

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: SHERIFF & COMMUNICATIONS

DATE: AUGUST 23, 2007

COMMITTEE MEMBERS PRESENT:	OTHERS PRESENT:
SUPERVISORS BENTLEY	SHERIFF CLEVELAND
VANNESS	HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE & FISCAL SERVICES
O'CONNOR	JOAN SADY, CLERK
BELDEN	NICHOLAS CAIMANO, BUDGET OFFICER
MASON	SUPERVISORS GERAGHTY
HASKELL	SOKOL
STEC	F. THOMAS
	JOANN MCKINSTRY, DEPUTY COMMISSIONER OF ADMINISTRATIVE & FISCAL SERVICES
	RICK MISSITA, TOWN OF QUEENSBURY
	AMANDA ALLEN, LEGISLATIVE OFFICE SPECIALIST

Mr. Bentley called the meeting of the Sheriff & Communications Committee to order at 9:30 a.m.

Motion was made by Mr. Mason, seconded by Mr. VanNess and carried unanimously to approve the minutes from the July 26, 2007 Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Larry Cleveland, Sheriff, who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Commencing with the agenda review, Sheriff Cleveland apprised that the first item listed pertained to a request to amend Resolution No. 380 of 2007 to authorize full payment of the clean-up costs associated with the May 2007 diesel fuel spill on Gore Mountain. He noted that the previous resolution authorized payment of costs up to \$20,000, while the costs accumulated had totaled \$24,490.57.

Mr. Geraghty asked if a means for secondary containment of the fuel barrel located on Gore Mountain had been achieved and Sheriff Cleveland replied that the research was currently ongoing, but no decisions had been made.

Mr. Mason asked where the fees for the clean-up costs were being appropriated from and Sheriff Cleveland replied that, as per the direction of the Committee, they were being paid from the Sheriff's Office Budget with the understanding that a deficit might be incurred by the close of 2007, at which point an alternate source of funding would be determined.

Motion was made by Mr. Mason, seconded by Mr. O'Connor and carried unanimously to approve the request to amend Resolution No. 380 of 2007 to authorize full payment of the \$24,490.57 accumulated for clean-up costs associated with the May 2007 diesel fuel spill on Gore Mountain and the necessary resolution was authorized for the September 21st Board meeting. *A copy of the request is on file with the minutes.*

Sheriff Cleveland advised that agenda item number two referred to a notice of intent to fill the vacant position of a Patrol Officer with a base salary of \$29,500 which was vacated due to resignation. Mr. VanNess

asked why the Patrol Officer has chosen to resign and Sheriff Cleveland replied that he had accepted a position with the New York State Police, which offered a much higher salary. Mr. VanNess asked if a procedure could be implemented to require Patrol Officers to maintain their positions until the County had been reimbursed for training expenses and Sheriff Cleveland replied that, although there had been a similar standard in place previously, it was no longer allowed. Sheriff Cleveland noted that there was a list of eligibles to hire from; however, he said, the position would not be immediately filled because Police Academy training would not begin until December.

Motion was made by Mr. VanNess, seconded by Mr. O'Connor and carried unanimously to approve the request to fill the vacant position of Patrol Officer with a base salary of \$29,500, as outlined above, and refer same to the Personnel Committee. *A copy of the request is on file with the minutes.*

Continuing with the agenda review, Sheriff Cleveland advised that agenda item number three was a request for authorization to attend In-State training. He explained that the New York State Sheriff's Association Jail Administrator's Conference was scheduled to be held September 24, 25 and 26, 2007 in Albany, NY at a cost of \$150 per person. Sheriff Cleveland further explained that the request was for three members of his staff, (Captain Michael T. Gates, Correction Lieutenant Albert L. Maday and Lieutenant Douglas VanWinkle), to attend the event. He noted that this conference was attended annually by members of his staff; however, prior Committee approval had not been required during prior years as the amended travel policy had not been in place.

Motion was made by Mr. Stec, seconded by Mr. Belden and carried unanimously to authorize In-State travel for Captain Michael T. Gates, Correction Lieutenant Albert L. Maday and Lieutenant Douglas VanWinkle to attend the New York State Sheriff's Association Jail Administrator's Conference as outlined above.

Sheriff Cleveland apprised that the final agenda item referred to the review of the 2008 Budget proposal. He reminded the Committee that in 1999 there had been eleven separate Budgets for the Sheriff's Office to consider; however, he said, they had since been consolidated to three. Sheriff Cleveland advised that the first of the three proposed Budgets was that of the Sheriff's 911 Center and he distributed copies to the Committee members; *a copy of the Sheriff's 911 Center Budget proposal is on file with the minutes.*

Sheriff Cleveland pointed out that the Sheriff's 911 Center (A.3020) Budget request was \$1,195,558, as compared to the 2007 appropriations of \$1,182,558, an increase of \$13,000. He noted that this Budget should have been identical to the appropriations for 2007; however, he said, for some reason that he could not explain, there had been a \$13,000 increase in the salaries code. Sheriff Cleveland added that the salary figures had been received directly from the County Treasurer's Office.

Referring to a Budget Performance Report distributed prior to the meeting, Mr. Caimano pointed out that revenues received in 2006 had only totaled 84% of the revenues anticipated and only 46% had been received so far in 2007 and he asked Sheriff Cleveland to explain the reason for this. Sheriff Cleveland replied that this was caused by a delay in the receipt of funding from the State for mandated programs. Mr. Caimano stated that he was very concerned by the delay because they were over-budgeting each year for anticipated revenues which would likely not be received within the Budget year.

Mr. Caimano stated that the total Budget request had increased by approximately 1% over the 2007 appropriation and Mr. Bentley pointed out that if the salary increase of \$13,000 was not correct that may

decrease the percentage increase even further. Mr. Caimano agreed and he noted that the matter would have to be researched further with the Treasurer's Office to determine the reasons for this increase.

Discussion ensued with respect to the unfounded increase in the salary figures listed.

Mr. Belden questioned the vacant position listed as Employee No. 90101 and entitled 'Shift Differential' and Sheriff Cleveland explained that this was not actually a vacant position but rather a line item to account for the shift differential for all employees of the 911 Center. He noted that there was a second similar line item for holiday pay.

Mr. Caimano noted that the shift differential and holiday pay line items totaled a significant amount of money and he asked if these were purposely over-budgeted. Sheriff Cleveland noted that the amounts listed were necessary to appropriately fund the costs incurred. He added that in years prior, they had always under-budgeted for these items and had to appropriate funds from other sources to correct the deficits.

Motion was made by Mr. Haskell, seconded by Mr. VanNess and carried unanimously to approve the Sheriff's 911 Center Budget, authorize the Committee Chairman to sign it and forward same to the Budget Officer.

The second of the three Budget proposals, Sheriff Cleveland apprised, was for the Sheriff's Law Enforcement Division (A.3110) which reflected a 2008 Budget request of \$7,363,667, as compared to the 2007 appropriations of \$7,217,204, an increase of \$146,463. He pointed out that under Expense Code 418, Insurance-General Liability, there was a \$50,000 increase over the 2007 appropriations and this figure came directly from the Self-Insurance Department.

Mr. Caimano noted that the total for Intergovernmental Charges had increased significantly from the 2006 actual balance of \$8,000 to the proposed figure for 2008 of \$205,000 and he asked if this was correct. Sheriff Cleveland reminded the Committee that this figure was a revenue and not an expenditure and was attributed to income anticipated from contracts held with the Department of Social Services, for security and investigative services, and the Village of Lake George for patrol services.

Mr. Caimano pointed out that, once again, estimated revenues had not been received for this division as only 68% had been received in 2006, and only 22% to date for 2007.

Discussion ensued.

Hal Payne, Commissioner of Administrative and Fiscal Services, pointed out that a line item for 84-hour pay periods was included in the salary schedule portion of the 2008 Budget request and he questioned the reason for it. Sheriff Cleveland explained that this line item covered the shift differential for the 12-hour shifts, as they actually worked 84-hours per pay period, rather than the standard 80. He noted that they had negotiated to pay straight time for these shifts, rather than overtime rates, during contract negotiations. Mr. Payne asked why they could not simply show the additional four hours in the individual Officer's salary and Sheriff Cleveland replied that this was because in cases where the Officer's working 12-hour shifts were moved to an 8-hour shift for weekends and special events, the hourly rates would increase.

Referring to the document distributed with the Sheriff's Law Enforcement Division budget request entitled 'Equipment Requests for 2008 Budget', Mr. Caimano pointed out that the list included the purchase of

several laptop computers and he asked if these items were being purchased at the lowest possible rates and Sheriff Cleveland replied that these items were purchased at State contract prices. Mr. Caimano then asked if the purchases were being made through the IT (Information Technology) Department and Sheriff Cleveland replied that the Sheriff's Office had its own smaller technology group which had been in contact with the IT Department to notify them of the intended purchases.

Mr. Belden noted that he served on the Traffic Safety Committee which controlled the DWI Budget, and he noted that in the past items had been purchased for other law enforcement agencies. He suggested that some of the necessary items, such as the network server listed under the Technical Equipment heading, might be eligible for purchase through the DWI Budget. Mr. O'Connor agreed with Mr. Belden's suggestion, adding that in the past they had made purchases for items such as speed guns for the State Police and he would not be opposed to presenting such requests for funding to the Traffic Safety Committee; although, he said, because the Budget had already been set for 2007 the matter would have to wait until 2008.

Mr. Caimano pointed out that the total listed for Equipment (*expense codes 210 - 270*) reflected an increase of more than 50% since 2006 and he stated that this portion must be reviewed to see if something might be able to be cut. Sheriff Cleveland apprised that the increase was solely based on vehicles purchased, as in 2007 they had removed funding from this code and the necessary vehicles had been purchased from a capital project code. He added that the Budget code had been increased appropriately to make the 2008 vehicle purchases. Mr. Stec asked how many vehicles were purchased in 2007 and Sheriff Cleveland replied that six had been purchased in 2007 and he intended to purchase an additional eight patrol vehicles in 2008.

Returning to the 'Equipment Request for 2008 Budget' document, Mr. Belden asked if the two engines listed under the Automotive Equipment heading were for the Boat Patrol and if reimbursement was received from the State for those costs. Sheriff Cleveland replied affirmatively, noting that approximately 50% reimbursement was received for these motors; however, he said, the \$23,000 cost listed was the total for both motors as the State reimbursement was listed as a revenue in the Budget.

Mr. Caimano asked if the reimbursement for the motors would come from New York State Navigational Law Enforcement and Sheriff Cleveland replied affirmatively, adding that funding was contributed over a period of years based on the number of boat registrations. Mr. Caimano stated that only 29% of the anticipated revenues had been received in 2006, with none of the anticipated revenues having been received thus far for 2007.

Mr. VanNess pointed out that the lack of anticipated revenues was occurring in many Departments, through no fault of the Department Head, and was solely the fault of the State for not forwarding promised revenues.

Discussion ensued.

Mr. Haskell asked if there were any positions within the Sheriff's Office that might be consolidated to reduce staffing and Sheriff Cleveland replied that although they could not reduce the number of Police Officers, they might be able to consolidate some of the Account Clerk or Maintenance positions. He added that it was doubtful that the Maintenance positions could be consolidated as the positions in the Sheriff's Office were appointed rather than civil service tested as they were in the Municipal Center.

Mr. Belden noted that there were two vacant positions, one of an Investigative Sergeant and the other a Patrol Officer, and he asked if these were still vacant. Sheriff Cleveland advised that there was a mistake on

the Investigative Sergeant listing as the position was left active in title only to hold the series of positions and the salary should have been zeroed out, as it was in 2007. He added that the Patrol Officer position was a valid vacant position that would be filled subsequent to the completion of Academy training. Sheriff Cleveland reiterated that the \$35,000 listed under the Investigative Sergeant position should be removed.

Mr. VanNess pointed out that under the Non-Union Titles listed in the Budget request there was a Lieutenant position missing and Sheriff Cleveland agreed that there should have been a listing for Jim LaFarr, Lieutenant.

Mr. VanNess apprised that the total increase for the Sheriff's Law Enforcement Budget proposal had increased approximately 2% from the 2007 appropriations.

Motion was made by Mr. Belden, seconded by Mr. VanNess and carried unanimously to approve the proposed 2008 Sheriff's Law Enforcement Budget (A.3110), authorize the Committee Chairman to sign it and forward same to the Budget Officer.

Mr. Mason asked how the delay in reimbursement from the State should be addressed and Mr. Caimano replied that the issue should be solved through the Treasurers Office, by fighting the State for reimbursement and by constantly questioning Legislative representatives to find the cause of the delays. He added that if resolution could not be found to curtail the delays, the mandated programs supported by the anticipated funds should be cut. Mr. Stec stated that this problem was occurring in many Departments and had to be addressed. Mr. Bentley suggested that it might be appropriate to hold a public meeting with the State Legislators, and members of the press, to discuss the matter.

Discussion ensued.

Sheriff Cleveland distributed the final of the three Budget requests, which was for the Sheriff's Correction Division (A.3150) and reflected a 2008 Budget request of \$5,081,195, in comparison to the 2007 appropriations of \$5,016,525, an increase of \$64,670.

Mr. Belden noted that the Inmate Calling Program (A.3150.1513) reflected anticipated revenues of \$60,000, which was \$12,000 more than the figure appropriated for 2007, and he stated that if the figure was not realistic it should not be included in the Budget request. Mr. Bentley countered that the actual balance received for 2006 was \$62,661.72, which was slightly higher than the figure anticipated for 2008 and was therefore realistic.

Mr. VanNess noted that the salaries listed in the budget request had increased significantly, by \$75,200, and he asked the reason for this. Once again, Sheriff Cleveland stated that these figures had been given to him by the Treasurer's Office and he did not know the reasons behind the increase.

Mr. Caimano pointed out that the three Budget requests together comprised a 1.7% increase between the three, which he said he did not feel was unreasonable to start; however, he added, they may ask that some areas be reviewed once again for budget reduction. Mr. VanNess noted that this was something Sheriff Cleveland should review with the Treasurer's Office for accuracy.

Discussion ensued.

Motion was made by Mr. Mason, seconded by Mr. Stec and carried unanimously to approve the Sheriff's Correction Division (A.3150) 2008 Budget request, authorize the Committee Chairman to sign it and forward same to the Budget Officer.

Mr. VanNess reminded Sheriff Cleveland to contact the Treasurer's Office in order to determine the reason for the increases to the Sheriff's 911 Center and Corrections Division's salary codes because if the increases were erroneous, the Budgets could be reduced even further without removing items from them.

Mr. Haskell apprised that he had encountered a similar situation in reviewing the Westmount Health Facility 2008 Budget proposal, as it appeared there had been significant decreases in the salary although no positions had been removed.

Mr. VanNess stated that there might be an issue with the software used by the Treasurer's Office to develop the salary schedules and if so, it should be fixed immediately because it was pointless to review the Budget requests if the numbers listed were erroneous.

Mr. Caimano advised that similar situations had occurred in other Departments and he intended to meet with Rick Murphy, Deputy Commissioner of Fiscal Services, to determine the cause of the discrepancies. However, he added, Mr. Murphy was on vacation and would not return until the following week.

Discussion ensued.

As there was no further business to come before the Committee, on motion made by Mr. VanNess and seconded by Mr. Mason, Mr. Bentley adjourned the meeting at 10:20 a.m.

Respectfully submitted,
Amanda Allen, Legislative Office Specialist