

-BUDGET-
PROTECTIVE SERVICES COMMITTEE MEETING
Held In Room #318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512
Members: Chairman
Chairman Albano & Legislators Gross & Oliverio

Thursday

October 11, 2012

The meeting was called to order at 7:00p.m. by Chairman Albano. He led in the Pledge of Allegiance. Upon roll call, Legislators Oliverio, Gross and Chairman Albano were present.

Legislator Oliverio made a motion to waive the rules and accept the additional; Seconded by Legislator Gross. All in favor.

Item #3) 2013 Budget Review

Sheriff Smith requested an opportunity to address the Committee Members. He stated that the 2013 year is going to be a very difficult year for the Sheriff's Department in terms of the budget that has been presented. He stated that additional cuts were made to the Sheriff's Department budget after their first submission of the budget. He stated that he brought a copy of the original budget that the Sheriff's Department proposed. He stated that he has had many discussions with County Executive Odell about the Cars for the Sheriff's Department. He stated that there has been a study done on the Cars of the Sheriff's Department. He stated that this is a bare bones budget. He stated for the most part the Sheriff's Department is on a razor thin budget line. He stated that he must mention that the overtime in the Jail Budget, it just is not going to work. He stated that overtime is a necessary part of any budget that involves law enforcement or emergency services. He stated that the overtime budget in the Jail, it is not under the operational control of the Sheriff. He stated that there are mandates that come from the Commissioner of Corrections of the State of New York. He stated that when there is an inmate that meets the criteria of having to be on 24/7 hour watch, it is mandated. He stated that the Sheriff's Department is mandated to provide transportation to inmates for court appearances. He stated that he is aware that everyone is hopeful that Video Conferencing will save a lot of money. He stated that someday it will save a lot of money, but not until the authority to choose to have the inmate's option to appear in person in court or utilize the Video Conferencing is put in the hands of the presiding Judge. He stated that the Sherriff's Association and NYSAC have taken a strong position on making that happen. So clearly there will be cost savings down the road. He stated unfortunately he does not see a huge savings happening in 2013.

Legislator Oliverio requested that the Sheriff explain why an inmate would opt to go to the Court for their appearance instead of making use of the Video Conferencing option.

Sheriff Smith explained that it is an outing for an inmate, an opportunity to get out of the jail and see other people. He stated that there could be legal issues by offering incentives to use the Video Conferencing option. He stated that Captain LeFever will address that topic. He stated that the Sheriff's Association, NYSAC and he believe the District Attorney's Association supports the inmates attending the Court Appearance anytime it is a substantive proceeding. He stated that he is aware that the County Attorney has provided input to the

Legislature on how she can provide assistance to the Sheriff's Department. He stated that he believes the District Attorney has also addressed providing input on what he can do to assist the Sheriff's Department. He stated that he believes that a number of the Legislators were contacted on this matter as well. He stated there is one problem that nobody has yet spoken to him, the Sheriff. He stated with the exception of Legislator Oliverio. He stated that a Confidential Exempt position, which is important to him, as the Putnam County Sheriff, was taken out of his budget. He stated that he believes it is a potential corrupt political maneuver. He continued to explain his opinion of the proposal to remove the position from his department. He stated that he agrees that the position is not an Attorney Position, the County Attorney agrees it is not an Attorney Position and the Legislative Counsel Clem VanRoss agrees it is not an Attorney's Position. He stated that the current Confidential Exempt position is held by an Attorney. However this person does not represent the Sheriff's Department in court that is not the role of this position. He stated that the job description for the positions requires a law diploma, knowledge of rules and regulations to render professional advice pursuant to the job description. He stated that he believes for the Sheriff to receive advice from the District Attorney or the County Executive it would be a conflict of interest. He stated that the term "confidential advisor" is a trusted and confidential position within a police department that cannot be farmed out to others. He stated that this position that was created in October of 2002 was and still is in full conformity of the County Charter. He explained that the person in the Confidential Advisor position must be available 24/7 to the Sheriff and his executive staff. He stated that the proposal of the County Executive is to put the Sheriff's Confidential Advisor position to her County Attorney's Department. He stated this is not a recommendation he supports, in light of the fact that the Confidential Advisor is not carrying out official Attorney duties. He stated that the Confidential Advisor helps the Sheriff's Department avoid exposure. He stated that the Sheriff's Office is the highest exposed agency in the County. He continued to explain that he sees no reason to remove this position from his organization. He stated that moving the position from the Sheriff's Department to the County Attorney's Department does not save any money, and in his opinion, may cost the County Taxpayers money in the long run. He requested that the Committee call for an Executive Session, since the remainder of his discussion involves specific personnel and potential investigation.

7:45p.m.

Legislator Oliverio made a motion to go into Executive Session to discuss Personnel Matters; Seconded by Chair Albano. All in favor.

9:00p.m.

Chair Albano made a motion to come out of Executive Session; Seconded by Legislator Oliverio. All in favor.

Chair Albano stated that no action was taken in Executive Session.

Legislator Oliverio stated that he would like to address the overtime lines for the Sheriff's Department. He stated that he would like to start with page 83.

Undersheriff Convery stated that New York State Commissioner of Corrections provide certain staffing mandated laws. He stated that providing transportation to and from the courts for appearances has a huge impact on overtime. He stated that if the Video Conferencing becomes a process that is utilized, it will result in a large savings.

Chair Albano questioned if part-time workers could be utilized in any areas of the jail to help with the overtime.

Captain LeFever stated that they have looked into that in the past. He stated fiscally it does not end up saving money. He stated that overtime cost is only used when it is needed. He stated that one of the problems that they faced when the part-time workers were tried, is when the Sheriff's Department needed them they were either not available or just did not show up. He stated that there were also liability issues.

Chair Albano stated that there always seems to be a need for overtime. He stated that in his opinion we need to try different options, think out of the box. The overtime is a big financial burden on the taxpayers. He stated the service provided by the Sheriff's Department is critical to the health and welfare of the people and our community. However as elected officials we can never stop trying to find creative ways to provide the needed services, but reduce cost wherever possible.

Legislator Oliverio stated that he understands the issue of not knowing when the need for additional personnel will be needed. He stated in the seventeen (17) years that he has been here, he has not seen an abuse of the overtime in the Sheriff's Department. He stated that overtime does not financially impact the health insurance. He stated that it may have an impact on their retirement. However that is a State issue.

Captain LeFever stated that the Putnam Sheriff's Department is different from for example the New York City Police Departments. The retirees from the Putnam County Sheriff's Department are only allowed to have 10% above the current year salary applied as overtime towards their retirement pension. Therefore that prevents anyone from padding their salary with overtime. He continued to explain the facts behind the Sheriff's Department overtime. He stated that the main thing to remember is that the County Jail must be Staffed; if someone calls in sick or gets injured that person's shift must be covered.

Legislator LoBue stated that a new program was unveiled by the County Executive. She stated that she would like some more details on that. It is a program that involves the food service for the jail.

Captain LeFever stated that for the past few years the Sheriff's Department has taken to having their Chef butcher all the meat. That way the optimum use of a side of beef is accomplished. He stated that their chef will make stew, cutlets, chili, hamburgers etc...He stated that they are doing the same with chicken now as well. He stated that has saved a lot of money. Purchasing meat by the pound is quite expensive.

Legislator LoBue stated that she has heard that this is going to be a new arrangement that will apply and be coordinated with the Office For the Aging. She requested that Captain LeFever please elaborate on that.

Captain LeFever stated that it is not a definite that it will work out. He stated that they are checking with the Health Department because there are transport issues. He stated that they are looking to train members of the Office For the Aging.

Legislator LoBue confirmed that there is no arrangement happening currently.

Captain LeFever stated that is correct. There is nothing in place at this time.

Legislator LoBue stated that the County Executive presented in her budget Video Arraignment as a huge cost savings. She requested details on that matter.

Captain LeFever stated that the Video Arraignment is not up and running. He stated when it does start to be used it will result in big savings on the transportation costs. He stated that the problem is that the law is stuck in the New York State Assembly. He stated that there is a concern of a violation of due process and lack of counsel. He stated that the Governor and the Senate support the utilization of the Video Arraignment program. He stated that the new law that is stuck in the Assembly would give the proceeding Judge the authority to decide if the appearance can be done via Video Conference or in person.

Legislator LoBue questioned how much money has been invested on this so far.

Captain LeFever stated approximately \$65,000.

Undersheriff Convery stated that in the past year there has been an increase in the psychotic female population, which is a major factor in the management of the jail. He stated that it is complicated; there are many rules and regulations that must be adhered to.

Purchasing Director Noel suggested that the Legislature petition the Governor to create a Governor's Program Bill. She stated that is another option to try to get a Bill passed.

Legislator Oliverio stated that regardless of what action is taken, the shifts must be covered. He stated in reference to the Budget the Legislature needs to allocate the funds that will allow the Sheriff's Department to run. He stated that he has been a seated Legislator for seventeen (17) years. He stated he has not once seen a year when the guesstimated overtime amount was not met or exceeded. He stated simply because of the needs of this law enforcement branch. He stated that the Sheriff's Department provides 24/7 critical services to the community and its residents. He is leery of passing a budget that underestimates the expenses and then the end of the year we will be looking at a deficit.

Chair Albano stated that he believes hiring more people will help to manage the overtime costs.

Legislator Oliverio stated that he sees a deficit in many of the overtime lines in the Sheriff's budget. For example on page 64 budget line 15311000. The Sheriff's Department requested \$25,000, to date they have used \$17,841. The County Executive's recommendation is to reduce it to \$22,500. He stated he recommends reinstating it to their initial request of \$25,000. He stated on page 65 budget line 1631100051093, Sheriff's Department requested \$85,000 to date they have used \$69,393. The County Executive's recommendation is to reduce it to \$81,000. He stated that in 2011 the actual amount spent in that line was \$109,393. He stated that is a big gap. He stated that on page 69 budget line 1731100051093, Sheriff's Department requested \$555,000 to date they have used \$500,378. The County Executive's

recommendation is to reduce it to \$499,500. He stated that in 2011 they used \$631,562. He stated that all of these gaps will hurt us next year when we do our budget, because we will already be in a hole; this proposed budget does not represent the truth on what the expenditures are really going to be. He stated that on page 83 budget line 1000800051093, the Sheriff's Department requested \$80,000, to date they have used \$98,611. He stated that in 2011 they used \$83,230. The County Executive's recommendation is to reduce it to \$72,000. He stated finally the budget line 10009000, which is the Jail Transport Services line in 2011 \$166,304 was used. The Sheriff's Department requested 277,000, to date they have used \$192,177. The County Executive's recommendation is to reduce it to \$135,000. He stated that overall there is an approximate \$300,000 gap between what the Sheriff's Department has guesstimated they will utilize and what this proposed budget represents. He stated if we have that short fall in 2013 we will be at a negative 2% before the budget is touched.

Sheriff Department's Fiscal Manager Butler stated that she wanted to point out that the additional correspondence Sheriff Smith brought to the meeting this evening contains three columns of numbers. The first column 2013 Requested is the original requested budget made by the Sheriff's Department, the second column is the revised requested budget presented by the Sheriff's Department, after the County Executive requested that additional cuts be made. Finally the third column reflects the additional final cuts that were made by the County Executive to the second version that was proposed.

Legislator Oliverio stated that by law there are mandated services that the Sheriff's Department must provide. He stated that these services are critical to the people of the County, this is why government exists.

Captain Hosmer stated that in 2009 the budgeted overtime for the Road Patrol division was \$425,000, he stated that the actual spent was \$580,000. He stated in 2010 the same thing occurred, the budgeted overtime was \$425,000 again and the actual spent was \$643,000. He stated that in 2011 the budgeted overtime was \$475,000 and the actual spent was \$631,000. He stated that the overtime has not gone up drastically. He stated that that this year they are on track. He stated that on a daily basis he gives attention to managing the overtime. However there are issues that arise that are out of his hands. Issues caused by mother nature, for example. He stated that they handle over 600-700 community events a year; a lot of them are on overtime. He stated that some of it is reimbursed.

Chair Albano stated that he believes that there is a diligent effort being given to manage the overtime. He stated that, however, he would like the option of hiring new employees or part-time employees to be looked at and compare the costs to the overtime. He stated that he believes that a savings can be incurred.

Legislator DiCarlo stated that he has stated it before. He believes that the residents would be willing to pay a slight increase in their taxes to receive the quality of life services, such as the service that the Sheriff's Department provides.

Legislator Oliverio stated that he recommends that \$300,000 be put in the contingency line for overtime.

Legislator Gross stated that he agrees there is a trend here and he also agrees that there may be a need to look at a 2-3% increase.

Captain LeFever stated that some of the bigger cities have cut their Road Patrols so dramatically that they do not even go out on misdemeanors anymore. They handle them over the phone or online.

Chair Albano stated that he does not want to see Putnam County go in that direction. However he does want to see an improvement in the management of the overtime. He stated that he would be more comfortable with \$200,000 rather than \$300,000. He stated though that he wants to look at the option of hiring more people.

Commissioner Carlin stated if you keep providing the funding the behavior will never change. There needs to be changes made in order to reduce the money spent. He stated maybe there needs to be a reduction in the amount of community events that the Sheriff's Department provides officers to and we need to find a way to use video arraignment.

Legislator Oliverio made a motion to put \$200,000 in contingency; seconded by Legislator Gross. All in favor.

Acting Commissioner of Bureau of Emergency Services Stiebeling stated that he believes that the budget his department has provided is a sound budget. He stated that he does not have any concerns.

Legislator LoBue questioned why there was a vacant personnel position in the department 398910103 – Emerg. Svc. Coord PT.

Acting Commissioner of Bureau of Emergency Services Stiebeling stated that they reorganized the department and right now there is not a need for the position. He stated that he would like to see the position remain.

Legislator Oliverio made a motion to place 398910103-Emerg. Svc. Coord PT in contingency; Seconded by Legislator Gross. All in favor.

Legislator Conklin questioned the telephone line on page 103 budget line 1339890054634. She stated that the Legislature had been told with the new phone system the cost of the telephones would be going down. She stated that is not the case.

Acting Commissioner of Bureau of Emergency Services Stiebeling stated that it has to do with the E911 Phone Equipment. He stated those are real numbers in that line. He stated in the budget line that Legislator Conklin is referencing 1339890054634, that dollar figure is the actual amount taken out of the line to date. However currently the E911 is being evaluated by Verizon. He stated that he does not have a true costs for billing. He stated that he would like to keep the funding in that line so that they do not find themselves short.

Item#4) Other Business - NONE

Item #5) Adjournment

There being no further business at 9:55p.m. Legislator Oliverio made a motion to adjourn; seconded by Legislator Gross. All in favor.

Respectfully submitted, Deputy Clerk of the Legislature- *Diane E. Trabulsy*