now that covers prior period. It happens.

Legislator Nazzaro: Have we gotten any of this money for past years?

Ms. Crow: I can't say off the top of my head.

Mr. Abdella: I would think probably not since we're just – (*cross talk*)

Legislator Nazzaro: ..... offsetting receivable.

Mr. Abdella: So the prior one was approved, it was a little better. It was March of 15', but it went back to January 1, 2014.

Chairman Chagnon: Thank you for that explanation.

Ms. Crow: I just wanted to let you know that I have the investment report to provide to you and haven't forgotten about it in the transition and we just closed January too, this week. Typically we wouldn't do a budget performance report for January because sometimes it looks a little strange because of the accruals reversing in January but for February we'll have January/February performance report. Additionally, our year end results while certainly not complete yet, there is some accruals – not that it would impact the budget but some adjustments I know we still need to actually enter in but it does look like we'll have at least approximately – I'll just say right now, I'll give you rough estimates, plus or minus, about \$2.5 million better than budget. So, I'm digging down to what those actual variances are. One we know was the surplus from health insurance, some of that is from programs that we didn't engage in but there were some, a final of the sales tax results we got in this week. We were about \$800,000 short to

budget which we had projected that we would not meet budget for sales tax. We did get our final payment attributable to 2016 this week.

Legislator Nazzaro: Was there a final IGT payment or was that in 2015?

Ms. Crow: We were supposed to receive a final one this year. I'll double check to see if we have received it or not. But, we were supposed to receive the final one this year. I will have a more complete variance analysis for next month. I just wanted to give you an update of what I have so far.

Chairman Chagnon: Understanding that it's still a very preliminary and tentative but could you get me a budget status report for the year?

Ms. Crow: Yes. What I was going to do once I knew things were pretty close, one that would be before these amendments you just approved today are posted and then one after. The bottom line will be the same on both of them but one would show you were everyone performed prior to doing any year end resolutions and the other would be as amended budget.

Chairman Chagnon: Any chance by the Legislature meeting?

Ms. Crow: Yes. I already refreshed it once so I'll just refresh it again because now that we know most items have been – we wait until the end of February because it's late January and early February that all the final accruals are posted so now I'll be able to refresh that.

Chairman Chagnon: O.k., thank you. Now, we need a motion to adjourn.

Legislator Muldowney: Move to adjourn.

Legislator Nazzaro: Second.

*Unanimously Carried (11:25 a.m.)*

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