

Minutes

Public Safety Committee

Wednesday, February 21, 2018, 4:15 pm, Room 331

Gerace Office Building, Mayville, NY

Members Present: Niebel, Whitford, Pavlock, Bankoski, Vanstrom

Others: Tampio, Dennison, C. Holder, Griffith, Barone, Sheriff Gerace, R. Kneer, Crow, J. Cresanti, O'Connell, Wendel

Chairman Niebel called the meeting to order at 4:16 p.m.

Approval of Minutes (12/13/17)

MOVED by Legislator Bankoski, SECONDED by Legislator Pavlock

Unanimously Carried

Privilege of the Floor

No one chose to speak at this time.

Recorder malfunction for first two resolutions

Proposed Resolution – Confirm Re-Appointments - Chautauqua County Fire Advisory Board

Unanimously Carried

Proposed Resolution - Amend 2017 Budget for Year End Reconciliations – Unified Courts

Mrs. Dennison gave an explanation of the resolution and explained the amendment.

Was moved by Legislator Vanstrom, Seconded by Legislator Whitford to amend. *Unanimously Carried*

Resolution as amended – *Unanimously Carried*

Proposed Resolution – Amend 2017 Budget for Year End Reconciliations – Emergency Services

Mr. Griffith: These are just some basic accounting changes from some of the contractual accounts into the appropriation accounts. More to do to with the fact that this is the first year that

we have had this and to get all the accounts in line. There are no monies that have to be added, no monies that have to be changed. It's moving from one appropriation account to the other.

Chairman Niebel: It's all within your department John so it's just moving money - increasing one appropriation, decreasing another.

Mr. Griffith: That is correct.

Chairman Niebel: Any questions of John?

Unanimously Carried

Mr. Griffith then handed out information regarding the Fly Car program.

Legislator Bankoski: That number is rising.

Mr. Griffith: The number of the calls is rising. The number of the account receivable and the accounts being paid is rising also. So as the system starts to kick in, medical billing is the world's slowest thing in the world. Someone who is in business, I can't believe how long it takes to get medical billing through and processed all the way back through. As you can see the revenue is coming up, the accounts receivable are coming up and the number of calls are coming up too. We did 439 in 5 months and we've done 220 in two months and that is not two full months yet. We have a crisis coming in the County in EMS providers. And really what the problem is, not so much we're good in the daytime but we're not good at night, so we're not good on Sunday's. So, I guess I would like to come back and talk to you another time about maybe some options that we can have to help correct that. We have way too long of time in delays between calls coming in and patient contact. Sometimes as much as 30 to 40 minutes between when the calls called to when someone actually gets there to take care of that person.

Legislator Bankoski: During the evenings at night and Sundays.

Chairman Niebel: John, just to recap for the committee, right now the Fly Cars are in service Monday through Friday, 12 hours a day?

Mr. Griffith: Monday's through Saturday's, 6 AM to 6 PM. As we know, EMS does not stop at 6 PM now. It doesn't take Sunday's off either.

Legislator Pavlock: The (*inaudible*) response time, is it – what particular departments or is it County widespread?

Mr. Griffith: (*Inaudible*) it runs different places in the County at different times. I would not want to single out any one department that has a tremendous deficiency. There are some departments that are better than others but I think for a lot of the departments they all have problems at different times and the number of calls being handled by the departments is phenomenal. We have departments that are volunteer that handle 800, 600, 500 calls per year. That is not counting the City of Jamestown and the City of Dunkirk and the Village of Fredonia.

I mean, these are volunteer departments, totally volunteer and it's just gotten to be really - the system is somewhat overwhelmed.

Chairman Niebel: John, just recently I think you had a situation where you had to have – you blew out four departments and none of them responded.

Mr. Griffith: The fourth department was responding yes, along with one of our battalion coordinators is an EMT.

Chairman Niebel: That is the problem that we are having.

Mr. Griffith: That is the problem that we're having and it happens at different places in the County. Three departments is not uncommon at all and I mean, the key is, the standard (*inaudible*) first patient contact within a few minutes is possible. Thirty minutes in a County, not as rural as we are, is too long, in my estimation. Imagine if you were on the other end waiting for someone.

Chairman Niebel: O.k., any other questions of John? If not, thank you

Legislature Chairman Wendel: Just to piggy back on what John is saying and to give you a heads up. This is such a situation where we've already met once, John and Alstar, Emergency Services has approached myself and it's a group effort, concerted effort actually, John was one of our leaders, in sitting down and trying to come up solutions and a vision. It's serious. (*Cross talk*) next Tuesday we'll sit down again. Betsy Wright wants to sit in now, the (*inaudible*) have been a big initiative and have given us some great ideas and some great vision in how to move forward but it's a concern. We're looking at it and taking a systematic approach with all the players. So we we are and John approached and he saw this concern that we have and again, understandably so, I think that everybody on the committee feels the same way. When people pick up the phone in Chautauqua County, they should be able to get the service they need. When the buck stops with John in Emergency Services, it's o.k., that's his personal mission so I think we're moving in the right direction but it's a slow process but we are trying to address this so you'll hear from myself or John (*inaudible*).

Chairman Niebel: P.J. as the former Chairman of this Committee you know more about this issue than I think a lot of us do. One of the things, I mean, this is supposed to be running in neutral and I think we'll discuss this at a later date John because there have been problems. I mean, we didn't get started when we were supposed to. There is a lag in billing but I think at some point, real soon, we're going to have to take a look at the revenues generated by this program as well.

Mr. Griffith: I would be more than happy to sit down with you Mr. Niebel at any time to go through all this, at your convenience. Go through the numbers, how it works, explain how the billing process works.

Chairman Niebel: It will be with the Committee John but sometime in the future. It doesn't have to be next month or even April but some time soon. We do need to sit down and

look at the revenue side of the program. I totally understand about the emergency services part of the program but it is a very large program. It's a new program. It's about a three quarters of a million dollar program so we are going to have to pay attention to the revenue side as well.

Mr. Griffith: I agree with you. I think that sooner to sit down is better than later.

Chairman Niebel: I agree.

Proposed Resolution – Amend 2017 Budget for Year End Reconciliations – Public Defender

Mr. Barone: The reconciliation for the 2017 budget –

Chairman Niebel: Ned, maybe I can help you a little bit. It looks like it's all within your budget. You are increasing some appropriations, your .4 and your .1 for Aid to Defense, your .8, employee benefits, however you are decreasing your employee benefits, Public Defender, 1170.8, \$11,967, it looks like an offset within your department.

Mr. Barone: That is correct. The contractual costs, those are the operating cost for the office. Just additional expenses that we incurred throughout the year in the office. The .1, personal services was an increase in salary for one of the Assistant Public Defenders in Family Court.

Chairman Niebel: The \$2,601?

Mr. Barone: Yes and the \$22.00 were the benefits associated with that increase in the salary. Then the \$11,967, we took out from the general fund, employee benefits.

Chairman Niebel: Any questions of Mr. Barone?

Unanimously Carried

Proposed Resolution – Authorize Lease Agreement with Celebration Hall, LLC for Office Space for the Public Defender Office – Family Court Division

Mr. Barone: I know that I have to appear in front of Audit & Control tomorrow morning concerning this lease but just for everyone's information, this is the lease – it goes back. There is some history to this. I'll make it as quick as I can. But, we ran out of space over here in the Clothier Building. For those of you that are not aware how are offices are located on the first floor and we have one section of the first floor toward the end. In any event, we literally ran out of office space. We've got several of the attorneys that are sharing offices. In one case, we have three attorneys in one conference room. I think Mr. Niebel, you've been over to see what we have to deal with.

Chairman Niebel: I have.

Mr. Barone: That's with increasing caseloads and it makes it, quite frankly, very difficult. We're meeting with clients in the hallway over there in order to get some privacy once in a while so it's been a real problem. Again, this has some history but ultimately the decision was made to expand or the additional space that we could use would be the Mental Health section which actually - our doors - we have a connecting door so we literally just walk out of our office, open the door, we're right into Mental Health and that was deemed to be the best move possible with the least amount of cost. There is just going to be some cosmetic changes and that will add 5 additional offices that we'll need in order to accommodate the new attorneys, additional investigative support that we've acquired as well as a new secretary. Again, part of the transition was the fact that as of the beginning of this year we went to all full time assistant Public Defenders. That is something that we have been trying to put together for the last several years but now we've achieved that. Every one of our Assistant Public Defenders is full time. Of course, if they are full time they are not operating a private office or should not have to so we're responsible housing those attorneys and that is why we needed that space. So, in order to get that space from Mental Health, we had to give them our Family Court space up on the hill. So in turn, we worked out a lease agreement with Celebration and actually we're in better position because the new space of Family Court would literally be right outside the front doors for Family Court. You walk outside Family Court, go into the hallway and we're right off to the left. The lease particulars are as indicated in the proposed resolution. We're looking to move in there the 1st of March because Mental Health needs to get into our space up there so they can start redoing everything up there. That is kind of long and the short of it.

Unknown statement made

Mr. Barone: I'm sorry. But it had a little bit of history believe it or not. It hasn't been that simple, believe me. We took a look at so many different things to get this move made and ultimately everything kind of fell into place and we were able to work it out. I met with Mr. Borrello last week and went over a couple of things on the lease and ultimately it will accommodate not only us but Mental Health as well.

Chairman Niebel: I think we have been talking about this move since, well at least all of 2017 and possibly the end of 2016 so I'm glad that it's finally taking place. I think it's a good move for you, moving into Mental Health which is right across the hallway. I think you'll have everybody together, I think you'll have a lot of control over people. I think it is a good move. Thank you for following through on that and getting that done. Folks, this is a five year lease. It's renewal one time for another five years at the option of the County. Any other questions?

Legislator Bankoski: It's long overdue.

Mr. Barone: Thank you and I would just like to indicate that Mr. Niebel played a big part in helping us put this together.

Chairman Niebel: I did not, it was Brian Taylor who did all the work.

Mr. Barone: Yeah, but we wouldn't have been able to do it without your help.

Chairman Niebel: Any questions?

Unanimously Carried

Proposed Resolution – Amend 2017 Budget for Year End Reconciliations – District Attorney’s Office

Ms. Kneer: I’m the Assistant to the DA. I’m just increasing personal services in my contractual from the employee benefits. We had some personnel changes that we hadn’t anticipated. We had some –

Chairman Niebel: Executive Assistant for this or no?

Ms. Kneer: Well, no, not during 2017. We had a promotion that wasn’t budgeted for, positions that weren’t planned for. It just caused a little shifting here and as far as the contractual, our stenographer fees are somewhat higher because of the addition of an extra day of grand jury.

Chairman Niebel: That’s under your .4?

Ms. Kneer: Yes. And we have also accounted for that in the budget for 2018. So that shouldn’t be an issue.

Chairman Niebel: So basically you’re just taking \$16,476 out of your .1 and .4?

Ms. Kneer: Yes.

Chairman Niebel: You are increasing those and then you are decreasing your .8 to offset.

Ms. Kneer: Correct.

Chairman Niebel: It’s all within the department.

Ms. Kneer: All within.

Chairman Niebel: O.k., any questions of Rachel?

Unanimously Carried

Proposed Resolution – Amend 2017 Budget for Year End Reconciliations – Office of the Sheriff

Chairman Niebel: Joe, what do we have here? Well, we have a number of accounts that we’re increasing and also decreasing appropriations but it looks like for the most part it’s all within the department.

Mrs. Dennison: It's not all within the department.

Chairman Niebel: Most of it is.

Mrs. Dennison: Most of it is but Mr. Chairman I would like to offer an amendment to this resolution. Very small changes on this one just due to some rounding errors. So the amendment would be under the Increase Appropriation accounts, all of the individual numbers are correct but the total should end in 034, instead of 033.

Chairman Niebel: Off a dollar. So Kathleen for Increase Appropriation, the bottom line should read, \$1,355,034?

Mrs. Dennison: Yes.

Chairman Niebel: That is for the Increase Appropriations.

Mrs. Dennison: Then under the Decrease Appropriations accounts, the last item, State Training School, again it's different by a dollar. It should be \$878,914.

Chairman Niebel: O.k., and that changes our total.

Mrs. Dennison: And the total ends in 610.

Chairman Niebel: And the Increase Revenue?

Mrs. Dennison: All the numbers are the same.

Chairman Niebel: O.k., is there a motion to amend the proposed resolution.

Legislator Vanstrom: So moved.

Legislator Bankoski: Second.

Chairman Niebel: Any questions on that?

Unanimously Carried – amendment

Chairman Niebel: Any questions from the Sheriff or the folks here on the resolution itself or as amended?

Mrs. Dennison: The Sheriff asked me to kind of give an overview of the changes so if you agree Mr. Chairman, I can start with that.

Chairman Niebel: Please.

Mrs. Dennison: There are as you can see a lot of changes in appropriations, both up and down and changes in the revenue accounts. The organization is not self-balancing. If you look at the last line under Decrease Appropriations, that decrease is from the State Training School which is from the Department of Social Services. So there are appropriations of \$878,914 that are not balanced by the Sheriff's organization.

Chairman Niebel: That was one of the questions I had Kathleen. So that is from Social Services and not the Sheriff's Department?

Mrs. Dennison: Correct. So the ins and outs of the Sheriff's organization come up with the fact that he has or is over this appropriations budget but \$878,000. Almost all of that is due to changes in the contract that occurred after the budget for 2017 was adopted. So we do have a document that kind of walks through the major changes there so I'd be happy to distribute that.

Chairman Niebel: And most of that has to do with employee benefits, the \$738,113?

Mrs. Dennison: Yes.

Chairman Niebel: And a lot of that has to do with the retirements?

Legislator Vanstrom: The contract.

Chairman Niebel: Yeah, the contract but specifically I think or more than anything else, what was it 10 additional retirements that we had?

Mrs. Dennison: Yeah, there were 10 retirements during 2017 and the budget for 2018 assumes another 10, kind of spaced throughout the year so the 18' budget has already built into it the positive and negative effects of – we used 5 additional retirements assuming that those 5 cover the whole year so an average of 5 full year retirements are already in the 18' budget. The 17' actuals, as I say, there were 10 retirees. The original projection for the new contract assumed 12 retirees in 2017. It also assumed that those retirees were - effectively they retired on January 1, 2017. What happened in 17' is that we had almost that number of retirees but some of them retired on January 1st and some of them retired on December 31st. So again, if you are looking at 17', there is probably - you look at the different dates of retirement probably averages out to about 5 full year equivalent in 17'.

Chairman Niebel: Kathleen, just a quick question. So this \$738,000 is basically because we didn't have the contract in place and then once we did we had these 10 retirements that we really hadn't anticipated in 2017 or is that not correct?

Mrs. Dennison: Both those statements are correct. The 17' budget, it assumed zero retirements under the new contract.

Chairman Niebel: Because we hadn't approved the contract.

Mrs. Dennison: Yeah, so there are no expenses associated with the new arrangement. There are no benefits in the 17' budget that benefits from people retiring and being replaced with deputies at a lower step. No effects either way are in the 17' budget but are in the 17' actual.

There are three kind of big hits to the 17' actual results. Those are listed on the handout. The first one, it says a rate variance for - so the 553 retirement plan is more expensive, at least in the short term because the retirement range for the 553 plan, it's about 25% of wages. The former plan, the 551 plan is about 20% of wages. So you have a 5% premium for the 553 plan. As I say, that's not built into the 17' budget. So in 2017, the County was assessed that premium, if you will, for service dates from April 1, 2016 through December 31, 2017. We got billed for that in two pieces by the State Retirement System. So there's -

Chairman Niebel: Sorry Kathleen, you said April 1, 2016 to -

Mrs. Dennison: December 31, 2017. Because the Retirement System bills us in last November early December. And so every year we have to kind of do an adjustment. We're estimating retirement expenses along the year and we adjust them in December. For 2016 adjustment, we got the adjustment for all the other plans in the County but the adjustment going to the 553 plan, that bill did not come to us until November of this year. So normally that adjustment would have gone into 16' but wasn't received in time. So we have a premium charged for parts of 2016, we've got a premium for 2017 because the State Retirement (*inaudible*) based on the 551 plan. So you have those two hits and then there is also, we have to buy into the 553 plan. That was established as a 10 year buy-in and that's \$350,000 every year so there was the first installment of that buy-in is in the results for 17' actuals but it's not in the budget.

Chairman Niebel: So for 2018, have we built in for retirements for 2018?

Mrs. Dennison: Yes.

Chairman Niebel: I guess my question is, I mean, yes, I understand it was very - you couldn't have budgeted for the contract approval in 2017 and these 10 additional retirements at \$738,000 but for going forward, in 2018, you think we have budgeted for any additional retirements?

Mrs. Dennison: We had built in - like the big hit is that buy-in, that 10 year charge.

Chairman Niebel: Again for 2109?

Mrs. Dennison: Yes. So one year of the buy-in, installment number two is in the budget for 2018. So 17' is the first payment and 18' is the second of ten. So there is a budget in 2018 of \$350,000 for that buy-in payment that we know we are going to get and then the 18' budget, all of the Sheriff's personnel, all the deputies, they are all budgeted in the 553 plan. So they are all budgeted - their retirement rate is approximately 25% for all deputies, for all of 2018. That is the rate that we are being charged by the State Retirement System.

Chairman Niebel: Folks, any more questions regarding the retirement?

Legislature Chairman Wendel: I guess the concerning part of this is, I know that it's beyond your control or anyone at the table but, sitting in those meetings in deliberations and I voted against the contract and faced a lot of criticism, with the understanding that we were assured that we would have those retirements and we didn't. We were assured that this would be a savings to the County and then we see \$738,000. Moreover, what's concerning is the increases that have taken place in the last three years and maybe we can touch on that again, I don't know if Mr. Niebel is your intent, but \$2.813 million dollars we've exceeded in the last three years. Six hundred thousand the first year, \$900,000 last year, \$1.3 million this year, I guess, is it concerning or not concerning that we find those numbers in the budget every year? I guess at the end of the year we're going to say this is cost neutral but we found \$1.2 million dollars in the budget, \$800,000 of which, now is in front of our budget.

Chairman Niebel: P.J., it's not cost neutral because actually Kathleen has stated, we're actually taking \$878,000 from Social Services. That is another department. If we didn't have to take it from that department to make up the shortfall here in the Sheriff's Department, we could use it some other place or, better yet, we could not budget for it and reduce the taxes. It is a concern. I don't know that we're going to go into the last three years right now, right here with this here, but certainly I think when it comes to budget time we're going to have to discuss some of the retirement overages and also I mean there is another shortfall of \$296,909 in the .1. Maybe we could just touch on that a little bit. It's probably what, overtime?

Ms. Cresanti: Yes.

Sheriff Gerace: As you recall Mr. Chair, that was something that the Legislature reduced from our proposal.

Chairman Niebel: Yes it was, Audit & Control did, I'm aware of that.

Ms. Cresanti: Also, just a brief note –

Chairman Niebel: Now that's for 2018, right?

Sheriff Gerace: I recall, well it may be in (*cross talk*)..

Chairman Niebel: Well o.k., you are thinking it was 2017?

Sheriff Gerace: Yeah.

Chairman Niebel: It could have been. I was just thinking in 2018 but I'm sorry.

Ms. Cresanti: I just wanted to make the note too that in 2016, those .1's were over \$753,000 and in 2017 it's \$295,000 so it's showing its moving in the opposite direction.

Chairman Niebel: And I understand. It's overtime, that is a difficult thing to control but again, if we're having shortfalls in this, we need to try to do a little bit forecasting if we can

because it does affect our budget and quite frankly, it affects the tax rate we impose on the taxpayers.

Legislator Pavlock: How are we doing with personnel at the Jail? I know we discussed at budget time why it does drive up the cost. People having to work overtime, how is the turnover rate there? (*Inaudible*) is there any growth there?

Sheriff Gerace: We don't have an issue with turnover of the full time employees but with part time employees the turnover is higher than I would like it to be obviously. We spend a great deal of effort, time, and money training people and they stay and get frustrated because they don't have full time positions open for them. So it's that balancing act. It's not less expensive for us to hire full time people over part time. Even considering the turnover. Kathleen had done a little bit of a study of that and we're still ahead of the curve by hiring part times. And the thing with the full time employees, as they increase in length of time they work for us, they also get increased benefits which is time off (*inaudible*) so now we have to have people to fill the gap when they are on vacation or utilizing comp time. So, it's something that we will continue to try and improve on by adding – right now adding part timers is harder than you think. I think only 30 people took the civil service exam which is – we'll be done with that list in no time.

Legislator Bankoski: You have to take into consideration the inmate population which fluctuates on a day to day basis.

Sheriff Gerace: I'm going to say that what we were facing with Jail overcrowding and taking out the retirement which we couldn't, myself as Sheriff, had no control over. Zero.

Chairman Niebel: Exactly.

Sheriff Gerace: We're less than a half a percent over budget, including revenue, when I was boarding out 30 inmates. That is landing a helicopter on a pinhead.

Mrs. Dennison: I would just like to add that Legislator Chagnon asked me to personally monitor the Sheriff's budget components and we have been doing that on a monthly basis and all the trends were really quite positive. So, I have to say that these large adjustments, these two large adjustment from the State Retirement System, quite frankly, I did not see that coming. We would have been ringing the bell sooner had we known that that was coming and it's a big number.

Chairman Niebel: Not necessarily Kathleen because who knew if that was going to pass too. There is a chance that the contract might not have passed through the Legislature so if it hadn't, your numbers probably would have been a lot closer. It's just one of those things and if you think – I'm sorry Kitty, go ahead.

Ms. Crow: I would like to, if you don't mind, just for the benefit for some of the new Legislators as well as to refresh the committee, on some of the points on the contract that were concessions by the Union and the projections we made for the long term savings effect, so we did know – it was the decision of the Legislature to amortize the buy-in payment over 10 years

which, and pay interest on that, so, we did know that we were going to have that payment and it did come in in 2017. We know that the contract was adopted late in 2016 so none of the cost of the contract were incorporated into the 2017 budget. So every effect of the contract we knew that we would see a variance to the 2017 budget. We knew that going into 2017. So, as just a refresher, some of the long term savings that we will see, not just in one year, but over a 20 year period are the turnover staff resulting in the lower wages of the newer deputy. All of the bargaining unit has converted to the high deductible health plan and so that is a much lesser cost health plan than the PPO plan so they did that not only for all of their active employees as well, they did it at retirement. So at retirement they only have the option of the high deductible plan. We additionally – they agreed to change the rules of their cash out to which significantly reduced the cash out value if they offer the cash out versus to continue insurance. So, those are long term savings that we will see, recur, every year. Then another data point on the number of retirements. Prior to 2017, we were averaging about 1.8 retirements per year. So going from an average of 1.8 retirements a year to having had in one year with the significant incremental savings in wages and that will continue going forward. I just wanted to refresh every ones memory on some of those data points. While it is a variance to the 2017 budget, we expected a variance and going forward, we will see residual savings long term.

Chairman Niebel: O.k., Kitty, the 10 retirements were less than what we projected.

Ms. Crow: Correct, well we – when we provided the scenarios to the Legislature, we said, based on – we weren't trying to guarantee 12, but if 12 retired this was the projected number. If none retired, this is the projected number.

Chairman Niebel: So we fell a little short.

Ms. Crow: Yeah, but I think 10 out of 12 is pretty good compared to normal 2 so I think we're definitely on the right track for realizing savings over a period of time we anticipated.

Chairman Niebel: Any other questions?

Legislature Chairman Wendel: I guess I'm the fly in the ointment. I asked you for answers over three years but the last two is the overtime in the Jail, we helped rectify that, where should we see an end to the increase in this scenario that we've played out in the last few years? This number has increased year after year and again, we should applaud the fact that we can find it in the budget but the Sheriff was concerned when we were cutting \$500,000 from this year's budget and we found \$1.2 million dollars in their budget. (*cross talk*) I'll take that back, minus \$800,000.

Chairman Niebel: Because some of it is coming from Social Services.

Legislature Chairman Wendel: Right, so if we don't have the \$800,000, we're in the hole. Again, I'm not putting a face with this, I'm just saying flat out, these increases have come every year and each year I'm not seeing that there is a different response as to why. Did we plan next year at a \$1.7 million dollars, \$1.5 million dollars? I don't know, because we are \$800,000

short. Like you said, when people look and ask questions of us as Legislators, that is a hard question to answer.

Chairman Niebel: P.J., the retirement thing, it was after the contract, they didn't have a chance to budget for it. They projected 12 retirements, we fell a little short, so that explains in part because of the, what did you call it Kathleen? The 553 plan?

Mrs. Dennison: The 553 is the –

Chairman Niebel: Twenty five percent?

Mrs. Dennison: Yes.

Chairman Niebel: So that's a little bit more than I guess we had anticipated. I understand that 2 years ago the personal services, we were short \$700,000 or there about and now it's down to \$300,000. Again, these are great numbers but I think at least the trend is downward.

Sheriff Gerace: Mr. Chairman, it's \$120,900 that we are short, outside of our budget, if you exclude the retirement system which absolutely zero control over that.

Ms. Cresanti: In 2016 there was \$444,000 that had to be found outside our budget.

Sheriff Gerace: We have done a tremendous job considering what we faced for challenges.

Legislator Vanstrom: A \$120,000 is one number (*inaudible*).

Ms. Cresanti: Actually there is two of those (*inaudible*) retirement (*inaudible*) \$113 and the third row from the bottom, \$19,021, that also applies to the retirement (*inaudible*)... So if you subtract those two numbers from that \$878,000 that had to be taken from the other department, there is actually only \$120,000 that applies to our normal anticipated controlled budget that would have had to be seek outside of our department.

Chairman Niebel: So Kathleen, basically the \$738,000, that whole increase in the .8, is more or less attributable to the contract?

Mrs. Dennison: Yes. I mean there is the surcharges because of the retirement cost. Also included in that \$738,000, there is a benefit in health insurance. The health insurance costs were \$92,000 under budget and they are under budget because all of the deputies are now in the high deductible plan and they were budgeted on the plans that they had in June of 2016. Some PPO plans, some high deductibles. So, the \$738,000, like I say, there are the extra charges in the retirement rate, but offset – we're already seeing some savings in health insurance. As Kitty indicated, those savings, those will continue every year because everybody has to be on the high deductible plan. So that \$738,000 is in that expense. Of that \$738,000, \$350,000 we're going to see that charge every year. That is not going away but it is in the budget going forward into 18'. But the adjustments in - there are adjustments in 17', \$527,000 worth of adjustments, that is for

prior catch up, if you will, catching us up to being on the 553 plan from the beginning of time. So, those adjustments for 2016, 2017, will not continue so we feel like we built in the higher rate into the budget for 18'.

Chairman Niebel: Kathleen, the \$350,000 going forward each year, that's part of the amortization.

Mrs. Dennison: Correct.

Chairman Niebel: Over the 10 years.

Mrs. Dennison: Yeah, so that doesn't go away. We have 9 charges coming.

Legislator Pavlock: That's the \$350,000 every year?

Ms. Cresanti: For 10 years, yes.

Mrs. Dennison: I should comment also Mr. Chairman, the \$738,000 is in one department, in the main department, the Sheriff's as Jennifer mentioned. There are deputies in other departments where we have the same kind of thing going on, higher retirement costs because of the conversion. So there is another \$20,000 expense in the snowmobile/navigation unit. But there are also wage savings. So if you look on the amendment, under the Decrease Appropriation about a third of the way down, you have, for personal services, Sheriff, there is increased appropriations of \$110,507. That's a savings in wages versus budget because of the –

Chairman Niebel: New people coming in at a lower rate.

Mrs. Dennison: Right, so you have the extra \$738,000 expense but that is offset by \$100,000 in savings in wages.

Chairman Niebel: P.J., I understand what your concern is about the overages in the Sheriff's department over the last two or three years.

Sheriff Gerace: Mr. Chairman, I would like to clarify this now. What P.J. is saying is including revenue shortfall when he's talking about numbers so overages isn't the appropriate term. Again, when you rely on Federal inmate revenue and the Jail is full of local inmates, you are going to see a lack of revenue. That is not over spending. Either we cannot get them in because, for instance, INS no longer boards out, or we have so many local inmates that there is no room for Federals.

Legislator Vanstrom: You should use bracelets and send most of them home.

Sheriff Gerace: Some of them you don't want home.

Chairman Niebel: Joe, whether it's overage or whether it's a shortfall, we have had to make considerable adjustments to the Sheriff's Department budgets the last few years. Now this

year, look, I tend to agree, because of the contract, because what was settled, the retirement and stuff and you can't exactly project how many people are going to retire, I think that is understandable but I think going forward, we will have to – to the extent that we can and again, it's a difficult situation but to the extent that we can, we need to try and get a handle on the overtime at the Jail because \$300,000 overage in the .1 is a significant overage.

Legislator Vanstrom: You mean the overtime in the Jail?

Chairman Niebel: Yeah. It's my understanding and I have people right here, confirm or deny that if somebody doesn't show up to a shift, you have to stay there until they are relieved. *(cross talk)*

Sheriff Gerace: Forced overtime.

Legislator Vanstrom: And that means that you don't get to go home to your families, your picnic, your birthday parties until they fill that spot. So, I'm starting to feel that with those circumstances and a need for supervision, that overtime in that circumstance can't be necessarily helped.

Legislator Bankoski: You are mandated by the Office of Corrections. You are supposed to have so many officers supervise so many inmates and usually on the weekends we're on the skeleton crew, minimum staffing and if that happens, you can't close the post. You need to fill that post. Unfortunately you are mandated by the State. You can't say, I don't want to go, but you have to stay period.

Sheriff Gerace: And it's done by seniority, so the least senior people get stuck. It gets really tough when we're in times where they can see it coming. Somebody has been sick so they go, I'm the least senior person on shift. I can't work a double, so I'm sick and then you have to fill the post.

Legislator Bankoski: Very seldom the opposite. When you see it coming and say, I packing lunch and dinner today because *(cross talk)*, I don't want my overtime, I don't want your overtime. I'm coming to work today because I'm a good officer and I want to do my duty for the taxpayers of Chautauqua County. I'm going home at four.

Sheriff Gerace: The solution would be, authorize me to hire more staff. That is not necessarily a cost savings to you because - in fact, I go to the private sector for this. I put together the Sheriff's Advisory Council, I have private sector look at our budget and one of the local business leaders said, your overtime actually is way too low. I said, "excuse me". He goes we do this factor of how much can I use an employee before it starts costing me more to hire another employee. So you are not using enough overtime to get the most out of the employees that you already have employed. Then a light bulb came on. But overtime stands out like a sore thumb. If you want to authorize me to hire more full time employees, we'll have a lower overtime rate. It won't be the best money.

Legislator Bankoski: Retirement stuff will all increase.

Legislature Chairman Wendel: (*Cross talk*) now but unfortunately the same business people, when the tax rate goes up, they are going to be sitting here pounding the door and saying (*cross talk*)....

Sheriff Gerace: The point is P.J., when you hire a new employee let's say at \$60,000 a year, when you put all the benefits together, not a new employee, make it \$50,000 but, you can get a lot of hours out of somebody that is already trained, equipped, whatever, for less than \$50,000, but it goes up into overtime. So, I'm not – again, I don't want my people to have to be forced into overtime. That is unthinkable. You are missing your kids birthday party, you can't go to Christmas, they have to stay. They become prisoners themselves.

Chairman Niebel: We're going to have to wrap this proposed resolution. Any more questions for Jennifer, for the Sheriff, or Kathleen? If not, all those in favor of the resolution as amended?

Unanimously Carried as amended

Proposed Resolution – Authorize Agreement with Silver Creek Central School District for Resource Officer

Sheriff Gerace: This is a continuation of the School Resource Officer we have in Silver Creek, the contract and there is no local share costs to us. They provide reimbursement for the deputy.

Chairman Niebel: Actually Jennifer this is probably a question for you. We have the cost here, we have the revenue account, the \$75,713 is coming out of what appropriation account? It doesn't say in the resolution. It's coming out of your 3110 budget?

Ms. Cresanti: Yes.

Chairman Niebel: Folks this is a continued resolution. They have Resource Officer in Silver Creek every year. Any questions?

Legislator Bankoski: Is that the same officer all the time or does it rotate?

Sheriff Gerace: Well, it was Kevin Link and with his untimely passing, it's now Wes Johnson. So we don't rotate. They do like the same person always.

Chairman Niebel: Any other questions?

Unanimously Carried

Proposed Resolution – Amend 2018 Budget for Statewide Interoperability Communications (SICG) Formula Grant Award

Sheriff Gerace: We didn't expend the entire amount of the grant because of engineering which will be spent this year so we're moving that money into 2018. No local share to that.

Chairman Niebel: That is kind of self-explanatory. Any questions?

Unanimously Carried

Other

Chairman Niebel: Anything else to come before the committee?

Legislator Bankoski: Motion to adjourn.

Legislator Pavlock: Second.

Unanimously Carried (5:15 p.m.)

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