

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **JOINT PERSONNEL/PUBLIC SAFETY**

DATE: **NOVEMBER 18, 2009**

Personnel Committee Members

Present:

Supervisors Thomas
Kenny
VanNess
Belden
Stec
Sokol
Tessier

Public Safety Committee Members

Present:

Supervisors Bentley
O'Connor
Girard

Others Present:

Fred Monroe, Chairman of the Board
Joan Sady, Clerk of the Board
JoAnn McKinstry, Deputy Commissioner
of Administrative & Fiscal Services
Paul Dusek, County Attorney
Kevin Geraghty, Budget Officer
Supervisor Champagne
Supervisor Merlino
Supervisor Pitkin
Supervisor Strainer
Supervisor Taylor
Bud York, Sheriff
Shane Ross, Chief Deputy
Michael Gates, Captain, Correction Facility
Rich Kelly, Personnel Officer
Todd Lunt, Director, Human Resources
Frank O'Keefe, Treasurer
Rob Lynch, Deputy Treasurer
*Please see attached sign-in sheet for all
others present*
Nicole Livingston, Deputy Clerk

Mr. Thomas called the Joint Personnel/Public Safety Committee meeting to order at 9:30 a.m.

Motion was made by Mr. Belden, seconded by Mr. Kenny and carried unanimously to approve the minutes of the November 10, 2009 Personnel Committee meeting, subject to correction by the Clerk of the Board.

Motion was made by Mr. Belden, seconded by Mr. Girard and carried unanimously to approve the minutes of the October 22, 2009 Public Safety Committee meeting, subject to correction by the Clerk of the Board.

Mr. Thomas stated that the special joint meeting had been called to discuss staffing mandates at the Correction Facility and he noted that representatives from the New York State (NYS) Commission of Corrections were present to answer questions. Bud York, Sheriff, introduced the representatives from the NYS Commission of Corrections as follows: Terrence Moran, Deborah Clark and Erin Purdy.

Handouts were distributed entitled "Warren County Correctional Facility-Facility Size, Budget and Staffing Comparison" to the Committee members, copies of which are on file with the minutes.

Mr. Kenny explained that when the breakdown of staffing in Correction Facilities was provided for Essex, Saratoga, Washington and Warren Counties, it was noticed that there was a substantial difference in staffing between Warren and Washington Counties. He noted that Washington County had a maximum capacity for 179 prisoners and Warren County had a maximum capacity for 186 prisoners. He added that Washington County had a total of 56 Correction Officers and Warren County had 75 full time and 5 part-time Correction Officers.

Mr. Bentley entered the meeting at 9:34 a.m.

Michael Gates, Captain of the Correction Facility, asserted that Warren County had two additional housing units that Washington County did not have, each of which required twenty-four hour staffing, which directly impacted Warren County's staffing analysis. Mr. Kenny said that the personnel services cost per inmate day for Warren County was \$60.68 and for Washington County was \$52.40 and questioned how Warren County could reduce that cost. Captain Gates replied those costs were directly related to staffing and pay rate by contract.

Terrence Moran, of the NYS Commission of Corrections, advised that they did not compare staffing levels between counties because they considered each Correction Facility unique with their own specific needs as far as capacity, number of housing units, programmatic needs of the facility, number of hours of visitation on a weekly basis and number of transports. He added it would be like trying to compare apples to oranges when it came to a staffing analysis.

Mr. Kenny asked what the Operate Lockup listed in the handout referred to and Captain Gates responded that the Facility was built with a pre-arraignment lockup and there were three cells designated for such that were supervised by Correctional staff. He explained that the purpose for that was so that the Police Officers could get back out on the street to protect the community while an arrested individual awaited their arraignment before a Judge and was committed to the custody of the Correctional Facility.

Captain Gates apprised that, by law, there was a four classification system and prisoners were separated by age and gender; and they were also separated by their classification threat level to themselves, the Facility or the community.

Mr. Kenny questioned if it were possible to transfer prisoners to other Facilities in order to optimize the use of housing in the County's Facility. Mr. Moran explained that the transporting of inmates from one facility to another was identified under Correction Law 504 and there had to be a specific overcrowding reason for that. He further stated that it was not allowable to swap a particular type of inmate with another facility to alleviate classification issues within a facility.

Mr. Stec entered the meeting at 9:42 a.m.

Mr. Thomas asked what the minimum staffing required by the NYS Commission of Corrections was for the Warren County Correction Facility and Mr. Moran replied 75 full time employees was the mandate. Mr. Moran explained that the staffing analysis was based on the facility being used, so whether or not there were five inmates in a housing unit or twenty inmates in a housing unit, an Officer was still required to be posted there. Mr. Pitkin acknowledged that Warren County had 75 full time and 5 part-time staff and he questioned if the 5 part-time employees were over and above the mandate, to which Mr. Moran replied affirmatively. Mr. Moran asserted that when the staffing analysis was developed in 2003, the facility did not perform their own transports. Mr. Pitkin further asked if the facility were to be re-evaluated today, would the mandate still be 75 full time employees and Mr. Moran responded negatively and said there would be a required increase in staff. Mr. Kenny countered that the original staffing analysis did include that the facility provide the transports of inmates, as well as one full time position included to supervise inmates that were performing lawn mowing and snow plowing which the County's inmates did not do.

Deborah Clerk, of the NYS Commission of Corrections, explained that in the original analysis, the transports that were allocated were less than what was currently being done. She added that because the facility was now allowed to have double-bunking cells, those housing units had to be staffed appropriately which was not accounted for in the original analysis.

Mr. Kenny recalled a change in food services recently as a cost savings measure, and he questioned if a savings had been realized. Captain Gates stated that food services were currently conducted through the Department of Corrections and he estimated that approximately \$30,000 had been saved thus far this year. Concerning medical services, Captain Gates advised he was researching a different company to determine if the services could be streamlined as an all inclusive deal with one vendor that would pay all the bills that were processed; thereby decreasing the liability to the County.

Mr. Taylor referred to the comparison handouts, and noted that all transports in other counties were performed by Patrol Officers, whereas Warren County's transports were done by Correction Officers and he questioned the reasoning for such. Captain Gates said it was a benefit to have Correction Officers do the transports because they interacted with the court systems and inmates on a regular basis and, in his opinion, they could provide better supervision due to having the additional information with regard to an inmate. Mr. Moran advised that if the facility no longer provided transports, the NYS Commission of Corrections would do another analysis to calculate the difference in staffing. Captain Gates noted that he had tallied the number of court transports for 2008 and the total was over 4,500.

Mr. Girard remembered that when the facility was constructed, additional cells were included to accommodate prisoners from other counties in order to increase revenues for Warren County and he asked how many pods were in the facility and if the number of pods constituted certain mandates. He also questioned if the facility was currently

filled at its maximum capacity. Captain Gates asserted that currently there were 30 prisoners boarded in Warren County from other counties and the facility fluctuated between 145 and 171 prisoners. He clarified that the maximum capacity for the facility was 186 prisoners.

Mr. Thomas questioned if the regulations regarding the classification system were changed, could the County save money. Captain Gates said it was Correction Law that Warren County had to house their own inmates. Mr. Moran agreed that it was required by Law that each county house their inmates and he added that the closing of a particular housing unit in any jail was very difficult to achieve. He stated that it was necessary to have the ability to shift inmates around based on the type of offense that the inmate was charged with, their institutional behavior, and any special needs from a security, medical or mental health perspective. Mr. Moran reported that if a housing unit were closed, the County would automatically be in violation of Correction Law and minimum standards, which theoretically could result in a scenario whereby Warren County would have to board out their own inmates in order to provide sufficient space and housing for those with specific classification needs.

Chairman Monroe commented on the difference in the number of housing units between Warren, Washington and Saratoga Counties. He further noted that Saratoga County had a capacity to house 9 more inmates than Warren County; however, he said, the Saratoga staffing was 9 less than Warren County's and he questioned why that was. Captain Gates explained that Saratoga County was not a direct supervision facility; they were a remote modular, meaning that the Correction Officer was not posted within the housing unit.

Captain Gates apprised that this issue arose for discussion because the former Commissioner of Administrative & Fiscal Services had provided figures that were not accurate. He remarked that the numbers previously reported showed a \$2 million difference between and Warren and Washington Counties Correction Facilities costs for operation; however, he said, the actual difference was approximately \$600,000.

Discussion ensued concerning part-time positions in the Corrections Division. Sheriff York advised that the part-time code for the Corrections Division was increased because the appropriations in the past had not been accurate; thereby leading to a significant increase in overtime.

Mr. Pitkin said that it appeared that the Sheriff's Office was operating efficiently and the problem was the personnel costs. He added that there was a sizeable raise last year for the Sheriff's employees and he questioned if Paul Dusek, County Attorney, should be directed to re-open negotiations with the PBA (Police Benevolent Association). Mr. Dusek asserted that he had requested to meet with all Unions as a result of these matters. Chairman Monroe noted that the requests had been made to meet with the Unions; however, he said, the Unions had yet to agree to a meeting. He added that the only response received from the Unions was that they were not willing to re-open negotiations with regard to wage increases. Sheriff York reiterated that

Captain Gates and his staff were continuously looking for ways to increase revenues and to continue operations efficiently.

Mr. Moran expounded that Warren County had designed a state-of-the-art Correctional Facility that took advantage of all of the various technologies and it was a well run Facility. He added that the NYS Commission of Corrections had no serious concerns and noted that the facility had the staff to do a tremendous job, which was critical.

Chairman Monroe recalled discussions in the past relative to boarding Federal inmates and a number of reasons had been presented as to why that would not be a good idea for Warren County; however, he continued, Essex County was boarding Federal inmates and he questioned if there was any change in the thinking for Warren County to do such. Captain Gates responded that Essex County recently had a riot caused by two Federal inmates that were boarded there. Sheriff York further explained that his opposition to boarding Federal inmates was due to the problems it would bring into the County. He added that many of the Federal prisoners were foreigners, thereby necessitating the services of translators. He remarked that the family members of Federal inmates also relocated to where the inmates were boarded and become clients of the Department of Social Services.

Mr. Kenny asked what the repercussions would be if the County did not follow the mandated staffing for the facility and Captain Gates replied there was a minimum staffing level that was needed for the care, custody and control of the facility. Captain Gates asserted that if the facility were to go below that minimum staffing level and a riot broke out, there would not be adequate staff to handle the situation. He explained that staff were stationed at specific locations and could not leave that location to respond to any type of incident. Personally, he added, he believed that Warren County ran one of the top five jails in the State of New York.

Mr. Moran advised that jails were very dangerous places and the County employees needed to be able to work in a safe environment. To be able to do that, he commented, the right number of staff was necessary. He stated that if Warren County was not meeting the contingent number of staff in the facility, the NYS Commission of Corrections had the option to revoke the County's authorization to serve as a boarding facility, meaning the County would no longer be allowed to house inmates from other counties.

Mr. Thomas reminded the Committee members that at the November 10, 2009 Personnel Committee meeting, the requests to fill two vacant positions of Correction Officer were tabled pending this meeting. He questioned the desire of the Committee.

Motion was made by Mr. VanNess, seconded by Mr. Tessier and carried unanimously to approve the requests to fill two vacant positions of Correction Officer, base salaries of \$32,400, Employee Nos. 10919 and 10060, both due to resignations. The necessary resolutions were authorized for the next board meeting. Copies of the Notices of Intent to Fill Vacant Positions are on file with the minutes.

Sheriff York thanked the representatives from the NYS Commission of Corrections for attending the meeting and providing the requested information.

Mr. Geraghty suggested that discussions be held concerning the staffing levels of the Sheriff's Road Patrol.

Sheriff York read a letter that he had prepared to the members of the Board of Supervisors, which provided a history of the funding and staffing of the Sheriff's Office, as well as an outline of actions taken by his Office to generate additional revenue for the County, a copy of which is on file with the minutes.

Mr. VanNess apprised that he had received an unsolicited email from Major William Sprague, Troop Commander of Troop G for the New York State (NYS) Police Department, who was also a resident of the Town of Queensbury. He summarized that the letter stated that the NYS Police were supplying as much assistance to the County as they could and they could not provide anything more. He noted that he would bring a copy of the email for each of the Committee members to review.

Mr. Kenny asserted that the primary responsibility for public safety in Warren County was the New York State Police and the County's Road Patrol was an optional service that was offered to the taxpayers. He noted that he felt it was a valuable service and he was not suggesting to eliminate the whole Patrol; however, he said, it was not the County's responsibility to provide such services. He further stated that every department in the County had reduced their budgets. Mr. Kenny advised that currently the 2010 budget had an 11% increase from 2009 and he would not vote in favor of approving it. Sheriff York interjected that he had reduced his budget by \$337,000 from the 2009 adopted figure.

Mr. Stec questioned what the Sheriff's Office 2009 adopted budget totaled, as well as the total of the amended 2009 budget and the 2010 proposed budget. Joan Sady, Clerk of the Board, replied that the Law Enforcement 2009 amended budget was \$7,696,963 and the proposed 2010 budget was \$7,172,228.

Chairman Monroe asked if the Civil Officers were mandated positions and Sheriff York responded in the negative.

Motion was made by Mr. VanNess and seconded by Mr. Tessier that no further reductions be made to the Sheriff's Road Patrol.

Mr. Dusek asserted that he had been directed to engage the Union to discuss the possibility of encouraging employees to terminate with an incentive and he questioned the desire of the Committee given the motion that was made for no further reductions to the Sheriff's workforce. Mr. VanNess explained that he would like to reduce the workforce through attrition, rather than layoffs. Mr. Dusek clarified that he would

continue to seek to negotiate with the Union a termination incentive and report back to the Committee.

Discussion ensued regarding the Road Patrol staffing levels for each shift. Following discussions, Mr. Thomas called the question and the motion that no further reductions be made to the Sheriff's Road Patrol failed due to lack of majority vote.

Mr. Girard questioned what would happen if the proposed 2010 budget that was presented at the next board meeting did not pass and Mr. Dusek explained that once the tentative budget was submitted, the board had the right to make changes to that budget; however, he said, if the board failed to agree on the changes then the tentative budget would go into effect by default.

Mr. Stec asked Mr. Geraghty what the current amount to be raised by tax was for 2010 and Mr. Geraghty replied \$39,905,342, an increase of \$3,900,339 over last year, or a 10.8% increase. Mr. Geraghty further stated that if any member of the board had additional recommendations to eliminate more jobs or to reduce the budget further to let him know; however, he added he needed specific recommendations. Mr. Stec countered that Department Heads should be given a specific goal or number for them to reach with their budgets. Mr. Belden asked what the total County budget for 2010 was and Mr. Geraghty answered \$148,144,126 and he noted that revenues were down \$5 million. Mr. VanNess interjected that the shortfall was resultant of the State and Federal government shifting costs to local governments and delaying reimbursement of expenses. Mr. Girard suggested that the board members seriously consider increasing the sales tax because the County was going to be in the same financial position next year.

There being no further business to come before the Public Safety Committee, on motion made by Mr. Bentley and seconded by Mr. Girard, Mr. VanNess adjourned the meeting at 11:30 a.m.

Mr. Sokol requested Mr. Dusek to return to the Union representatives and request that employees agree to a two hour per week decrease instead of a five hour decrease as previously suggested.

There being no further business to come before the Joint Personnel/Public Safety Committees, on motion made by Mr. VanNess and seconded by Mr. Stec, Mr. Thomas adjourned the meeting at 11:40 a.m.

Respectfully submitted,

Nicole Livingston, Deputy Clerk