

Budget Hearing Minutes  
Public Safety and  
Audit & Control Committees  
Friday, October 5, 2018, 9:00 A.M., Room 331  
Gerace Office Building, Mayville, NY

Members Present: (PS) Niebel, Vanstrom, Pavlock, Whitford, Bankoski  
(AC) Chagnon, Gould, Muldowney, Nazzaro

Others: Tampio, J. Hansen, T. Narraway, J. Griffith, Volpe, V. Hayes, J. Cresanti, Sheriff  
Gerace, Hemmer, Crowell, Swanson, Barone, K. Taylor, C. Woodfield, Wendel,  
O'Connell

Chairman Niebel: Kathleen, do you want to just give us a quick overview of what to expect?

Mrs. Dennison: I would be happy to. Thank you Chairman Niebel. I am going to start with just a brief overview of the budget itself. Some overarching principals that are in the budget and then I'll go through a quick review of the materials that you have in front of you. As you heard at the presentation by the County Executive, the 2019 tentative budget has no increase in tax rate, no use of general fund balance. There are significant investments in capital improvements and there are also no unfunded additional positions. Some departments have some additional positions, some have less but the net overall is, there are no unfunded positions added to the 2019 budget.

Chairman Niebel: The tax rate stays the same at \$8.44.

Mrs. Dennison: Yes. The base pay for departments that you will see today include increases associated with step increases and also includes increases for contracts that have been settled. The DSACC contract has been settled through 19' so there is an increase in base wages of 1 ½% for the Sheriff Deputies Union, CCSSA, and the Lieutenants union also has a settled contract through 19', so there is a pay increase of 1.5% for the Lieutenants union and there is also a 3% increase for managers. Departments have the option to change that but in most cases, departments have gone with the default which was the 3% increase for manager positions. The base pay does not include any increase for the union contracts that have not yet been settled. So that's CSEA 6300 there is no increase CSEA 6322 the part time deputies, there is no increase and also the Correction Officers union, no increase in base pay. For health insurance. We have this year, an increase in medical health insurance rate of 1.86%. It's a very mild increase compared to last year which was about 10% and we also have some savings in health insurance because a lot of people have migrated to the high deductible health plan so the budget assumes that everyone that has the election today that they keep that health insurance election going into 19'. Again, if departments, if they know what specific individuals are making a change, they can change that but the default is at the health insurance election will remain the same. So because of the increase in people on the high deductible plan, if you look at the operating funds, the A, D, DM fund, we are looking at a \$700,000 decrease in health insurance premiums in 19' versus 18'. Then one accounting change that effects almost all departments and that is, we are making a

change in the accounting procedures for occupancy costs, the CSEA President, and NYSAC dues. Currently those expenses are distributed through operating departments so each operating department gets its charge for its occupancy or its rental space. We are consolidating those charges in 19' so all of the occupancy expenses remain in Buildings & Grounds. The cost for the CSEA President is consolidated into Human Resources and the NYSAC dues is consolidated into the County Executive's budget. So most departments do have a decrease in their contractual costs because they no longer have those expenses in their organization. That was done to just streamline the accounting and also to match how we treat other expenses like I.T. expenses, Record Management, those were consolidated a few years ago into the main department that administers those expenses so now we're trying to do that with all expenses where it's practical. So those are some changes that effect almost all departments.

Then going onto the book itself, the book starts with the tentative budget. This is the document in front of the black tab. This is what is posted on the internet and has a summary for each organization by the classification level. Most of this information we're really not going to use during the hearings because we'll be using the detail reports that follow that.

Following the tentative budget, there is a tab for each organization. They are in order by organization number and each section has a budget summary and then a line item detail. What we have been asking the departments to do in general is to walk through the summary pages for their organization and just explain the comments that they have included and elaborate on them as necessary.

You also have in front of your binder a report that shows 12 months of actual activity. Actual from July of 17' through June of 2018 and those results compare to the 2018 budget and the 2019 budget. The actual information in your line item detail is only 6 months so the 2018 actual will be only 6 months of activity. This report will give you a full 12 months of actual. Then you also have a report of cash flow projections. Shows the cash flow and fund balances going from 2019 through 2022. Any questions of me before we move onto the departments?

Chairman Niebel: Kathleen, thank you. I'm sure we'll have more questions later on but thanks. Folks, what we are going to do is change the order just a little bit. We're going to take Unified Courts and Probation. Unified Courts first, followed by Probation. That should only take about 20-25 minutes for these two departments and that will give us more time for Emergency Services from like 89:30 to 10:15. I expect there will be a lot of discussion as far as the Fly Car program. So with that, Kathleen, do you want to talk about Unified Courts?

*Unknown speaker stated that wouldn't be Kathleen.*

### **Unified Courts:**

Legislator Chagnon: Mr. Chairman, if I might. I would like to explain a change that we're going to have to do to the Assigned Counsel budget. In recent times, New York State was sued by 5 counties because their opinion was, New York State was providing insufficient support to the counties to provide adequate indigent legal services and the State lost the law suit so they have settled with those five counties. It is referred to as the Hurrell hearing settlement. So now the State is in the process of rolling out that same level of support for the rest of the counties in the State. So they have brought to us, they being the State Office of Indigent Legal Services, a proposal to provide us funds, roughly a million dollars next year to increase our support of

Indigent Legal Services. The majority of those funds will go into the Public Defender's office. A portion of those will go into Assigned Counsel.

Chairman Niebel: I believe that's \$89,000.

Legislator Chagnon: Right, \$89,000. Actually slightly less than that. So our agreement with the State is that they will provide these additional funds so long as the County continues its same level of support to Public Defender and Assigned Counsel which means that whatever we budgeted for last year, we would commit to budget again this year and then the funds they are providing us will be supplemental to that. Which is what they are trying to do is increase the level of funds available to improve Indigent Legal Services. So, as a result of that, the County Executive's tentative budget didn't quite know what to do with the funds for Assigned Counsel so they stuck them into Assigned Counsel which I agree with. But, in that process, they increased the County's local share support to Assigned Counsel which should not have been done. So, if we adjust the local share for Assigned Counsel back to what it was in the 2018 budget, that would result in an \$86,846 reduction in local share for Assigned Counsel. So that is the first piece that needs to be done. But, then from there, we have in discussions with State Indigent Legal Services, agreed that rather than just throw more money at Assigned Counsel, which we and the State agree is not a program that has been run very well in the past, that there is not a lot of oversight to the expenses and the State feels that the quality of the legal representation could be significantly improved. So we have agreed with the State that we would hire a Conflict Administrator who would manage the assignment of the assigned counsels and supervise to make sure they are providing quality indigent legal services. That individual cannot work with the Public Defender or the District Attorney. So we agreed that that individual will work for the Legislature. So we will be setting up a Conflict Administrator sub-department to the Legislature and transferring those funds that Indigent Legal Services can be providing for assigned counsel to that department. So that will have no impact on local share. It's just a transfer of funds from Assigned Counsel to the new sub-department of the Legislature for the Conflict Administrator. Sorry for the long explanation but the net result is that we'll see a reduction in the local share from the tentative budget of \$86,846.

Mrs. Dennison: Mr. Chagnon, can I ask a couple – points of clarification so we know the precise amendments to make. The Conflict Administrator would be a position added to Department 1010, Legislative Board or Clerk or do you want to make that a new department?

Legislator Chagnon: A new department.

Mrs. Dennison: O.k., so we'll have a new department with the personnel costs and revenues associated with that.

Legislator Chagnon: Right.

Mrs. Dennison: And the other amendments would be to –

Legislator Chagnon: We'll start out as not a full time position. This settlement proposal that is yet to be finalized because this is going to be a year by year budget adjustment for the

funds coming to the County but at this point what the State is anticipating is that this year, for 2019, we'll get additional million dollars, the following will get \$2 million dollars, the following year we'll get \$3 million dollars, the following year we'll get \$5 million dollars and it will stay essentially at that level going forward. That is their plan but they have to see how this develops year by year. It could be more, it could be less. So, the Conflict Administrators budget should essentially double in 2020.

Mrs. Dennison: And what would you like that new department to be called?

Legislator Chagnon: Conflict Administrator. That's an official State term for it. There are other counties that have implemented a Conflict Administrator and have had great success with it. As a matter of fact, our neighbors to the east, Cattaraugus County, has a Conflict Administrator so they will be providing us advice and assistance as to how to get this up and going.

Chairman Niebel: One question, you and I had talked about putting it under the Legislature at one time, but you think a better way to go would be to create a separate account.

Legislator Chagnon: It would still be under the Legislature, under its own department.

Chairman Niebel: A sub-department under the Legislature?

Legislator Chagnon: Right, to track all of its costs and expenses and revenue.

Legislator Nazzaro: So is that an added position to the Legislature?

Legislator Chagnon: Yes.

Legislator Nazzaro: That will take effect in 2019.

Chairman Niebel: And it's completely offset by the State aid. Kathleen, whenever we need to do that we'll make an amendment to that.

Mrs. Dennison: Do you want to wait until the end of the meeting?

Chairman Niebel: What would you prefer? After you get done with discussion with the Unified Courts.

Mrs. Dennison: That sounds like a good idea. We'll go through with all the Unified Courts and then we'll propose an amendment to make changes.

Legislator Whitford: That position, that is going to be filled by the normal process? A committee to review and send to the – and then back to the Legislature?

Legislator Chagnon: I would anticipate that. It's up to the Chairman of the Legislature to decide how he wants to do that. The State is also going to assist us with job descriptions and the types of people we're looking for. Give us advice on how to pursue (*inaudible*).

Mrs. Dennison: As Legislator Chagnon indicated to me has covered the changes to Assigned Counsel so we'll detail those precise amendments if you will, at the end of the Unified Courts discussion.

The next department we're in organization two and the next department after Assigned Counsel would be A1162.1125, Indigent Services Child Custody. This is a contract for Family Court legal representation of indigent persons and it is contract that is administered by the County Attorney's office. So the County Attorney has provided the amount of that contract for 2019. I should bring up at this point that one thing we considered with the County Executive was moving this department under the County Attorney organization. So I offer that for your consideration. We have not done it in the tentative budget but as I say, it is something that we consider. I think it is a good idea because this work really is overseen by the County Attorney. So that is an option for you. Any questions on that department?

Next up we go into the courts. 1162.1135 through 1160. Now this one summary sheet includes the Supreme, Family, Surrogate, and Library courts. So there are actually four different departments included in this summary. Again, those would be 1135; Supreme Court, 1140; these are sub-department numbers, 1140; Family Court, 1145; Surrogate Court, 1160; Court Library. All of those departments, in the past, they have included an occupancy charge and a charge for insurance. With the new accounting model, there are no occupancy charges for the courts so the only expense that they are assessed is their portion of the County liability insurance. So that is why there is a significant decline in the appropriations for all of those courts. Any questions on those?

The next department is sub-department 1180, Justices and Constables. There is a small fee every year. These are felony fees that are paid by the State to towns and villages but apparently it's the County that is supposed to pay this. So essentially the County has to incur expenses and reimburse towns and villages for felony (*inaudible*). That is through the Unified Court system.

Then the last department is sub-department 9999, miscellaneous. We do get \$215,000 payment from New York State for court occupancy expenses so we will presume that we'll continue to get that.

I have one other (*inaudible*) for consideration. The Assigned Counsel department. We have discussed with the County Executive moving that department under the Public Defender before hearing this new information about the court settlement. Again, that Public Defender seemed like he had a big role, has a big role in the in the filling of these cases which we assigned to outside counsel. So that was also kind of a question mark, whether we wanted to move the Assigned Counsel department to a different organization.

Legislator Chagnon: Actually Kathleen with the new direction we're taking with the Conflict Administrator, that cannot go under the Public Defender.

Mrs. Dennison: Could the Assigned Counsel and the Conflict Administrator could those be combined?

Legislator Chagnon: It could be combined if that was the preference.

Mrs. Dennison: So that is another option. Move that Assigned Counsel move that, the whole department, to the Legislature and put the Conflict Administrator in that department.

Legislator Chagnon: I think that makes sense. We'd have all the cost of the Assigned Counsel together under the Conflict Administrator.

Mrs. Dennison: All the costs and all the revenues. O.k. So the department numbers for Assigned Counsel would not change. We'll just change it in our organization structure to have that department, 1162.1120 report to the Legislature.

Legislator Chagnon: With the new name of Conflict Administrator.

Mrs. Dennison: O.k.

Legislator Chagnon: The State is really big on Conflict Administrator.

Legislator Nazzaro: So that will be a contractual expense then? The Assigned Counsel?

Legislator Chagnon: Yes.

Mrs. Dennison: Just to confirm and reiterate the changes as I understand them, we're going to, under department 1162.1120, we're going to increase appropriations and personal services, employee benefits, and contract expenses, all three of those items associated with the Conflict Administrator. We would then be reducing the contractual expenditures \$175,846 to bring the Assigned Counsel expense back to a 2018 budget amount of \$524,154. No?

Legislator Chagnon: No, because it will be the 2018 adopted budget plus the additional revenue of the \$88,000 so the new total for contractual would be \$612,238.

Mrs. Dennison: So it's going to increase from \$700,000 –

Legislator Chagnon: To \$612,238. And the State aid instead of being \$89,000 it's actually \$88,084.

Mrs. Dennison: So we would be decreasing the revenue from \$89,000 to \$88,084. That is a decrease of \$916.00 of revenue. And decrease in appropriations of \$87,762. Then we'll be adding the expenses for the Conflict Administrator of \$45,000 in personal services, \$24,000 from (*inaudible*) employee benefits, contractual costs of \$18,784 and then adding (*inaudible*) State aid revenue of \$80,084. Any other changes?

Chairman Niebel: Kathleen, you are going to help us out with the amounts but what do we need first? We need a motion to create this subaccount under the Legislature for Conflict Administrator?

Mrs. Dennison: We do not because the department already exists and you don't need a motion to move its place in the organization. You don't need a motion to change it.

Chairman Niebel: To have a subaccount for that?

Mrs. Dennison: No, it already exists. You just need a motion to change the appropriations and revenues that we just discussed.

Chairman Niebel: Do you want to do it as one motion, two motions and could you help us with the wording of the motion?

Mrs. Dennison: I would suggest that we do one motion that pertains to the Assigned Counsel because there are a lot of changes associated with that. We'll have to double check the exact revenue account numbers. But it would be to increase appropriations for Department A.1162.1120.1 \$45,000., increase appropriations for the same department .8 for \$24,300 and then in the same department .4, it would be decreasing appropriations, the net amount of \$68,978 and then we would be increasing revenue in A.1162.1120. State Aid, account number to be determined, it would be an increase in State Aid, net amount of \$87,168. Janelle and I will double check all those numbers but based on the discussion, I believe those are all correct.

Chairman Niebel: So Kathleen, you need a motion to increase appropriations for what account?

Mrs. Dennison: There are three different ones. Increase appropriation in A.1162.1120.1, .8, and .4.

Chairman Niebel: Alright and decrease appropriations in those same – no, what accounts?

Mrs. Dennison: There is an increase in .1 and .8 and there is a net decrease in .4.

Chairman Niebel: For the same account, 1162?

Mrs. Dennison: Yes. That decrease of \$68,978. The A.1162.1120.4.

Chairman Niebel: So we just need a motion to –

Mrs. Dennison: To recommend those changes to the tentative budget. And also when you pass a motion that would include that we would be moving the Assigned Counsel department from the Unified Courts organization to the Legislative organization.

Chairman Niebel: O.k., folks, we need a motion to recommend these changes in account 1162 and I guess we'll just leave it up to you Kathleen to work up the actual numbers on this. But included in the motion should be a recommendation to change Assigned Counsel to Legislature, is that correct?

Mrs. Dennison: Yes. To have it report to –

Chairman Niebel: The Legislature. Would somebody like to move it?

Legislator Whitford: I'll move it.

Legislator Bankoski: Second.

Chairman Niebel: Those in favor?

*Unanimously Carried*

Chairman Niebel: Kathleen, we'll leave it up to you to work out the details as far as the numbers. Audit and Control, you are all set on this? We'll leave it up to Finance to work out the actual numbers on that but that's essentially what we're going to do.

Legislator Nazzaro: You are making a recommend.

Chairman Niebel: Anything else Kathleen?

Mrs. Dennison: No.

Chairman Niebel: Alright, thank you guys. O.k., next up, Probation.

### **Probation**

Chairman Niebel: Tom, if you just want to give us a quick overview of your budget. The department number for Probation is 13 and just give us the highlights.

Mr. Narraway: As the budget was presented, the overall Probation budget came in at a half a percent decrease. That's subject to some issues. I'm switching some positions around a little bit that we talked about Monday in Human Services but for now our FTE's in the budget went down by 2.17. The .17 is just a correction out of part time (*cross talk*) positions that were reduced were allocated out to the Department of Health and Human Services. Our personnel services went down by the salary for those two positions. Our contractual were affected by the changes that Kathleen listed earlier with the NYSAC and the occupancy. Again, the employee benefits were reduced by those two FTE's. Under department income there's – it's kind of a good news/bad news story. Some of our revenue is derived from supervision fees charged to the people that we work with. For the first time in a long time those numbers have flattened out a little bit. The good part about that is that our officers aren't overstretched trying to cover so many people. The bad news in that is that there is a decrease in the amount of supervision fees that we charge because there isn't that many people to charge. So our supervision fees were reduced by a few thousand dollars. Also under the revenue, from the adopted budget in 18' there was \$182,000 that was a placeholder for a cooperative agreement with Department of Health and Human Services. When it was adopted - under the amended budget those were moved into payroll allocations for two positions. Then we had a minimal reduction in our State aid due to the GIVE grant that we received and was cut back by just over \$1,500. A minor change there.



Mrs. Dennison: We probably should mention that there were some changes to Director Narraway's budget, changes that were recommended by the Health and Human Services committee that significantly effects Director Narraway's budget. So those were, as I said, recommended and proposed by Health and Human Services. It would change a lot of the budget elements because the cooperative agreement – the budget is based on a cooperative agreement between Probation and Health and Human Services for the Juvenile Services Team. We know know that that cooperative agreement is not going to take place.

Mr. Narraway: It was an attempt to try and generate some revenue. Reimbursement from the State for those positions but there was a number of roadblocks put up by the State that just made it prohibitive to try and do that. It was a valiant attempt I think but just didn't work.

Chairman Niebel: Any attempt to increase revenues is good as far as I am concerned but Tom, so actually the contractual increase offset by two FTE's allocated to HHS, that's not actually going to work because HHS, they are not able to get the reimbursement that they thought they were. The State has, I don't want to say nullified the contract but they are not going to reimburse us the way that we thought we could be reimbursed if we transferred those two people to HHS. So, Kathleen, those two positions should be put back into Probation Department and that would be about \$108,000 for personnel and about \$49,000 for benefits. So his .1 will increase about \$157,000?

Mrs. Dennison: Compared to what the budget is now, yes.

Chairman Niebel: It looks like the way we're going to have to go because of the State not willing to certify that contract –

Mrs. Dennison: So the changes is as exactly as you said Chairman Niebel. The two positions would come back to Probation, would increase the local share of approximately \$157,000. The revenue was already taken out of Probation budget so there would be no change in the revenue picture but Director Narraway would get these two people back.

Mr. Narraway: Yeah, just so we're clear, those aren't additional positions. Those are positions that we've had for years and years. I guess while we're talking about positions, it's probably a good time to mention that we will be adding some positions. They are not under my budget. They are under the Raise the Age portion which is in the HHS budget. Essentially, Raise the Age, I'm not sure how aware that everybody is but basically we're going to start treating 16 year olds, as of Monday, as juveniles and following October 1<sup>st</sup>, we're going to start treating 17 year olds as juveniles as opposed to having them in the adult criminal system. The State has put out a whole very elaborate set of rules and regulations. Instead of doing it simple, they really complicated things but it's also a good opportunity for us to provide some services and programs to kids in this age group. So in order to do that, we will be, depending on the volume that comes in over the next year or two, adding up to 3 Probation officers and potentially a supervisor that would have to be added due to the Probation officer to supervisor ratio that the State mandates. The good news is, the State has said that they will fund that 100%. So, it will be a wash and will

allow us to do some more work and some better programs with these youth. But, it will be some added positions.

Chairman Niebel: Tom, I'm going to ask you a couple of questions on the detailed analysis before Jay Gould does from Audit & Control. On page 2, there is an increase of \$1,000 parking reimbursement, CSEA. That's negotiated, you don't have much control over that, is that correct?

Mr. Narraway: That's correct.

Chairman Niebel: As far as other supplies increasing by \$1,100, is that mainly for computers?

Mr. Narraway: Yes. That is based on the replacement recommendation from the I.T. Department.

Chairman Niebel: Then if we drop down just a little bit, equipment/maintenance, \$500 increase. That is based on a State contract you have for your data base?

Mr. Narraway: Yes, for the date base we use.

Chairman Niebel: Then if we drop down to page 3 of 4, subscriptions/memberships increase of \$700. That is mainly because you want to take your Deputy Supervisor, you want to have him or her more involved with this, membership, going to different things.

Legislator Narraway: As well as a cost increase from that organization, Council on Probation Administrators membership.

Chairman Niebel: I'm sorry, what was that last bit?

Mr. Narraway: It's for a Deputy Director to be in that organization as well as myself and they have also raised their rates.

Chairman Niebel: I think that is a good idea to have them become more involved with that. With that, folks, anybody else, any questions for Tom as far as is budget?

Legislator Chagnon: I'm not sure if this is a question for you or Kathleen but looking at your personnel services, your benefits. From the adopted 2018 budget, if we amend it, your personal services drop by \$197,000, reflecting the people – I assume the people you transferred to HHS. Now from the 2018 adopted budget to the 2019 tentative budget, we're only seeing a reduction of \$70,000. So the difference of \$127,000 is an increase in personal services, between the change to the transfer and 2019 plan. Before we had talked about bringing those two officers back. It amounts to an 8% increase in personnel services and benefits. I was wondering what the 8% is comprised of? It says contractual increases but 8% (*inaudible*).

Mrs. Dennison: You have a change in one of your positions because we added a Deputy Director (*cross talk*)...

Mr. Narraway: There is about a \$3,000 increase there to move one of the supervisor positions to a Deputy Director.

Legislator Chagnon: I don't mean to put you on the spot today Tom, so perhaps between you and Kathleen, you can get that detail to us.

Mr. Narraway: Sure.

Chairman Niebel: Pierre, as far as the dollar amount I think we can get more information on that but I think based on what we heard from HHS the other day, I think we're going to have to put these two positions back in Probation.

Legislator Chagnon: I agree. This is exclusive of that move.

Chairman Niebel: Alright.

Mr. Narraway: So I answer the question correctly, was that base pay or base pay and –

Legislator Chagnon: Personnel services are increasing by \$127,000 and the benefits are increasing by \$66,000.

Chairman Niebel: So whatever accounts for that increase Tom, try and get us a little bit more detail information on that.

Mrs. Dennison: I'm sorry, after we return the positions to Probation, the base pay would be \$1,796,000, which is only a 2% increase over the adopted budget.

Chairman Niebel: That's that \$108,000 for personnel?

Mrs. Dennison: Yes. Is that driving your figures Mr. Chagnon? We have a million six eighty eight and we added \$108,000.

Legislator Chagnon: O.k., so when they left his budget, personnel services went down by \$197,000. Now when they are coming back, they are coming back at \$108,000.

Mrs. Dennison: When we did the amendment budget, we were assuming more. It's two full time positions that are in the 19' budget that were proposed to go to Health & Human Services. The amendment in 18', it was four positions in that.

Legislator Chagnon: So what has happened to those positions?

Mrs. Dennison: In the 18' amended budget, we were sending that work to Health & Human Services. It never really left Probation. So we're bringing those positions back into the budget.

Legislator Chagnon: So that should be (*cross talk*) more funds back into the budget?

Mrs. Dennison: We allocated more than two positions in Social Services in 18'.

Legislator Chagnon: Right so if we reverse that then shouldn't there be more than \$108,000 coming back in 19'?

Mrs. Dennison: In 19', we only sent two positions and in 18' we sent 3 ½.

Legislator Chagnon: O.k., are all 3 ½ coming back or just two?

Mrs. Dennison: All 3 ½ are – well, they never left.

Legislator Chagnon: We're not going to settle this right now, I'm sure.

Chairman Niebel: We have a difference between two and three and half, I think right.

Mr. Narraway: I see what the difference is.

Legislator Whitford: He's saying that 3 ½, the funds never left.

Legislator Chagnon: The budget reflected \$197,000 reduction which was the 3 ½, now we're transferring back two at \$108,000. How come we're not transferring all 3 ½ back?

Mrs. Dennison: They are already in the 19' budget. The other one and a half positions are in the 19' budget.

(*Cross talk*)

Legislator Chagnon: So you planned on them being in your 19' budget but the two of the 3 ½ you planned on staying with Social Services contracting. Oh, o.k.

Chairman Niebel: Two of them going to Social Services. The other one and a half are still in the 19' budget. Pierre, we can have Kathleen work out the exact figures on that.

Legislator Chagnon: I'm good with that explanation.

Chairman Niebel: So we need a motion to put 2 FTE's back into the Probation Department.

Mrs. Dennison: Yes, because we did not make that change in Health & Human Services.

Chairman Niebel: So we need a motion to put 2 FTE's back into Probation.

Mrs. Dennison: If I could just give you the exact account information to go with that.

Chairman Niebel: If you want to or otherwise we can just make a motion and you can figure out the figures and accounts later on. Folks, we need a motion to put 2 FTE's back into the Probation Department.

Legislator Bankoski: I will make that motion.

Legislator Whitford: I'll second that.

Chairman Niebel: All those in favor?

*Unanimously Carried*

Chairman Niebel: And again folks, we'll work out the numbers with Finance. O.k., Tom, let me just ask one more time. Any more questions for Mr. Narraway before he leaves?

Legislator Gould: You covered them all Terry.

Chairman Niebel: Just in the interest of time, is all. Thanks Tom.

**Emergency Services:**

Chairman Niebel: Alright, Emergency Services, John, do you want to just give us the quick overview.

Mr. Griffith: The 2019 budget is a reflection of the changes happening in the EMS and Emergency Services system. There is a local share change of \$84,000 brought on mostly because of the change in the way we're booking the revenues and not booking the grant revenues until we actually get the grants in place. So that along with some minor changes in our budget, the budget total is up significantly as we strive to change the ALS intercept system to 24/7, 364 system with a BLS ambulance piece to offset the declining volunteer response in the County of Chautauqua.

Chairman Niebel: John, do you have your budget book?

Mr. Griffith: I have it right in front of me.

Chairman Niebel: As far as our FTE's, they're scheduled to increase by 11.04 but mainly that's 9.9, almost 10 people for the Fly Car expansion.

Mr. Griffith: For the expansion to ALS intercept to 24/7. It's the paramedics and the basic EMT's.

Chairman Niebel: As we run through your - do you have the same thing that we have?

Mr. Griffith: I have it all here, yeah.

Chairman Niebel: This beginning part here, as far as contractual, there is actually a decrease of \$104,780. Now that's Medical Directors?

Mr. Griffith: Medical Directors were contracted and now they'll be through the – do I have this right Kathleen? Through the Health and Human Services and the Sheriff's Department would be County Physicians. So instead of paying them contractually, they would become County employees.

Chairman Niebel: Kathleen, is that set in stone or is that just a proposal to have –

Mrs. Dennison: That was a proposal of the Health and Human Services Committee. In Director Griffith's budget, he already has \$15,000 per Medical Director so he already has in his budget, in the tentative budget, 2 Medical Director positions at a salary of \$15,000 per person and they are in his budget as a .34 FTE for each one. So, when you look at the Emergency Medical Services, you see the FTE's are increasing .69, that's just (*inaudible*) of the Medical Director positions. With the Health and Human Services proposal, it would add a few dollars to Emergency Medical Services budget because the Medical Directors would be full time and they now would be eligible for health insurance. We estimate that the addition to Emergency Services budget would be \$1,300 in employee benefits. But all other costs that are associated with Emergency Services function of the Medical Directors, all the costs are already included.

Chairman Niebel: John, there's probably going to be some questions and discussion on the Fly Car system but let me jump over to your detailed analysis here. On page 7, under other supplies, there is an increase of \$500.

Mr. Griffith: That is on the Tech Rescue Team for their operating supplies.

Mrs. Hayes: We did cut some other areas in the .4's.

Chairman Niebel: I see that, medical supplies and operating supplies but other supplies is up a little bit.

Legislator Gould: What are they? What are other?

Mr. Griffith: The Tech Rescue supplies would be anything from disposable items they use when they are working tools things that have to be – could be pads, gloves, could be (*inaudible*) suits, (*inaudible*) suits any of that stuff that they would use in the tech rescue end of it Jay that would be a disposable type of item as they go forward.

Mrs. Hayes: I know they need some more ropes and things like that, that they are asking for.

Mr. Griffith: We did not receive the Tech Rescue grant this year so we did not have that to fall back on for those supplies that we would have done in the past years.

Legislator Gould: How much was that that you didn't receive? Do you know?

Mrs. Hayes: The previous year – well, it was actually two years ago it was about \$20,000.

Mr. Griffith: We applied but was not granted.

Chairman Niebel: O.k. folks, if anybody wants to look through the detailed analysis of John's department, do you have any concerns for any expenses there? Take a look at that because we are going to get into the Fly Car system.

Legislator Pavlock: A lot of these accounts, I see that you really haven't spent anything in there as much as you did last year (*inaudible*) quite a few, \$2, 3, 4,000, is there just not the need there anymore?

Mr. Griffith: I'll be honest with you, we tried to be as frugal as possible. We really tried to limit the expenses as much as possible. The uniform lines are a little high but we've had a terrible time with the uniform vendors. It's been a nightmare because the vendor we used out of Buffalo, did not get the bid and we're dealing with a vendor out of North Carolina and although we've tried to order uniforms, they have a little back log there, that money probably will be spent before the end of the year. But to be perfectly honest with you, we have really worked, Valerie especially, to try and keep the expenses as low as possible and we have reflected it in the 2019 budget. A lot of those accounts we've actually reduced going into next year as we have tried to offset any possible expense that we would have.

Mrs. Hayes: And every year we do tend to spend more at the end of the year because we don't know what emergency will come up during the year so a lot of our spending is done late in the year.

Chairman Niebel: O.k., any other questions on the detail analysis other than the Fly Car?

Legislator Chagnon: Looking at Emergency Medical training and I'm back at the summary page now, 3989.EMT. So the number of classes that are being given have decreased, I understand that, so the expenses have decreased by \$20,000, but the revenue has decreased by twice that much, \$41,000. Whereas in the past years, the 2018 budget at any rate, they were equal.

Mr. Griffith: The easiest way to explain it Mr. Chagnon is, right now we're running a refresher class in this timeframe right now. Normally in a refresher class, in this timeframe in the fall, we'd have 25 students in that class and every one of those students would bring us revenue at the end of the class. This year we have 8. It costs as much money to run the class for 8 students with an instructors in what you do as it does for 25. So the expenses, we're looking at that trend, continuing to move forward with the number of students down and I don't feel that we can cut the classes out completely. So our revenue will drop off – our student numbers will be

down even lower per class going forward, we feel, as we move on just because of the loss of the EMT's refreshing (*inaudible*).

Legislator Chagnon: You have a certain level of fixed costs and putting a class on -

Mr. Griffith: Yes. Have to have the same number instructors, same number of CLC's, CLI's to do the proctoring and all the skill stations, however you just have less students to do it. An unfortunate result of just the change.

Legislator Whitford: Reimbursement isn't -

Mr. Griffith: Reimbursement is per student.

Chairman Niebel: O.k. John, just to recap, normally you would have 25 people in a refresher course and this year you have 8. And that is the refresher course, not the basic?

Mr. Griffith: Not the basic plus we didn't even offer a basic class. We're offering one basic class in the spring because when we did our survey, we did not have enough students to run a basic class.

Chairman Niebel: Really?

Mr. Griffith: No.

Legislator Pavlock: Why such a drop off in refresher class? Is it people just not refreshing?

Mr. Griffith: Yes. Dropping out of the system.

Legislator Pavlock: Based on what?

Mr. Griffith: It's a trend, Mr. Pavlock, of the change in the volunteer fire system all the way across.

Chairman Niebel: Demographics.

Mr. Griffith: It's a scary time and I don't know how much the Chairman wants me to go into this but -

Chairman Niebel: A little bit, but not a lot.

Mr. Griffith: Let me give you a quick example. This is a call that happened earlier this morning in Westfield. This call came in at 043 this morning for a fall victim, male down on the floor. The first person that went on location to that call was at 1:16, so that was 33 minutes from the time the call came in to the first person that got to that house and that was not out in the



country. That was Prospect in Westfield. That was Brocton, Portland, Ripley, and Westfield were all dispatched to that call.

Legislator Vanstrom: How many members do they have in their fire department right now? Is it the Village? Don't they have two departments, the Village and the County?

Mr. Griffith: No, the one in Westfield Fire Department, they have two companies in that department.

Chairman Niebel: They have quite a few volunteers though in Westfield.

Mr. Griffith: A lot of departments have a lot of volunteers. It doesn't matter how many you have if nobody gets out of bed.

Legislator Vanstrom: So they have two companies?

Mr. Griffith: Yes, a ladder company and a hose company and then they have an EMS squad.

Chairman Niebel: The call is finally answered by Portland.

Legislator Vanstrom: Is that a trend in Westfield?

Chairman Niebel: Throughout the whole County.

Mr. Griffith: Not so much in the whole County. I mean there was a call in Frewsburg earlier this morning for a unresponsive male and for that call, one person from Frewsburg went on the screen as responding. One Assistant Chief and eventually All Star took that call driving all the way out from the City out to Frew Run and if you know the distance, that is quite a delay. There was a call in Forestville this morning, about 8:30-9:00, they hit Forestville three times and they hit Silver Creek three times and no one responded from either one of those departments and then they called and asked All Star to send a unit out of Dunkirk to Cedar Street in Forestville. Again, what's that, another 15 minute drive from when the call comes in? So that was probably a good 35 to 40 minutes that that person waited for someone to show up. And that's three different times a day, two in the middle of the night and one in the morning.

Chairman Niebel: Well Dan, you are right, that leads us into the Fly Car situation here. John, most of the increase in your budget is an increase in the Fly Car system going to 24/7 from where you were, 6 A.M. to 6 P.M., five days a week?

Mr. Griffith: Six days a week.

Chairman Niebel: O.k., and I think and I don't mean to speak for the committee or Audit & Control, but I'm concerned about the revenue aspect and you and I have talked about it. Because according to our tentative budget summary, in 2017, we had actual costs of \$358,000 plus, our income was only \$102,000. That left a deficit of \$255,000. That's 2017 and I know the

program was just getting started and I'm not sure Kathleen, whether this figure includes any accounts receivable that –

Mrs. Dennison: For 2017?

Chairman Niebel: Yes, actual.

Mrs. Dennison: It does include a revenue accrual of \$92,000 for calls that were completed in 17' but funds not collected.

Chairman Niebel: So that wouldn't of been included in our revenue?

Mrs. Dennison: It is included in the 17' revenue.

Chairman Niebel: It is included in the 17' revenue?

Mrs. Dennison: Yes.

Chairman Niebel: O.k., so John, going forward, here in 2018 and these are our projected expenses for 2018, \$626,000, yet and this has been amended, our revenues are projected to be \$300,000. If these figures hold true, we're looking at a \$326,000 deficit in the Fly Car system for 2018. Now you think that it will be a little bit less than that but it could be in the neighborhood of \$300,000., just for 2018. O.k., so now going into 2019, we have a vastly expanded program. So just in 2019 alone, we're going to be asked to come up with an extra – or our expenses are going to be an extra \$596,000, almost \$600,000 and we're going to come up with another \$600,000 in additional revenue?

Mr. Griffith: I believe we will.

Chairman Niebel: O.k., look, let me just state. I think you, I think our volunteers, I think our ambulance crews, and all volunteer people do an outstanding job. I'm not even questioning that but our responsibility as Legislators, as members of this Committee, is to see that these programs are run as efficiently as they possibly can and this program was originally sold to us as being revenue neutral. That the amount of revenue that we took in was to offset the expenses for the program. That is not happening. Now there is a number of reasons for that not happening John. I think you and I have talked about it and the Legislature last month, is starting to correct that. We're going to have an ambulance service which we passed that resolution so now we can bill for Medicaid.

Legislator Vanstrom: We've got a good billing company?

Chairman Niebel: Did you have a good billing company?

Mr. Griffith: Yes we do.

Legislator Vanstrom: As close to home as possible (*cross talk*).

Chairman Niebel: Alright, that's a plus. But there are some aspects of the program that still haven't been worked out. We're still not being able to bill in the cities. You and I have talked and looks like maybe one of the cities will be on board relatively soon but the other one isn't and I think and I'll have to find it here someplace but one of the key components of your revenue stream for next year is a paramedic training or a paramedic, it's not really a preventive medicine thing but, that's in there for like \$200,000. We don't even have the program started. I mean, it's just an idea. It's just in theory so can you appreciate where I am coming from as far as my concern for the revenue for the Fly Car system?

Mr. Griffith: I can and let me go through this a little bit. So, we broke out where we thought our revenue would come through and if we have that put together. In fact, I can give you a sheet on that that shows where we expect the revenues to come from. So on that going forward what we have done is –

Chairman Niebel: The frequent flyer thing, is that permitted (*cross talk*)...

Mr. Griffith: No, that would be the wellness visits, working through the Health Department to visit people to take care of them, to try to keep them from going back into the hospital. If we can keep people on Medicare/Medicaid from going back into the hospital, it's a tremendous savings for the County in the long run too because that is strictly a cost for the County on another place if we can keep them from going back into the hospital. So, we think our existing Fly Car system would bring in about \$434,000. By expanding the Fly Car, we'd bring in another \$363,000. We would have an ambulance service and we can do transports and inner facility transports, billing that at \$245,000 and for BLS, for ALS calls that would be \$83,000. The frequent flyer at \$200,000 and then standby calls what we can do for the public is that we would contract out for \$6,720 for BLS and \$9,120 for ALS. We use numbers that we think are very doable. We did not use full bill rates for our revenues. We cut that back to an average received for a call as opposed to average billed for a call and broke that down on a percentage basis and put a lot of time into it working with our billing company to come up with numbers for the ALS intercept, both of the existing and if we expand it, to move those down to a number that we thought was realistic. The transport BLS calls are figured on a limited number of calls. It's not by any means an excessive number of calls moving around. The program with Health and Human Services, that may be adjusted and if it is we can adjust our costs to reflect any adjustments that happened with them by changing the way we hire our paramedics. If we are forced to cut that back, we can cut that back because we can hire part time paramedics. Originally we had planned to hire 6 new full time paramedics. If we have to cut that number, if it doesn't make it, we could go with 2 part time because for every full time you cut into two part time, you save \$15,000 of person and benefits. So we would cut that back on that end and we would also cut the basic EMT's from full time to part time and we would save, if we needed to, approximately \$130,000 off that number if we had to bring that down.

Legislator Vanstrom: Is that going to cause a recruiting problem?

Mr. Griffith: A new paramedic class just graduated and there are paramedics who are looking for work as they become seasoned and go ready to go out onto the street. There are paramedics from outside the County which we've hired now out of Buffalo and Erie,

Pennsylvania area and there is more then, that would we hope to recruit going forward. I understand the concerns about the funding. I understand the concerns about the revenue aspect. I look at this like a business. I would run it like a business and look at the profitability of it to make it work. I cannot guarantee revenues no more than anyone else can guarantee revenues, what they are, but, I do believe we put together a plan here that is very doable. I'm not sure the plan that was put forth last year was doable, to be honest with you. I can't speak for that. I'm not going to point any fingers and I'm not going to point any blame for it. It wasn't mine but we're moving forward. I think reviewing this ,we spent a lot of time with our billing company, with Valerie on her end, with Kathleen and things we did on that and I feel we have a plan that will work and will fund itself. If you are looking for a guarantee, there is no guarantee. I will say that is is needed though. I don't know if you saw the article in the newspaper today that came out. It was written by Mr. Tom Tarpley out of Westfield. I didn't know Tom, I wished I did because it was written as well as it could possibly be written.

Mrs. Hayes: He's a retired law officer.

Mr. Griffith: Yeah, and I think that he made some good points. I think if you read that, I think that you need to read it again. I think you've seen it, that the sentiments are very well put, very well stated and really hit the points of why we need this program going forward. The example of the calls that I gave today, they are not rare. It's not a abdominally that we would have those calls in the last 12 hours. It's a common event unfortunately. I think the County Executive said it best when someone picks up the phone the basic responsibility of government is if you call for a policeman, a fireman, or ambulance, you should get one in a timely manner. I believe that working with the office and the people in my office, we put together a plan that is fiscally responsible to do just that and we'll continue to work forward to make it fiscally responsible but it's a program that I really feel needs to go forward.

Legislator Bankoski: I agree with you John. What price do you put on a life? If that was me or you or anybody that was sitting there waiting a half an hour because I'm having a heart attack, what is that worth. I think as Legislators, I think we owe that to our constituents, that we provide them services no matter what – within a reasonable cost.

Mr. Griffith: I as a Fire Chief, have waited for an ambulance to come for 5 minutes as an EMT and a Fire Chief waited 5 minutes for an ambulance to get there and as an EMT, I can be doing things. I can't imagine sitting there for 30 minutes waiting for someone to come to your door after you've called. I've talked to the dispatchers and they tell me that people will call back and ask, is someone coming, is someone coming? All they can say is, we're trying.

Chairman Niebel: John, I did have a chance to read the article and thanks for mentioning it this morning. We have a couple of options, o.k. We can just go ahead and approve your budget the way it stands and go to the 24/7 for the Fly Car expansion or we can maybe possibly another option, just postpone it for one more year to see how some of these other things that we're talking about, how they develop. How the Medicaid, how we start to collect that after the first of the year because we haven't been able to collect thus far. See how this new paramedic prevention program develops and how that goes. Look, there has been some kinks. There have been some challenges as far as your revenues, as far as making this program more viable. What

do you think about the option of possibly postponing the expansion one year until let's say, 2020, instead of 2019? What are your thoughts on that?

Mr. Griffith: I think if you postponed it, you would have the same budget issues next year as you have this year because we really need the whole piece to come together. We have an asset in the cars, the vehicles themselves and all the things that are stocked into those cars that sit totally worthless for 12 hours a day plus 24 hours on Sunday. That piece of the asset is sitting doing absolutely nothing whereas if you take that asset and put a paramedic in, now that becomes a revenue generating asset as opposed to a sitting asset.

Chairman Niebel: It can John, but don't forget that you have that asset sitting there but the biggest cost will be the increase in the personnel.

Mr. Griffith: I understand that as far as –

Chairman Niebel: Now potentially that's also your biggest revenue generator but that is a huge cost and a huge expense.

Mr. Griffith: It is. The other part of it is the ambulance part of it. To put the ambulance service into play, to get into the revenue generating part of the ambulance, the revenue from the ambulance a lot of that offsets the expense of the paramedics. We're not looking to go into the ambulance service and start answering calls for volunteer fire departments unless we're put onto their (*inaudible*) cards and they request us to come in as a second or third agency. But there is other business that can be done by the ambulance other than what we call street pick-ups. There is transports, there are different things, and there is stand-byes and things like that. We need that piece to bring in the revenues to offset the expense of the paramedics. We also have to have the ambulance piece in place in order to bill the Medicaid. We can't just apply for municipal CON, we have to put the ambulance in service and it has to be a working ambulance or it's not going to work for the State of New York. So we need that piece. We need the ambulance piece to get the billing, we need the paramedic piece to get the billing to make the asset work and we need the whole piece to take care of the citizens of the County of Chautauqua. So really to stop and wait a year, probably is not going to make much difference financially going forward in 2019. Our option to make it work is to put the whole thing going up full bore and let it work itself and bring the revenues in for the work it does as the calls continue to increase, as the responses continue to increase and go forward.

Chairman Niebel: You don't that if we had another year, we could get these programs and these revenue generated things in place a little bit better?

Mr. Griffith: No.

Chairman Niebel: From 2019 to 2020, you don't see any change?

Mr. Griffith: No, because part of what the budget is, is the cost of the basic EMT's in the ambulance service in that part – without that, we lose that entire revenue piece as I have laid out there onto the program. Actually Kathleen took our numbers (*inaudible*). But no, I do not

believe that without the entire system up and running, is a total paramedic response, basic ambulance service, Countywide is what our municipal CON is, we would not bring in the revenue to offset the cost of the whole program.

Chairman Niebel: O.k.. Folks any further questions of John on anything? His budget, his Fly Car system, anything?

Legislator Vanstrom: Thank you for hiring a descent respectful firm to do your billing. I think that is a very important component of making this –

Mr. Griffith: We have good luck with (*cross talk*)...

Legislator Vanstrom: I don't think that we could do the billing ourselves. It's very intricate, the insurance billing is very difficult.

(*cross talk*)...

Legislator Vanstrom: They're as local as we can be. Let me put it this way, they are not from California and it's very hard to find a company that will be able to suit the needs, right?

Mr. Griffith: Right. They understand the New York system too which the New York system is totally different than every other state in the union.

Mrs. Dennison: Health and Human Services adopted some changes to its budget which affects Emergency Services, specifically the Fly Car program. So, we need to consider those changes to the Emergency Services budget. Specifically if the Health and Human Services changes are enacted, the changes to Emergency Medical Services would be increased in employee benefits for the Medical Directors as we discussed earlier. There would also be an allocation of EMT's out of Emergency Services and into Health and Human Services because what we're calling the monitoring of the frequent flyers, is not exactly the correct name of it, -

Mr. Griffith: Wellness visits.

Mrs. Dennison: It's wellness visits, (*cross talk*) when we developed the Fly Car budget, we assume that the services would be performed by EMT's and the revenue would come into the Fly Car program but we've since found out that that service, the personnel has to be transferred to Health and Human Services at the revenue has to be transferred.

Chairman Niebel: The revenue too?

Mrs. Dennison: Yes. So the revenue would be taken out of the Fly Car system and there would be revenue in Health and Human Services because they would get the people and claim reimbursement for those services.

Chairman Niebel: And that is the \$200,000 component of this?

Mrs. Dennison: Yes and so the Fly Car department would lose essentially – equivalent of 2 paramedics, (*inaudible*) 25% of four paramedics but would lose those personnel cost but would also lose the \$200,000 in revenue. All of those changes would result in an increase to local share of the Fly Car program of \$131,116.

Legislator Vanstrom: I never felt that this frequent flyer component was going to be a money generator. I was under the impression that it was going to take off some of the expenses on these people that like to dial 911 a lot and then - was there a component of revenue in there?

Mr. Griffith: There was originally a component revenue of \$200,000.

Legislator Vanstrom: I see that but I still didn't understand how we could make money just going there -

Mr. Griffith: Medicaid actually reimburses Health and Human Services to do these checks.

Chairman Niebel: (*Cross talk*) reimburse for wellness, preventive aspect of Medicaid, I guess.

Mr. Griffith: Preventing repeat business into the hospitals.

Legislator Vanstrom: Nice, I like the idea.

Mr. Griffith: So, I had eluded to – I'm sorry Kathleen.

Mrs. Dennison: I was just going to say for Legislator Vanstrom that, Health and Human Services would – it's been projected to earn a revenue of \$68,839 for Medicaid reimbursement for providing those wellness visits. So the revenue is not as much as we originally expected but there would be revenue reimburse for providing those services.

Mr. Griffith: The difference between the \$200,000 and the roughly \$70,130, was what I referenced by not hiring full time employees. By hiring part time employees, we could save that money in our budget to offset the additional loss in the cost of the program. So it still brings the local share for the program back to an even number.

Chairman Niebel: So Kathleen, it would be your recommendation to make what, as far as a motion?

Mrs. Dennison: Well, there are a lot of components to it but, I guess the general change would be to decrease appropriations from Fly Car personnel and decrease the revenue – so decrease personnel services and employee benefits appropriations by \$200,000 and decrease the revenue by \$200,000.

Chairman Niebel: But also decrease the revenue.

Mr. Griffith: Yes, because the combination of the two, what we transferred to Health and Human Services what we cut out in full time employees is \$200,000 and we would get no revenue from the program. We would just lose some of the expense.

Mrs. Hayes: There was some contractual too Kathleen. The gas.

Mrs. Dennison: There is some contractual also?

Mrs. Hayes: That would be a decrease to Emergency Services. Like \$11,000.

Mr. Griffith: Yeah, there is mileage and things like that.

Mrs. Dennison: Correct.

Chairman Niebel: So Kathleen, we need a motion to decrease the Fly Car personnel and also contractual – whatever fringes that go with that and also decrease the revenue component of that?

Mrs. Dennison: Correct.

Legislator Pavlock: I have some additional questions Mr. Chairman. The question this morning, we used the call in Westfield where there was a slow response time. If the County system was active, what would their response time have been?

Mr. Griffith: It would have been from Mayville to Westfield, five minutes.

Chairman Niebel: Five to seven minutes.

Mr. Griffith: Yeah and it's automatic because you are already standing by. It's not like you have to get up and get dressed. They are ready to go.

Legislator Pavlock: So that call would automatically be toned to the County also?

Mr. Griffith: Yes.

Legislator Pavlock: Some of the concerns that someone may have is, part of the town taxes for that area are going to the local departments to pay for that service and some of them are large amounts. They are receiving funds for a service that they are not able to provide so now we want to put more funds into it to provide it a different way. That is a concern in a lot of places and we may – there is a need for the Fly Car system and to expand it, that's evident, it's just the funds part.

Mr. Griffith: You are absolutely right Mr. Pavlock. It is a catch 22 because we have fire districts and we have municipalities that are raising taxes for fire and EMS services that they cannot provide. I guess that part of it is somewhat out of my control. I have put together a program that fills a gap to save lives. I understand and completely have studied and reviewed the



plan that you are talking about and the causes for it. If that revenue can be recaptured by the County billing back to the municipalities, I'm not going to get into that part and I don't even want to say that I said it, but that is more on that end than on this end. We are budgeting to provide a service to fill a definite need. I understand where you are coming from and I've had this discussion with other people and this is not a local problem, this is not a Chautauqua County problem, this is a problem happening throughout the State. Unfortunately, it's a huge problem on EMS, it's even a bigger problem on the fire end because that is many more dollars but many more holes to be filled in not having people to respond. There is a tsunami of problems with volunteer fire service coming in New York State in a big hurry.

Legislator Bankoski: I guess that would be something that Westfield would have to address with their Mayor or whatever that are funding these programs and taxpayers aren't receiving any, maybe they would be better off saying, hey, we're going to disband ours and then make it come to the County or something like that and say, hey we'll offer you some funding if you'll cover our area.

Mr. Griffith: The discussion of consolidation in the volunteer fire services happens every day. The consolidation does not happen at all but the discussion happens every day.

Legislator Gould: I can't stand this any longer because I was the guy on the floor about a year ago. Came out of the hospital with diabetes, couldn't walk well, went to get out of bed and ended up on the floor and I couldn't get up so we called the fire department to come and lift me in bed. It was about a half an hour but I didn't care because I knew they were coming. So some of it is on the degree of the call, I guess, what the customer wants. I could have cared if it had been an hour. I knew that they were coming when they could and maybe they had more important things to do than to pick me off the floor and put me in bed. I just couldn't stand it anymore and had to say something.

Legislator Whitford: With that there is the one, or the two, or the three, or the five that the 30 minutes is life or death. One time is too many.

Legislator Gould: It's too bad that we can't decipher on some of these. Whether we care if they are right there then or in 20 minutes.

Mr. Griffith: I think that everybody's tolerance level for how long they are going to wait is different. I mean, some people have a tolerance level of waiting for 30 minutes and some people don't have a tolerance waiting for a minute. I can recall a call one time where the people were not from this area and even though we had responded in a matter of a few minutes and a very quick response for volunteer, they were used to an urban type of response that was much quicker and just could not believe on how long it took us to get there. So, everyone has different expectations of what is going to happen.

Legislator Gould: I guess maybe I'm rural, maybe I'm used to that.

Mr. Griffith: Maybe you are more understanding too Mr. Gould than other people would be.

Chairman Niebel: Jay, there are also degrees of urgency. I mean in your case, you just fell out of bed. Half an hour wait didn't mean anything to you.

Legislator Gould: Nothing. I wasn't going any place anyhow.

Chairman Niebel: But had you had a stroke, you would have wanted somebody to respond a lot sooner than the half hour.

Legislator Gould: But then they would have said a stroke.

Mr. Griffith: The calls are categorized but the people and not to minimize this at all, I know Mike told me one time he did a call and it was a patient that fell. Well, they got there, the wife had called and said my husband fell. He falls all the time. We got there and he had fallen alright. He had a coronary and he was gone. But it came through as a patient fell. Dr. Michael Faulk, one of our Medical Directors, he's very adamant even when you go to a fall case, you do a complete medical work up because there is a reason why that patient fall. What caused him to fall? Did they have a sinkable episode? Did they just stumble, did they pass out and not realize it, why did they fall? So there are statistics out there that say that for every fall victim – you take the number of fall victim calls and correspond to that how many people within a week are in the hospital for something else and the number is huge. They were just fall victims.

County Executive Borrello: I'd like to make one comment. Just two things I want to say.

Legislator Chagnon: Two things now.

County Executive Borrello: Alright, go back to one. Can't get a break in this room. There is also an economic development component to this. We want to draw people back to Chautauqua County, it's a big component for us. It's how we're not only going to increase our tax base but it's also how we're going to fill the open jobs that we have.

Chairman Niebel: And stabilize our population (*cross talk*).

County Executive Borrello: Exactly which has been going on as we all know. More of the key components for people is medical services. We have people, friends that have decided in the past to turn their summer home into their year around homes, sell their homes wherever else it might be in Western New York and live in Sunset Bay year around and one of the first question they ask is, what is going on with your hospital? Are we going to have a hospital there and that is their major concern because a lot of those folks are either retirees or whatever and that is a concern. If you start talking about getting a reputation where it's going to take a half an hour, 45 minutes, or an hour before someone shows up when you dial 911 and I understand Jay's situation, every situation is different but, man if I was having chest pains and I didn't know what was going on, it could be indigestion, could be a heart attack, it could be anything, I want to damn sure know that someone is going to show up as fast as they can.

Legislator Vanstrom: Or find a friend real quick to get you there like I did.

County Executive Borrello: That's another option too. But I'm just saying, that's not always available to someone who's home by themselves. So, I think that is important. We need to look at this holistically and that is part of it. But to Mr. Pavlock's point on towns paying for services they are not getting. I think you have to look at this a little more practically. As we all know, volunteerism is down to a dangerous level and this helps to address that issue, to help supplement those fire departments. I understand that it is a double-edge sword but the other option is to go to a full paid service. I would think paying your volunteer department the minimal amount of money typically that these volunteer departments get, to support the services that they provide beyond just EMS, everything else that our fire departments provide, knowing that the (*inaudible*) help supplement that EMS is a far less cost than going to a paid 24 hour emergency service fire department. So I think that those towns would keep that in perspective that this is still a much more practical and cost effective way to deliver that emergency service with the County supplement. So this is part of it as well.

Chairman Niebel: Mr. Borrello, those people that moved to Sunset Bay, is their first concern medical services or whether or not there is a good place to eat?

County Executive Borrello: It's more of a good place to eat and we're providing that service as well.

Legislator Chagnon: I just have one question for clarification and John, thank you for providing this sheet. If I'm interpreting this correctly, this indicates that you would have a total of 774 transports for the year, 601 BLS, 173 ALS, that comes down to roughly 15 transports a week. Is that what you had planned to do with one ambulance?

Mr. Griffith: Yes, 15 transports a week. That is three a day.

Legislator Chagnon: Just one ambulance?

Mr. Griffith: Yes.

Legislator Chagnon: That's all I have Mr. Chairman.

Chairman Niebel: So Kathleen, our motion is to decrease the Fly Car personnel with a corresponding decrease in revenue?

Mrs. Dennison: That was my question. I just need clarification so I am make the appropriate adjustments. I think we have three options. One is to accept the changes from Health and Human Services at additional local share for the Fly Car program of approximately \$131,000, so that would be option number one. That would be moving the wellness management function to Health and Human Services and taking the revenue out of Fly Car program. Option number two would be to make those changes and then make personnel changes in the Fly Car program, personnel reduction, so there would be still a local share of zero for the program and option three would be to make Health and Human Services changes and then reduce personnel and possibly increase revenue from other sources of the Fly Car program to achieve the local share of zero.

Chairman Niebel: What do you recommend?

Mrs. Dennison: I would ask Director Griffith. What I hearing is we're doing the movement to help Health and Human Services, the question is, do we want to make other adjustments to bring the Fly Car program back to a local share of zero.

Mr. Griffith: The only adjustment I would be comfortable making is the personnel adjustments from full time to part time. I would not want to inflate the other revenues to offset other expenses. I think we've tried that and that doesn't work. So, that is the only change that I would – unless you wanted to increase the local share for the whole program by \$131,000 and we can keep full time employees but I don't believe that is where the Committee wants to go. It's up to you.

Chairman Niebel: Kathleen, I really don't care. I mean, whether the revenues show up in John's budget or HHS, as long as they are the same, I don't care which account they go to. Audit & Control, do you have a preference as to what we do? You do.

Legislator Chagnon: I support Mr. Griffith's position that we should reduce the personnel costs by \$131,000 to offset the revenue that is being taken out so that would bring it back again to a zero local share. Chuck agrees with me.

Mrs. Hayes: Taking all 6 full time to part time?

Mr. Griffith: Four. It would be 2 full time and 8 part time.

Chairman Niebel: Well, with that kind of input from Audit & Control, could we have a motion to reduce personnel costs in the Emergency Services department with the corresponding reduction in revenue. Kathleen, again, you will work out the numbers for us.

Legislator Bankoski: I'll move that.

Legislator Vanstrom: Second.

*Unanimously Carried*

Chairman Niebel: Thank John, you're done.

*Committee recessed at 10:42 a.m. and reconvened at 11:03 a.m.*

**Sheriff:**

Chairman Niebel: We now have the Sheriff's Department. Joe, what do you have for us?

Sheriff Gerace: First of all, good morning and good morning to Audit & Control as well.

Chairman Niebel: Thanks for being here. You have some people with you. The guy from Sheridan.

Sheriff Gerace: What format would you like to – this is Jennifer Cresanti.

Chairman Niebel: Joe, just a quick overview of your budget. There probably won't be questions but there might be a couple here and there.

Sheriff Gerace: If you don't mind me prefacing my comments with just a few facts. In 2017 the Sheriff's office handled 60,951 incidents and this year we're at 53,940 to date. The 911 center, in 2017 took 197,913 total calls and to date we're at a 160,934. The Jail, I will say, I'm pleased today that we have a population of 247 which is considerably lower than where we were last year and even earlier this year.

Chairman Niebel: Sometimes as much as 300 Joe?

Sheriff Gerace: Over 300. We were boarding for a bit last year and maybe earlier this year. I can't remember if we did.

Mr. ?: Just last year I believe.

Sheriff Gerace: And we have 39 Federals currently housed. We're budgeted for 30 although we started the year without them, at that level so we had a lower level so we're hopeful by years end we will be meeting the expected revenue. A lot of that is outside of our control because if there is a rush on incarceration and/or the Feds no longer provide them then that would change. If things stay on target it should be beneficial. If you would like to go through account by account, I can take you through that.

Chairman Niebel: Not account by account, just summarize.

Legislator Nazzaro: Those days are over.

Sheriff Gerace: Oh, it was line by line before. So the first is Court Officers, 1162.1110. the local share reduction of 17.1% is mainly due to the State contract that we have with OCA and the court security that we are providing to many of the municipal courts. We have seen that impact in a positive way, our local share in that budget. We have contractual increases but they are covered by the contract so there is \$6,100 in contractual increase. A couple of reductions, minor, but CSEA fees and insurance have gone down. I think the big thing there is that we had a bigger revenue stream, that is why that account a negative local share, we actually reduced it. Any questions on the court officers or court security?

O.k., next is dispatching. This has a local share increase of 1.4%. Most of that is contractual. Actual contractual is more than the total local share increase but we had some reductions in insurance and occupancy, we made some other cuts in retirement and health insurance was down a little bit too but overall, it's a 1.4% increase in local share in that account.

Chairman Niebel: Health insurance is down about \$20,000.

Sheriff Gerace: Twenty nine, twenty nine?

Chairman Niebel: Correct. The 911 system Joe, how does that look? Did you have more on that?

Sheriff Gerace: No, I did not. I didn't know if there are any questions on dispatching.

Legislator Gould: Interest and earning, what are those? 3020.W911.R240.

Mrs. Dennison: That is the interest on the wireless 911 reserve funds. There are reserve funds for both wireless and (*inaudible*) and that is the interest on those funds.

Legislator Gould: That's a State grant (*inaudible*).

Mrs. Dennison: The interest and earnings, no.

Sheriff Gerace: That would be the surcharge that is charged against the cell phones and we have a reserve account and that reserve account is specifically designated for the 911 system. If I understand Kathleen appropriately, that's interest earned on that reserve account, correct?

Mrs. Dennison: Correct. Mr. Gould, you are looking at his revenue account 240.1000?

Legislator Gould: Yes.

Mrs. Dennison: Yes.

Legislator Gould: How much is in that account then if this was just the interest?

Mrs. Dennison: The two reserve funds together are right around a million dollars. The wireless and (*inaudible*).

Legislator Gould: And we can only use that for 911?

Mrs. Dennison: Correct.

Legislator Chagnon: The overtime is going up by 20%.

Sheriff Gerace: I'm sorry, which account?

Legislator Chagnon: Dispatching.

Chairman Niebel: By \$20,000.

Legislator Chagnon: Twenty thousand, 20%.

Sheriff Gerace: We did that because of the actual trend of what we had in this year and I think in 2017 as well. We try and make sure it was accurate for 2019.

Legislator Chagnon: So the reason it's increasing is because –

Sheriff Gerace: I think because we had under budgeted it in the years prior, if I'm not mistaken.

Ms. Cresanti: The 2016 actual was over \$151,000, 2017 was over \$166,000.

Legislator Chagnon: We wouldn't have decreased it without some expectations. It turns out that that expectation was not completely accurate is what you are saying?

Chairman Niebel: This was under budget?

Sheriff Gerace: Yeah, was under budget.

Mrs. Dennison: In 2017 there were a couple of dispatchers that were on medical leave if I recall correctly so there was more overtime because they were covering people that were out unexpectedly. The expectation was that that was not included.

Sheriff Gerace: For 18'.

Mrs. Dennison: Right, for 18'.

Legislator Chagnon: That expectation was not fully realized.

Legislator Whitford: Well the actual was in 16' and 17' but my question would be, do they have figures presently for 2018?

Legislator Chagnon: Through half the year it's been \$50,000 so they are on budget.

Chairman Niebel: Anything else folks? If not, Joe, go ahead.

Sheriff Gerace: Did we answer your question sufficiently?

Legislator Chagnon: As well as it can be this morning.

Sheriff Gerace: I would then, the E911, 3020.E911, that's local share neutral. Really the only significant change is, we had a decrease in equipment maintenance which we moved to the Public Safety Network account and then software maintenance was increased. We had an increase in software maintenance from various providers but this is a local share neutral.

Public Safety Communications Network which is the radio system utilized by all public safety in the County, most all. That has local share increase of \$49,000. Some of that was the software maintenance that was transferred to that account from the 911 account because it is really specific for the radio system. It's not a 911 function directly and again shared by fire police and EMS, the law enforcement system. So there is a percentage (*cross talk*).

Chairman Niebel: You also had some grants and stuff involved?

Sheriff Gerace: We had some grants. Because one of that applies to this is for Matt Trusso but we've piled his duties on so he – we will utilize all that grant money but not within the budget year. It's still reimbursable but he has been – that grant reimbursement is specific to certain duties that he has so it's going to take him longer to get there because his plate is more than full. But it does impact the 2019 total local share.

That would bring us to Tech Service.

Legislator Gould: What is a P&L program?

Mrs. Dennison: Prison and lunch. It's breakfast and lunch.

Sheriff Gerace: Are you in 3150 now?

Legislator Gould: Yes.

Sheriff Gerace: That is the breakfast and lunch reimbursement for the Jail, for inmates which (*cross talk*), is zero now because (*cross talk*).

Legislator Gould: You have to be in Jail to get that, huh?

Sheriff Gerace: Yeah! Public Safety Communications.

Legislator Chagnon: Mr. Chairman, back at Public Safety Communications, indicates that \$120,000 was transferred into this account for software maintenance but software maintenance from the W911 account only went down by \$42,000.

Sheriff Gerace: It may have been from wireless too. Right?

Ms. Cresanti: Yes. There was \$60,000 taken from E911, \$60,000 taken from W911 for that. A \$120,000 total. The decrease that you see is offset by an increase in other software maintenance not related to that \$120,000.

Legislator Chagnon: So half of that \$120,000 came from E911, half from W911?

Ms. Cresanti: That is correct.

Chairman Niebel: Are you o.k. w/ that Pierre?

Legislator Chagnon: I'm not sure because that is new information because in here it says it all came from W911.

Chairman Niebel: Understood. It could have been detailed a little bit better.

Sheriff Gerace: In the notes, you mean?



Ms. Cresanti: Yes.

Sheriff Gerace: Technical Services. We had a local share increase of 11.8% ? Contractual increases 8464, supplies we increased because of budget performance. Health Insurance up \$18,000 for employees in this account and resulted in a local share increase \$33,508.

Wireless 911, that's again zero local share and we had adjustments. Supplies were down \$2,500, communications which is our networks was up \$5,000 and software maintenance was transferred to PFC. Our operations account is up 2% in local share. Contractual is \$165,893 of that and then we had to have in-car cameras for \$49,990. Increase in supplies, software maintenance, again, we're having adjustments made by our vendors. Also anticipating of the existing fuel prices. We did bump the fuel in a couple of spots. Fuel that we buy outside and also that we get from within the County system because we use the depots at DPF.

Ms. Cresanti: In this particular account something that is on the agenda for this month's approval is another grant that we received funding for just over \$65,000. So that will be added to our revenue in this account and offsetting that will be an expense that totals approximately \$62,000 to add a new Deputy of those grant funds. So there will be a slight decrease in local share and there will be an increase of appropriations and revenue.

Chairman Niebel: What is the new Deputy going to do?

Sheriff Gerace: It's a demonstration grant that we got from the Governor's Traffic Safety Committee so he'll be doing target and enforcement.

Chairman Niebel: Fully funded?

Sheriff Gerace: Fully funded.

Chairman Niebel: Joe, before we leave the Sheriff's Department, you have a couple of additional SRO's but those are offset by the contracts you have with the school districts. More or less. I mean, I understand that you could have different deputies there, whatever, and they could be a different rate but essentially that's a wash?

Sheriff Gerace: Correct. It depends on their pay rate and step but we have – what wouldn't have been reflected in the 18', would have been Bemus Point contract. We had it in Forestville. And we had Forestville in both last year (*cross talk*) – well, to add the other SRO's we have Silver Creek and one at BOCES (*inaudible*) in Cassadaga and another one that splits his time between the two Hewes and Logudice.

Chairman Niebel: These two are additional for 2019, Forestville and Bemus Point?

Sheriff Gerace: Well, Forestville we had this year.

Ms. Cresanti: Yes, but it wasn't part of the (*cross talk*) budget initially so it does show as a budget change for (*inaudible*).

Sheriff Gerace: And we do have interests from another school, I'll leave unnamed right now because we'll see where that goes but they've done an inquiry.

Chairman Niebel: Hopefully they will be on board. O.k., Pistol Permit.

Legislator Chagnon: I note that operating supplies, account 4110, it's doubling in this year's budget.

Sheriff Gerace: We adjusted that because in 2017, it was \$29,000 and we look at that trend and felt that it was under budgeted in that year.

Ms. Cresanti: The 2018 actual amount of \$16,000 is only through June so considering the 17' and 18', actual performance of that account (*cross talk*)...

Legislator Chagnon: Don't mean to be critical but, we overspent the budget in 2017, we're overspending the budget in 2018, as a trend that would indicate that we would overspend in 2019 but the salient question is, why did we overspend it in 2017 and 2018?

Chairman Niebel: Pierre, are you talking about the \$10,000 increase?

Legislator Chagnon: Yes. What is the expense that goes into that account?

Sheriff Gerace: I wouldn't want to give you the detail, I don't want to do it off the top of my head but I think it's a catch all for things or supplies like flares, breathalyzer equipment, everything in there.

Legislator Chagnon: If you could provide us some detail, I would appreciate it.

Sheriff Gerace: You bet.

Legislator Chagnon: I do have one other more observational question and that is that, I noticed that vehicle maintenance goes (*inaudible*) contractor are going up 20%. With all of our new vehicles.

Sheriff Gerace: One of the issues that we have is that, DPF has notified us that they will be doing less maintenance for us, less complex maintenance. More of the oil changes, tire rotations, and anything else is going to have to go outside to the dealer. Now the cars are new and under warranty, that's not an issue but the first fleet of cars will be coming off warranty as they reach the mileage fairly quickly. So we looked at this thinking we need to make an adjustment if we're doing a little bit more with private sector and less at DPF.

Legislator Chagnon: This indicates that we are doing more with both.

(*Cross talk*)

Chairman Niebel: Are you talking about the increase of \$23,000, in-house?

Legislator Chagnon: Yes.

Legislator Chagnon: Twenty percent in-house and 10% outside house.

Sheriff Gerace: Did we get price changes from them?

Ms. Cresanti: No. (*rest of statement inaudible...*)

Chairman Niebel: But you guys have budgeted an increase of \$23,000.

Sheriff Gerace: Maybe that doesn't belong in-house, it belongs in other contractors.

Legislator Chagnon: You can add that one to your list.

Sheriff Gerace: You got it.

Chairman Niebel: O.k., folks, anything else on that? Go ahead Joe, continue.

Sheriff Gerace: The next would be Pistol Permit. With your guidance and assistance we did change a part timer to a full time. We actually had two part timers to a full time and we privatized the finger printing aspect of Pistol Permit which has been a huge benefit. We now, what was an 8 month or more process is now 8 weeks or less. The issue is, the revenue stream isn't what we anticipated and we no longer have an escrow account in that budget because that was used to prepay the Division of Criminal Justice Services and FBI for background checks. So this is a small, in size of the total budget, it's a small division but it is a significant local share increase for 2019 because of the employee, mostly and loss of revenue. We have seen a slow down right now.

Chairman Niebel: Quite a bit. We were projecting \$26,000 last year?

Sheriff Gerace: And we are fixed in what we can charge in this by law. Our fee structure is set by law.

Chairman Niebel: Sheriff, grants, that looks like that is a wash.

Sheriff Gerace: Yeah, that would be a wash. The next would be the Jail, 3150. We have a .4% increase in local share which is pretty significant. I don't mean total, insignificant that that is all it is. Our contractual increases are \$96,000. We had some reduction in equipment, utilities is up, equipment – lease is up a little bit but legal services, other contractors and CSEA (*inaudible*), and occupancy are all down. We did have a bump in retirement health insurance but our local share there is \$45,000.

Chairman Niebel: Any questions on the Jail?

Legislator Gould: Is there increase in the special units stipends? You put another person in there. It went up 100%. That is why I'm asking.

Sheriff Gerace: It could be someone who's assigned there would be on a special unit then they get a stipend that would be transferred to that account and would show a big jump in that account. They might have been in a different account, transferred there and then if they are on a special team so they get a stipend.

Chairman Niebel: That would also pertain to the STOP DWI special units stipend?

Sheriff Gerace: Well, true. In the DWI budget, you might have somebody who's on the SWAT Team. If he's assigned to DWI, they would bring that stipend with them to that budget.

Chairman Niebel: Because it says, special unit stipend and it's up about \$1,200 in the STOP DWI?

Sheriff Gerace: Yeah, because he's on multiple teams.

Chairman Niebel: Same thing as the Jail?

Sheriff Gerace: Correct. If they are in the Jail budget.

Legislator Pavlock: I just know from budget last year to this year, overtime was a big discussion about estimates. I see you are doing fair this year on track of what we had estimated last year. What drives that this year?

Sheriff Gerace: There are so many factors that drive overtime. For instance, they push, pull, give, take about having the Health Department provide our medical service and it's been phenomenal. But, we're seeing more hospital – going to hospital guard inmates because they are being referred to hospitals. There has been a higher suicide watch we believe, since this new arrangement and they are airing on the side of caution. Then there is a whole bunch of other factors that might be long term injury, we had people out on what is called 207C which is a – if they are injured in the line of duty, they are out on this section of the General Municipal law and we have to back fill those positions. We have had a significant shortage of available correction officers in the general public. This is a statewide dilemma right now. State DOC is hiring our people away. We actually got an email from Onondaga County Sheriff's office trying to recruit our correction officers to go to Onondaga County because they can't find any. So, that's another thing that impacts and we're doing a pretty detail analysis right now and hopefully we'll be making a proposal to you in the future that shows we might be able to do something that might help save that. Because we're having a hard time recruiting and retaining. Only 35 people took the civil service test for correction officer. Roughly 35, thirty something which is very low.

Mr. Crowell: And only 18 responded.

Sheriff Gerace: Right only 18 of the 35 responded interested.

Legislator Vanstrom: And it's such a glamorous job.

Sheriff Gerace: It's not and this is true of public safety in general. Whether it's EMS or fire etc., law enforcement for sure. When the economy is thriving these jobs are harder to fill because no one wants to work, nights, weekends, and holidays and the conditions of some work but we're struggling to find part time people. Our attrition rate and that is one of the things we're studying is the attrition rate higher now than it was one we spoke last because we talked about reducing overtime by adding part time positions, that's true and that model works on paper but when you can't fill the positions, it blows up the formula. We have 11 open, I believe, part time positions.

Legislator Bankoski: (*Inaudible*) Sheriff's Department.

Sheriff Gerace: It's contractual. If they take the physical fitness exam that is required of them to be a police officer and they take that annually, they get a bonus stipend. I think it's \$500 annually to be able to pass that physical. It's a little frustrating but it's the way the world we live in. They have to pass a PT to get into the job but once they are off probation, we have no way of holding them to that physical standard so did it by incentive through the contract rather than not having that done at all.

Legislator Bankoski: They pass a test once a year?

Sheriff Gerace: They test once a year, they have to do the requirement of DCJS or MPTC test, pushups, sit ups, one and a half mile run.

Legislator Vanstrom: How fast do they have to run the one and a half mile?

Sheriff Gerace: Depends on their age. Under 29, it's 12 or 15 something. I can give you the exact time. That's a good question.

Legislator Vanstrom: I'm just curious. We should have a physical fitness test for Legislators.

Sheriff Gerace: Any other questions?

Legislator Nazzaro: (*Cross talk*) keeping it at 30?

Sheriff Gerace: Correct, for 2019 the number is still 30.

Legislator Nazzaro: I agree we should not mess around with that.

Chairman Niebel: Chuck, that's Federal prisoners?

Legislator Nazzaro: Yes.

Sheriff Gerace: We started this year because of two things. Available space and their availability. Right now we're at 39 and projecting we could make revenue for 2018 if we stay at that level or higher.

Legislator Nazzaro: At one point we had (*inaudible*) surrounding counties, is that because our jail is overcrowded.

Sheriff Gerace: No, we are at 247 today –

Legislator Nazzaro: No, revenue, the expense in the budget for that? Where do I find that?

Sheriff Gerace: That's in other contractual. The board outs. We did have a budget item in there.

Mrs. Dennison: It's on page 26 of 38. It's account 4590.0002.

Sheriff Gerace: Alternate incarceration, 4590.0002.

Legislator Pavlock: You have it for zero.

Sheriff Gerace: We're not going over. We're hopeful that the trend stays where it is.

Legislator Vanstrom: Budgeted zero for this year?

Legislator Nazzaro: In 2017, we went off the charts.

Sheriff Gerace: We had them all over the place.

Chairman Niebel: Yes we did, \$243,000.

Legislator Nazzaro: So we pulled back which is a good trend there.

Sheriff Gerace: We scratched our heads and looked at this Jail population from a lot of different angles. You know Pierre and others that have gone to the Criminal Justice Coordinating Council meetings that this is a topic of great concern. I think generally there are several things that have been impacted this. Those in the criminal justice system, key players, District Attorney, Public Defender, the Judges, we're seeing more of focus being paid attention to on the jail population. Some of the District Attorney's policies have had an impact on it. Having a Public Defender at arraignment in the City of Jamestown court, I believe, has had an impact on it as well. Because two thirds of our jail population roughly comes from the City of Jamestown courts. So, there is a lot of factors involved here and I'm hoping the trend stays the way it's been going.

Mrs. Dennison: Most if not all of those expenses for 2018, are actually associated with the 2017 invoices that were not completed (*cross talk*). So there are no, so far, no boarding out expenses in 2018.

Chairman Niebel: Anything else on the Jail? O.k., if not, next is Navigation.

Sheriff Gerace: Navigation, that has a local share decrease of .3%. That is mostly due to the fact that we're not buying a piece of equipment. That was in the budget previous years, a vehicle. Some contractual increase but it was absorbed by the savings.

Chairman Niebel: Snowmobile?

Sheriff Gerace: Snowmobile is local share increase of 5.2%. That's a very small budget. A portion of two deputies time and with the contractual increase of \$6,343, even though we had a reduction of \$2,426, it's still equated to a local share increase.

Chairman Niebel: Personnel, probably negotiated.

Sheriff Gerace: Right, steps. Medi-Vac is cost neutral to us but two items of note, we did have our Director of Maintenance request to go from full time to three quarter time and that had an impact on the cost but all Star Flight costs are reimbursed by the partnership. STOP DWI is the last and a very small local share of \$1,300.

Chairman Niebel: That was based mainly on the decrease in our revenue.

Sheriff Gerace: Correct and I'm hopefully but I'm not a betting man and if I was, I wouldn't take this bet but this last year, the State Legislature did pass a bill that would correct what is wrong with the STOP DWI program Statewide and what's wrong with the program is the current existing law provides that defendants who pay their fine and the fine is supposed to support the program, that fine money is not released to the STOP DWI Coordinators across the State to the programs until their fees are paid. The State DMV fees are paid, so, we believe in our program, we have a very intelligent intern do a summer long project on the STOP DWI program which happens to be Kathleen's daughter, and found that our program is in arrears because of unpaid fines and that's, big time in arrears, and that's true across the State of New York. Over a million dollars in arrears. That is because, if you think about it, if somebody comes into the Judge and pays a \$500 fine and this is not in our control. This is in the control of the State legislation, pays \$500 fine which is the maximum fine but they owe \$1,500 in fees or \$1,200, whatever the number is, the Judge can't be told you must collect those fees because he's already collected the fine. That is what he's responsible for so that money doesn't get released to counties by the State. Now, the State Legislature corrected that but it was vetoed. So, we are hoping that in the next budget it's corrected and that would help support our program. When I said budget, State budget, I'm sorry, not your budget.

Chairman Niebel: O.k., any questions for the Sheriff or the Sheriff's Department?

Legislator Gould: Do we (*inaudible*) STOP DWI?

Sheriff Gerace: Yes, that is what we were just talking about.

Legislator Gould: You cut the manpower by one. It went from 2 1/2 to 1 1/2 because one was promoted to Sargent.

Sheriff Gerace: Well, there is changes in the cost based on promotion but a Sargent would not be charged to the STOP DWI program. When they get promoted out, there will be a cost change but the big thing is, one deputy is being charged in this account now.

Legislator Gould: Then why is there some increase here of vacation buy back? Special units stipend. Why is there is an increase when the personnel went down?

Sheriff Gerace: Because the person assigned might have had a stipend because they are on a special team that the person before them didn't have. So we had to make that adjustment. It's based on the individual that assigned to that budget. So we're down a person in that budget but the replacement for someone who got promoted may have a stipend and others didn't. That is my guess in that case.

Legislator Gould: That's a guess.

Sheriff Gerace: Pretty scientific but yes, a scientific guess. When someone comes in that is appointed to that position, if they are on special teams or they might be an EMT and get stipend, then that cost would go up.

Legislator Gould: That changes all the time?

Sheriff Gerace: It does. Not all the time but if there are assignment changes, retirements cause a lot of changes.

Mrs. Dennison: I just want to clarify a couple of numbers that I gave. Now that I have done the research, my numbers weren't exactly correct. The reserve for the E911 is \$95,000, the reserve for W is \$594,000, so combined total of around \$700,000. There is one invoice for boarding out that pertains to 2018. One invoice from Allegheny County from January.

Sheriff Gerace: It does reflect – earlier in the year we had higher population.

Mr. Crowell: I almost think that was an inmate that we had to board out because of a conflict of interest.

Sheriff Gerace: I don't know if you guys heard that over there but the board out, we did have a board out in 2018, we'd have to look and see if it was somebody we boarded out because of overpopulation or somebody we boarded out because there was a conflict. You might have a situation where someone in law enforcement or within corrections or there is a case that the DA has asked us to move this person out of Jail so that they don't have connection with others there. There is a threat of their well-being and we would try and find a house for them someplace else. That doesn't happen a lot.

Mrs. Dennison: Mr. Chairman if I could, I have a question or comment. As Ms. Cresanti mentioned there is a new grant revenue for the Sheriff's organization so your committee could consider increasing the revenue and adding that position to go with that grant. We could do a motion.

Chairman Niebel: Kathleen, we're definitely going to get the grant?

Sheriff Gerace: Yes, we have already received a letter.

Mrs. Dennison: That would be added to your (*inaudible*) department?

(*Cross talk*)



Mrs. Dennison: O.k., 3110.GRNT.

Chairman Niebel: It's more appropriate to 3110?

Sheriff Gerace: I don't think it matters.

Ms. Cresanti: We could send that to the GRNT account.

Chairman Niebel: Committee, are you o.k. with that? Audit & Control, are you guys o.k. with us making a change to that grant? It's going to come up next week before Public Safety anyways so we can do it now.

*(Cross talk)*

Chairman Niebel: I think so, 100% reimbursement.

Ms. Cresanti: It's actually a slight decrease in local share.

Chairman Niebel: Even more than 100% reimbursement. You have to be happy with that. Kathleen, so just a motion to approve the administration grant?

Mrs. Dennison: Agree to amend the budget to add appropriations to A.3110.GRNT.1 and .8, personnel services and employee benefits and then increase the revenue also in A.3110.GRNT. This is all State revenue, correct?

Chairman Niebel: Do we have a definite amount or are you going to –

Mrs. Dennison: We would like to *(inaudible)* amount on the personnel and employee benefits because when you put it in the system it could be off a few dollars but in round numbers its \$62,000 between the two, the revenue is \$65,000.

Chairman Niebel: It could change so if we just make a motion to amend the Sheriff's budget to include the grant.

Mrs. Dennison: With appropriate increases in appropriations, personnel services and employee benefits.

Chairman Niebel: O.k. folks, we need a motion to amend the Sheriff's Department to include this grant with the corresponding increases in appropriation and revenue.

Legislator Bankoski: So moved.

Legislator Vanstrom: Second.

*Unanimously Carried*

Chairman Niebel: Anything else for the Sheriff's Department? Thank you for your time.

**District Attorney:**

Chairman Niebel: Mr. Swanson, thank you for joining us today.

Mr. Swanson: Thank you Chairman.

Chairman Niebel: If you want Pat, just run through and give us a quick overview of your department.

Mr. Swanson: This year, I don't think it's any secret, what I've come in here and asked of you folks. I've gotten in front of both of your committees in the last couple of months. What I put together is a budget that increases a total of 2% or 2.3%, roughly \$52,000 with a local share increase of about \$28,000, about 1.6%.

Chairman Niebel: One point six percent total increase in the local share.

Mr. Swanson: In the local share, that's right. The majority of that increase comes from the addition of a prosecutor. I think we've talked almost at nausea about that. I don't need to go into that again but my hope is that the budget that I have here is approved and we can add that position January 1 and move forward from there. I will note, one of the things that sticks out in this to me is, we have a \$19,000 surcharge that is being imposed on us for Worker's Comp starting this coming year, in 19'. All of our \$28,000 in local share increase, \$19,000 of that does come from that surcharge. There was just some finalization of the Worker's Comp claim of a former employee in our office and that is one thing that is outside of my control. But really the majority of our changes come from the occupancy fee being taken away, there is some savings on the health accounts and the addition of a prosecutor is about \$80,000. So we've nipped and tucked this the best we can to present to you guys with something with a small of an increase as we could give you with the addition of a prosecutor. So, if you have any questions, I would be happy to entertain those.

Chairman Niebel: Pat, so you are going over just your 1165., District Attorney budget, is that it?

Mr. Swanson: Yeah, plus 1165 and 1169 combines. That is the total –

Chairman Niebel: Yeah, the 1169 is the crime victims?

Mr. Swanson: Yes.

Chairman Niebel: So really for your budget 1165, the big increase is for the narcotic prosecutor which you've come and explained, you've detailed to both Public Safety and Audit & Control.

Mr. Swanson: Yes.

Chairman Niebel: I had some questions at one of the committee meetings. I wondered about the funding and quite frankly, I wondered about the dedication of the money to this specific position. You did respond, got back to me on a letter dated on 9/11 and it does look like if we approve this position in the budget that it will be dedicated to narcotics prosecutor which we need.

Mr. Swanson: Yes I agree. That is really the only substantial change in staffing that my office would be undertaking this year. As you know last year, we took our staff – our staff is at 40 hours at this point. Some of that is because of a compromise I made with Vince last year. I would have preferred to add an employee but we felt that we might be able to accomplish what we needed with just increasing the hours. I'm not adding any investigators this year but the increase in my personnel services is dedicated to hiring that prosecutor and implementing a raise approval that was given to the management staff. Just so you understand, my staff is management heavy. I'm not like most departments. Every attorney in my office is considered management so when a 3% raise is approved for the management group Countywide or 2 to 3% raise, it affects me a little more proportionately than anyone else because everybody that works is an attorney in my office is a manager. Other than that, my personnel services increase is whatever is required under CSEA for my staff and narcotics prosecutor is about \$60,000 of that \$123,000 increase and the rest is mandatory increases or approved increases for management.

Chairman Niebel: The one concern that I do have with the letter that you provided to us is one of the sentences here, "while I would prefer to hire an experience prosecuting attorney in Chautauqua County, they are not common". And look, this is my own personal viewpoint. I would encourage you to look for somebody from Chautauqua County because your department is one of – well, the only department that gives young attorney's in Chautauqua County prosecuting experience. While I think you yourself after graduating from Law School had to leave for a while before you came back, so if you can find somebody from Chautauqua County, I think that would be preferable. As far as I'm concerned.

Mr. Swanson: And that's always my objective. I do believe that John Zuroski did approach you about a plan for some sort of exemption so that I can have a couple of members of staff from out of County. A lot of County our size are dealing right now with, well, one the economy being better, in our situation here, Buffalo, there is a revitalization going on so we're having trouble tracking younger attorneys to move back here. I've offered two jobs to folks in the last two years, unfortunately I could not draw them away from Buffalo but I don't anticipate a problem hiring an entry level attorney because what I'm asking you for, I think what I do outline in that letter is that the money I'm asking you for isn't to hire someone with prosecuting experience. It's to move internally someone into that position. He actually just got back from a national narcotics training Wednesday, but it's to move someone internally into narcotics and then hire an entry level attorney which I suspect come January 1<sup>st</sup>, typically that's where bar results are coming out. I should be able to find somebody who's willing to come here and work as an entry level attorney, especially considering that I've asked for about \$60,000. I will talk to you just briefly about that. Erie County D.A.'s office starts at about \$55-56,000. I've asked for \$60,000 so I do have some leeway in there to maybe entice someone to move out of Erie County, away from the city and down here in our County to work here in our office but I do plan on – whenever I can, obviously, I want to hire someone from Chautauqua County. It's a priority. In fact, most people that we have in our office, my younger staff, all grew up here. I have a young man from Panama, young man from Bemus Point, but yes, I'm looking to hire whenever I can here. But the intention on this position is to add an entry level position and promote someone internally into narcotics.

Chairman Niebel: From your existing department into this and then hiring someone new to replace that person.

Mr. Swanson: Yes.

Chairman Niebel: Understood. Pat, do you want to explain anything else on any of these departments? I have a couple of questions on expenses when we get to that.

Mr. Swanson: I don't have any other major deviations outside of, if you are looking at page 3 of 5, you will see the Worker's Comp surcharge there, it's about \$19,000. We hadn't had that in the past. That's probably my biggest expenditure increase outside of adding the position for a new prosecutor. Everything else, you'll see in the employee benefits, those are outside of my control but with respect to things that we can control, I kept mileage at the same, although I am looking into repurposing one of our vehicles that hasn't been auctioned yet into an office car. We send people to Jamestown regularly and if I can repurpose the car that was replaced by new vehicles last year, I think maybe we can have some savings on that line next year. That is something that I am looking at because we have two or three people sometimes a day going to Jamestown. I think that that car would get used daily which would save some money on our mileage and if you see that line, I believe that expenditure line is about \$22,000. So, if we can save ten by keeping a car and (*inaudible*) depreciation, I think we come out in the plus there. Other than that, I don't have any significant increases. Actually, I think one of them is for books which is on page 3 of 5.

Chairman Niebel: It's an increase of \$2,300. I was going to ask about that.

Mr. Swanson: It might be the last year that we buy books.

Chairman Niebel: Because everything is electronically done.

Mr. Swanson: Yes and we're moving to – with grant funding we bought 8 Microsoft Surfaces and I'm trying to deploy those to my attorneys to take with them to court because the idea is to go paperless on our misdemeanors. We have access to a case management system through the New York State Prosecutors Training Institute where we can PDF every file, everything in a misdemeanor file, and they can just take the Surface to court rather than a stack of files. That's my preference. I think it saves us in the long term on copying expenses but it would also allow us to get the books that we purchased in hard copies electronically.

Chairman Niebel: If you are going paperless possibly next year or 2020, do you need a \$2,300 increase in books?

Mr. Swanson: Right now we purchased those books in December and right now I think this may be the last year we do it because the cost is going up and I just don't know if -

Chairman Niebel: You would like it to stay in for 2019?

Mr. Swanson: Yes I would. But I think that is one of the things on the chopping block for next year. That's a \$6,000 expense line.

Chairman Niebel: Mr. Chagnon will remember that.

Mr. Swanson: Hold me to that Pierre.

Legislator Chagnon: Already in the file.

Chairman Niebel: And if we look on page 2, lodging in management is up about \$1,500.

Mr. Swanson: Yes. The idea with that is, I'm trying to get my felony prosecutors to a national conference every year and there is about six felony prosecutors. The cost to go to those is mostly lodging because –

Chairman Niebel: Those are out west, aren't they?

Mr. Swanson: Unfortunately the narcotic conference that my prosecutors went to was in Utah. So, that kind of depends. Sometimes they are here in the east so I do want to send them to these trainings. They are very important to stay up to date on best practices and that is why that line is up \$1,500.

Legislator Vanstrom: Do they sell DVDs?

Mr. Swanson: They do but I think you'll find that when you go these conferences and the people that you meet and the questions you can ask them after that, there is a value on that.

Legislator Vanstrom: Expensive value.

Mr. Swanson: It is, I agree, but one conference a year to get these prosecutors in with the best prosecutors around this country, at this point, I still feel is relatively important. Now, that being said, we do utilize the free training from (*inaudible*) and we do, do online training some too because there is more – they do need to attend more than one conference a year to keep their law license current. This is a fraction of what they are required to do.

Legislator Vanstrom: Isn't it like every two years you have to get so many credit hours in?

Mr. Swanson: Yes, it's a number of them. Every two years for attorneys.

Chairman Niebel: As far as computer software supply, that is up \$2,100.

Mr. Swanson: I can't explain that. That's a number that is given to us by I.T. and the company that we contract with.

Chairman Niebel: What about the figure just below that? Should I ask that for you Mr. Gould?

Legislator Gould: Go ahead please.

Chairman Niebel: Other supplies, up \$3,000.

Mr. Swanson: I think they went up because of what we're seeing in this year's budget and what we've seen in the years past. I wonder if that's –

Mrs. Dennison: A portion of that is also supplied by the I.T. Department.

Chairman Niebel: So that is a given too, Kathleen?

Mrs. Dennison: Yes. Account 4190 –

Chairman Niebel: It's up 37%.

Mrs. Dennison: It does include \$8,150 for replacement of 8 pc's and 3 laptops.

Chairman Niebel: And that is coming from I.T. The only other question that I have is, this ADVENT program. We have \$3,000 in there for next year as far as revenue. What is it and what exactly does it do?

Mr. Swanson: ADVENT is a program that provides training and educational programming for people charged with primarily in this case, traffic tickets. What we are requiring which we have not done in the past, is get a reduction to a parking ticket which kind of was a rubber stamp whenever someone came in with a speeding offense or some other sort of moving violation. So we are requiring that they take that course. Most of the people that take these courses are pro say. So what we have done is to ensure they are actually taking the program and not just printing off a certificate of completion which you can do if you go to Google, they are readily available, -

Legislator Vanstrom: Good to know.

Mr. Swanson: Well, the reason why we're doing this is because this company sends up reporting and we have an investigator that is tasked with making sure the people claiming they are doing this program are actually doing it. We charge a \$10.00 administrative fee for that whenever they take the program. So what we're doing is, we've included that \$3,000 in there to account for that revenue that we anticipate coming in because we're not tasking an investigator to ensure you are in compliance with this program. Now, what we've told attorneys that represent people on traffic tickets, they're officers of the court. I don't know of any attorney that would come in and hand me a fraudulent certificate so we're not requiring that they take that course. It's just requiring the people that are pro say to take this course work.

Chairman Niebel: It's not required, the course isn't required so like, if I didn't want to take the course and I'm charged with speeding, I can come in and just talk to one of your ADA's and possibly have a reduced to parking without taking the course?

Mr. Swanson: Oh no. No that is not what is happening. If they come to court, they are required to take this course before they get the parking ticket. If they have an attorney, they can take a course of their choosing so long as it's approved by DMV. The difference is, when they have an attorney, when the attorney gives our certificate of completion as an officer of the court, we don't have to validate that it's in fact, legitimate.

Chairman Niebel: But I think in the past, if somebody was charged with speeding, they could come in and talk to one of your ADA's and possibly work something out and get a reduction to a parking ticket.

Mr. Swanson: Yes.

Chairman Niebel: Now you are suggesting to these people that they need to take the course?

Mr. Swanson: Yes, we're requiring but they are taking a course with an effort – really with the goal to reduce recidivism. We're done with the days where if you get a parking ticket you just get an automatic pass. You come in and you are giving this reduction as a matter of course. We want these people to become better and safer drivers so we are requiring that they take an education program.

Legislator Whitford: That's a condition before they get the parking ticket?

Mr. Swanson: Yes.

Legislator Vanstrom: How much time does your office put into parking violations?

Mr. Swanson: A lot.

Legislator Vanstrom: Because I feel like it's a great deal of wasted resources at a very high price.

Mr. Swanson: We cover the traffic calendars for every town in this County except for Hanover. Hanover employs their own prosecutor. We do it as a courtesy. We are not required by law to do it. We do it for those towns because they don't have the funds to do it, it's always been done that way.

Legislator Vanstrom: Oh, it's always been done that way. I love that answer.

Mr. Swanson: Quite frankly, it's common around the State that the D.A.'s office does handle traffic violations for the town and local courts.

Legislator Vanstrom: So how much time does your office spend doing these? Sounds now like it more than I thought.

Mr. Swanson: It's on the calendar call for the normal misdemeanor nights so they are there anyways. They aren't handling them in the office. We don't communicate with defendants of traffic violations by phone because obviously at the time (*inaudible*) so when we do handle traffic tickets, it's when they are at their local court calendar call anyways. It may extend their time there but other than the time it takes to handle the local court, that is what their putting into it.

Legislator Vanstrom: So if they are (*inaudible*) to a town to do your duties as a District Attorney, then they will take in those traffic violations?

Mr. Swanson: Yes. We had an ADA that just had a baby, I covered the Town of Pomfret on Tuesday night and when I handled my misdemeanor calendar, interlaced with all of that, I made offers on parking tickets or not on parking ticket, but speeding tickets. So it's laced in with their misdemeanor work and they are already required to be there anyways.

Legislator Vanstrom: So if I'm there because I got a parking ticket and you happen to be there in the Town of Ellicott because you were (*inaudible*) there for a more serious incident, then you are going to represent me for free?

Mr. Swanson: No, I don't represent anybody.

Legislator Vanstrom: So you are going to prosecute other parking ticket violation.

Mr. Swanson: I would review the ticket and make an appropriate plea offer.

(*Cross talk*)

Legislator Vanstrom: So I would do worse if you are there than if I just had to face the judge?

Mr. Swanson: No. The Judge is either going to set it for trial or for the night when the D.A. is there to then make an offer on then make an offer on the traffic violation.

Legislator Vanstrom: By the way, I don't have any traffic tickets, nothing. Just hypothetical.

Chairman Wendel: So Mr. Swanson, just to be clear on this, if I get a speeding ticket, I no longer can talk to one of your ADA's and say, look, I will plead guilty to a parking violation, I have to take this course first? How much is the course?

Mr. Swanson: The course is \$60.00. We are going to require that they take the course so that they learn something about driving safely.

Legislator Vanstrom: And they may have to pay a fine they might not be able to afford especially if they are not making a lot of money in Chautauqua County which is –

Mr. Swanson: You are right about that.

Legislator Vanstrom: And that's double punitive. I don't think that I support this.

Mr. Swanson: The other alternative is to charge with the traffic ticket, they are looking at up to a \$300 fine and points on their license. So the alternative is far worse. Being guilty of what they are doing is worse than what we 're offering.

Chairman Niebel: So if I tell you, I can't take the course because of work or because maybe I can't afford it, -

Legislator Vanstrom: Sixty dollars and your kids are hungry and you have to put food on the table.

Mr. Swanson: If they are found guilty of speeding, they are looking at a \$300 fine with points on their license and then their insurance goes up. It's a far worse disposition than –



Legislator Vanstrom: The problem with speeding, a lot of people speeding don't get caught, that is the problem. I don't speed because I'm not in a hurry.

*(Cross talk)*

Chairman Niebel: Patrick, so to be clear, o.k., if I'm charged with speeding and I want a reduction to a parking ticket, I have to take the course. I can't talk to your ADA anymore?

Mr. Swanson: Oh yeah, but part of the offer and part of my policy is that they take a traffic safety course so that they –

Chairman Niebel: So I can still get the reduction to possibly a parking ticket even if I don't take the course.

Mr. Swanson: Not by my policy, no.

Legislator Vanstrom: No, you have to spend \$60.00 first.

Chairman Niebel: O.k., so this is a significant change from the way we operated before.

Mr. Swanson: Yes. It's in line with what is happening in most places in the State.

Chairman Niebel: Let me ask you, is this an additional tax possibly upon our taxpayers? Because they have to take the course where before they didn't have to. They have to pay \$60.00 and we get – look it, I don't want to call it a –

Legislator Vanstrom: It's a mandate.

Chairman Niebel: I don't want to call it a kick back but we get \$10.00 rebate so we're forcing people to take this course and we the County gets revenue back.

Mr. Swanson: I think you are skipping a major step and the major step is that they are violating the law.

Chairman Niebel: I understand that.

Mr. Swanson: And when they violate the law, there are ways to navigate through that violation to ensure that they don't do it again and one of those things is to enhance their ability or to drive a car. One of those things come through education. So that's what we're applying. We're educating these people. Ideally, it stops them from breaking the law again and that's really what our goal is.

Legislator Vanstrom: Do we educate them for free? Do we have to charge them \$60.00? That is the problem that I have with it. It's not that you are going to force a person with a traffic violation to take a class. The part that bothers me is, they are going to pay a fine no matter what and they are not going to get off scot-free and they are going to pay \$60.00.

Mr. Swanson: Well, the solution is to really not violate the law.

Chairman Niebel: But o.k., in the past the way they have been able to navigate through this is just to talk to one of the Assistant ADA's and reach an agreement with them.

Mr. Swanson: Right and we see our traffic numbers continue to climb which suggests to me that we have an education problem so we are making an effort to reduce the number of tickets through education.

Chairman Niebel: Just one last question. The new ADVENT program, how did we happen to establish this? This is a course?

Mr. Swanson: Yes.

Chairman Niebel: Do we have a contract with these people?

Mr. Swanson: No.

Chairman Niebel: How do we then receive our revenue?

Mr. Swanson: They remit the check for the administrative fee to us on a monthly basis based on the number of people that take the course.

Chairman Niebel: But we don't have a contract with them?

Mr. Swanson: No.

Legislator Vanstrom: And it's a policy, it's not legislated by us.

Chairman Niebel: I understand that Lisa. It's just – I'm a little bit concerned about this because to me it appears to be just another tax on taxpayers of Chautauqua County.

Mr. Swanson: It's a fee that they have to pay for violating the law.

Chairman Niebel: You call it a fee and other people might -

Legislator Pavlock: (*Inaudible due to cross talk*), I know a guy that got a ticket and the Judge made him take this class. We're talking about a cell phone and he hasn't done it since.

Chairman Niebel: But it was optional.

Legislator Pavlock: No, he had to do it.

Mr. Swanson: The Judge in Charlotte has always made them do it.

Legislator Pavlock: And he hasn't talked on his phone since. So it is educational.

Legislator Whitford: With all due respect, we're in a budget hearing. I understand there is some controversy over this program and I think this is not the venue to resolve it and discuss it. I would like to just table it and bring it up at a Public Safety Committee meeting if we want to be lengthy on it but we do have another department that is waiting.

Chairman Niebel: Paul, we can do that. The reason the questions were asked is that it does pertain to revenue for this budget but I think it is a policy change and I think this is something that we can discuss further with Mr. Swanson at a Public Safety meeting in the future.

Mr. Swanson: I believe that I will be at the next one because I'm asking for the acceptance of grant funds so we can buy equipment for (*inaudible*).

Legislator Gould: I'm a little confused on the Worker's Comp surcharge. How did that come about and what do you know about that?

Mr. Swanson: I'm going to defer to Kathleen.

Mrs. Dennison: The Worker's Compensation is calculated in two different pieces. First, the insurance we apply in code to each position. That code, depends on what that person does and then applies a certain dollar amount to each positions.

Legislator Gould: Like these attorneys can defend themselves so they are at a lower code?

Mrs. Dennison: Yes, they are at a lower level. Sheriff Deputies, higher costs per position. So first we calculate what the cost is for the insurance based on all of the positions. Then we look at the total cost for the County. If there is a gap between the per position costs and the total cost, that gap is distributed to departments based on – through the surcharge. In 2018, we had an unusual low Worker's Compensation insurance for the whole County because we used some reserved funds from the County Home. In 2019, that reserve left over from the County Home is decreasing so we're using less so the overall cost to the County in 19' are \$500,000 more than they were in 18'. So, in 2018, when we assessed the amounts on each position, we actually had no surcharge because the amount per position was enough to cover our total bill which I believe is \$5 million dollars per all of the policies. That includes the County as well as all the municipalities. In 2019, we did not have enough on individual positions so we had to access a surcharge. The surcharge is determined based on the experience in the individual departments. Mr. Swanson's department, he does have a claim from a couple of years ago, quite an expensive claim and so when we had to divvy up the surcharge, he gets an increase because he had a big claim.

Legislator Gould: I hadn't noticed any that were that big. That is why I asked the question.

Mrs. Dennison: All of the departments benefited in 18' because (*inaudible*) surcharge. If there had been surcharges in 2018, Mr. Swanson's department would have had one but we didn't need (*inaudible*).

Legislator Chagnon: I would like to compliment the District Attorney on bringing us what I consider to be a responsible budget this year. Second of all, Patrick, for the record, would you please tell us what the mandated increase in your compensation is for 19'?

Mr. Swanson: The District Attorney's salary is directly linked by law to the County Court Judges salary. The County Court Judges salary is directly connected to what the compensation

for Supreme Court Judge is. Now, two years ago there was a Commission set up. That Commission made some recommendations one of which was to tie the Supreme Court Justice salaries to Federal Magistrates. For a variety of reasons, one was to continue to attract people that are experienced and qualified to be Supreme Court Judges. Now when they did that, they accepted all of the things that come with the increase in compensation for Federal Court Judges. Typically there is a COLA increase which I believe this year was 3%. So what is happening this year is Federal Judges salaries will go up 3%, in line with that Supreme Court Judges will go up 3%, and because the Supreme Court Judges go up, the County Court Judge goes up 95% of that 3% and the DA salary is tied directly to what the County Court Judge makes by State law and that is why mine goes up 3%.

Legislator Chagnon: Thank you.

Chairman Niebel: Any more questions for Mr. Swanson? O.k., thank you for your time. We appreciate it.

**Public Defender:**

Chairman Niebel: If you would give us a quick overview of your department and then we'll open it up to questions.

Mr. Barone: Thanks very much. Obviously I'm the last in the entire budget review process for all departments. I'll try to keep this as quick as possible which is sometimes difficult for me.

Chairman Niebel: We save the best for last.

Mr. Barone: There are a few areas that I would like to touch on that affect our entire budget this year or proposal. But a few issues that I think are important that the Legislators are all aware of and that is directly linked or hooked into New York State Indigent Legal Services. If you all remember, that is the one agency in New York State that are instrumental in providing our grants to us. Now, just for Mr. Chairman's information as well as all the other members, previously last month I actually took the opportunity to have Mr. Wendel, Mr. Borrello, as well as Mrs. Tampio, and Mr. Chagnon, attend a meeting with myself and the attorneys from Indigent Legal Services who are instrumental or who are in charge of conducting the implementation of what's referred to as the Hurrell Settlement Act. If you all recall, that is the law suit that was brought by New York State against the five New York State counties in Central New York for ineffective representation of the indigent. That is what is dictating what is happening to our department at this time and the monies that we're receiving. It's directly linked to that law suit. Now the other thing that I want everyone to be aware of is, you may already be aware that New York State passed legislation that indicated that within five years or by 2023, my department, Chautauqua County Public Defender's office, will be completely, 100% reimbursed for all costs associated with our representation of the indigent. Thereby relieving Chautauqua County of any costs that are associated with the representation of the indigent. That has made everything that is going on now, transformational. The idea behind Hurrell settlement is two things. One is to provide affective representation of the indigent and secondly, in order to do that, they want to reduce the number of cases that each attorney in the Public Defender's office represents. Right

now you should be aware that we're on track for representing or opening in my office, almost 9,000 cases this year. That is between the Criminal Division and the Family Court Division. That is another substantial increase over last year. However, you will notice that my budget brings to all of you a 4.6% decrease in what I've asked from for last year. I'm actually asking for almost \$78,000 less than what we asked for last year even though our caseloads increased. Not only do our caseloads increase but the other substantial factor that the committees need to be aware of is that, New York State had implemented a few new programs that we are required. Each Public Defender's office are required to pretty much man and make sure they run responsible. The first program is Counsel at First Appearance. My office is the only office, if you can believe this, that's required to provide an attorney at every arrangement that happens in Chautauqua County, 24 hours a day, 7 days a week. Which means I have to have an attorney on call 24/7. That will mean that we will have to attend approximately 10,000 arrangements next year.

Chairman Niebel: Ned, this is a directive of OCA?

Mr. Barone: OCA, Counsel of First Appearance. That means that I have to provide that attorney. Interestingly enough, the District Attorney's office is not required to have anyone there, Probation is not required to have anyone there. The only people that will be there is an Assistant Public Defender or myself and I attend, right now, I do that in Jamestown City Court on the weekends, Saturday mornings and Sunday mornings at 7:00 a.m., and I go in or one of my Assistant PD's and we handle the arrangements there now and we have been for the last year. But that would mean, pursuant to OCA directives, is that we're there at every arrangement. It's not discretionary. It's not here and there, it's every arrangement per OCA. That places a huge burden – up to this point, none of my Assistant PD's have had any increase in salary of course, but, that's required. We've implemented or provided to New York State at this point, a centralized plan for all the Town courts to be up here in Mayville, along with our City court arrangements on weekends and off hours which is Jamestown City Court and Dunkirk City Court. The other program that has been implemented and you've heard about is, Raise the Age. Raise the Age for this year is taking 16 year olds who are charged with certain felonies and making sure that they are not put in with adults. That is the long and the short of it.

Chairman Niebel: And that took effect, October 1<sup>st</sup>?

Mr. Barone: October 1<sup>st</sup> and that requires, guess what? The Public Defender's office has to have an attorney present at every arrangement for Raise the Age which is a different court. Different Judges, different personnel and guess what, that's 24/7. That doesn't have anything to do with Counsel at First Appearance. So now I have two programs that I have to provide bodies for but it's not just providing the bodies, it's being on call 24/7. Right now for the month of October, Pat Rice and myself are the two attorneys who are on call for Raise the Age because there is three separate courts where these young men or women are being brought to. In Dunkirk, Mayville, and Jamestown. So we're expected to be at every corner of the County 24/7. But yet, I'm still bringing you a budget that's 4.6% less. That is only because ILS, as you can see, has provided us the monies that will help defer these costs. If you look at the budget, the increase in cost is being covered by ILS 100% at no cost to the County. I know Mr. Chagnon was present during the explanation by ILS attorneys on this as was Kathy and one of the interesting things, I think anyway, in my opinion, and you will see it, I apologize, under 1170, the expenses, 4880,

other expenses, there is some listed other expenses there for 2019, \$112,408 we had listed. I just want to touch on this one aspect and I'll be happy to answer any other questions regarding the other lines but that, \$100,000 Indigent Legal Services and myself had agreed, had worked out an agreement – you probably already heard from the Sheriff concerning the jail population and Counsel at First Appearance. I know that Sheriff Gerace indicated part of the reason their numbers are down is because the Public Defender's office is present at Jamestown City Court on weekends. It's significant. Look it, not only from a numbers view and costs, bottom line costs, effectiveness on Counsel at First Appearance, but from my position, it's beneficial to representing these clients because we've had a success rate over 80% of getting people at their arrangements released either under supervision of Probation or released on their own recognizances. That's huge. Not only for the Sheriff in reducing his numbers but it's huge for defending these individuals because they are not incarcerated, makes it a lot easier. It's a win/win for everybody and the County because when you are incarcerated, not only do you lose your freedom which is most important, but it's a domino effect. If you are working or have any job, you lose your job. If you have a family and you are required to support your kids, you are taking away that ability. It's a domino, so, it's a big program, it's a huge program and I think that the real problem, 70% of our cases come out of Jamestown. Now, what has happened a lot and is still happening, bails are being set at amounts for domestic incidents, misdemeanors, shop lifting, petit larcenies, things that really aren't violent, and with individuals that really are no threat to the community or leaving, no threat to leave, bails at \$100 or even \$500, these individuals haven't been able to pay on their own. They can't do it. They certainly don't have the resources to leave the County. If they can't pay \$100 bail, where do you think they are going to go, outside the County? They certainly aren't as they don't have the money or the availability to leave. So what we proposed to do with ILS is take \$100,000 which they are giving to us, at no cost to the County, and we will contract with the Bail Bond agencies to pay those bails. We'll take care of the fees to the Bail Bondsman. So let's say that bail was set at \$500 on some guy who really has just mental health issues, stole a loaf of bread out of the Dollar Store in Jamestown. Really, do you want that guy in the Chautauqua County Jail paying and tying up the cost and the fees? You don't. So what we we would do is contact the Bail Bondsman who would charge 10% fee, \$50.00, that would come out of this fund. Guess what? He's released and eventually I'm having Social Workers in my department paid by ILS, will find where he has to go, if he needs housing, if he needs some type of placement, rehab placement, and a mental health facility, but, that's what that fund is for. Our plan is to use it predominately for Jamestown City Court. I mean, there are certain bails that just are valid, legitimate, and we can't do anything about but for those people, we felt that is we can get them out, it's selfish reasons because it gives us a chance to really, really give those individuals equal access to the criminal justice system. Not something that is forced down their throat because they are sitting across the street and have to take a plea to get the hell out of the jail. That is what we don't want. We want to be able to represent these people on a level field. We don't want them to have to pay for equal justice, we don't want them have to pay for fees to get the same deal as anyone else would get. We want to be able to get them out and that's what that cost will do. Again, it's at no cost to the County but I think you are going to see, and I talked to Sheriff Gerace about this a little bit and no one can predict what it may do or may not do. But I'm confident that it's going to increase the Sheriff's ability to reduce the number of inmates he has which then will reduce the cost to the taxpayers in maintaining those inmates and secondly, he'll be or have the opportunity to take on more Federal prisoners and actually make the County money. That, I think, is huge and that's one of the programs we're

really excited about. But, again, it's a selfish thing. We're excited for different reasons than the bottom line but if you look at the bottom line, this is a no brainer. I have to tell you, that is one of the most exciting things, I think, in this bail proposals we're coming to you with. So, that being said, there is just one other item I do want to talk about and that's the caseloads.

What you will see in this proposal is that there are new staffing requirements and the proposal is to hire on 3 new attorneys in November, immediately. The reason for that again is, this has been a lengthy process with ILS. It really has. It's been going on for the last couple of years that we have been working at this. This is based, the proposal you see is based on the numbers, actual numbers, that we have been providing to ILS for the last couple of years that they take and they kind of suggest to me, I guess you call it suggesting, but telling me, look it, I think this is what you are going to need right now to come into compliance with the Hurrell settlement. That is what we're required to do. I know this was discussed with Mr. Chagnon and Kathy, PJ and Mr. Borrello. Look it, the reason why those five counties were sued by New York State was because they didn't provide adequate and effective representation. So, what is the first thing that you do to provide more effective representation? You reduce the attorneys caseload that is working in the PD office. Right now, if we're right, and I'm confident we are, we're looking at about 8,500 cases this year. I have 10 full time attorneys, including myself, at the PD office and just for everyone's information for the record, I handle an active felony calendar. I've got over 300 cases I handle on a daily basis. I don't just handle the murder cases or anything else, I've got an active caseload. Even with me handling over 300 felonies, my attorneys are over 850 cases each. New York State, OCA, has said the effective limit and this is implemented downstate, this is a rule in downstate, 250 misdemeanors and only 120 felony cases and you can go to the Criminal Justice Center. ILS told me this two months ago, I didn't know this which is kind of stupid on my part, we have one of the, if not the highest caseload, Chautauqua County, my department, in New York State outside of New York City. Can you believe that? And yet, this is what I am most proud of, and ILS told me this, they said go to the system, you'll see it, we have the highest trial rate among any PD office in the State and the highest acquittal rate. So my department is not only burdened with almost a 1,000 cases per attorney, but we're effectively handling these cases, trying these cases and winning these cases. Now imagine what we can do and this is what I'm most excited about, when I get the additional bodies I need and reduce those caseloads, two cases – I mean, I have one of my assistants here now, Christie Woodfield. She is a new young attorney in my office, I mean, go look at her office. Pat Rice, another one. He handles over 1,000 cases, misdemeanors and felonies. Just imagine what – this is what I'm excited about. I'm imagining what we can do if we're down to those caseload standards and that's what that is about. That is what Hurrell settlement is about. That's what this budget is about, that is what these monies are about. The nice thing about all of this and I'm pretty excited about it, it's about bringing parity as well to our attorneys with the District Attorney's office. You look at my salary and you look at the District Attorney's office and God bless anyone what they make, I mean, it's what the Assistant DA's make and what my assistant Public Defender's make. It's not even comparable. So, we're trying to get to the point, New York State is, where everyone is on an even footing. So, the cost that you see associated in the budget, a lot of the expenses, office expenditures, things like that are directly related to the increased staffing. We are getting new secretaries. We just hired another one, we're getting new investigators, new eligibility examiners, New York State is requiring that we have a certified Mental Health worker, eventually, certified drug specialist, so it's the holistic approach that really is where we're

headed. So, all those costs are associated with the increase staffing and the cost that coming along naturally with it. Technology, there is so many different (*cross talk*).

Chairman Niebel: Including furniture and furnishing of \$55,000.

Mr. Barone: Yes and let me tell you why that is Terry. Because we're – as you will see the first of the year, we're increasing our office space in Jamestown, there is a plan that I have in mind where because we have 70% and City Court is asking this of me, we'll have a full time office in Jamestown. That's where 70% of our clients are coming out of. We're going to have boots on the ground and that is what it is about. We'll be able to bring immediate relief to the clients that come through Jamestown City Court and that means getting them immediate assistance but we can only do that if we have the bodies there. So, we're going to put a couple of attorneys there, we're going to increase the office space, we're going to put clerical staff there full time, an investigator there full time. Dunkirk City Court, we're going to take out a small office space in the Sterns Building. That again, will increase some of that rental costs, some of the furniture, have a full time attorney there for arrangements all through the day and for staffing, a secretary there, so when we get done, we're going to have our main office here, we're going to have an office that has an immediate impact in Jamestown and one in Dunkirk. That is what those costs are all about. But generally speaking and I appreciate the time you gave me, I know that you have heard it from everybody, but, we're coming to you with a budget that really – I mean, we're asking for less than we did last year and our cases just keep going up and up but the only reason I can do that is because the monies we're getting from ILS and it should be literally at no cost to the County. The nice thing about it is, it truly comes at a time, I'm sure when the County can use it and it's a tax savings measure to the County. But, it's giving my department everything that we could have hoped for and that will keep going up.

Now, one final item that I do have to touch on and this is another, I think, exciting thing that can save the County money and Pierre is well aware of this. There is approximately \$89,000 that New York State Indigent Legal Service wants to give us. That's going to go and I've already discussed with everyone concerning that. That is going to be to set up a Conflict Administrative office or a Conflict Administrator regarding Assigned Counsel. If you look at the budget, if you looked at the Assigned Counsel fees, they kept going up year after year. I mean, we're approaching over a million dollars that the County has been paying and those are the conflict cases that we can't handle for whatever reason. I know that Pierre is familiar with this. The County, we think, would benefit tremendously by taking on this money from ILS to set up a Conflict Administration office, \$90,000 right now to do that. It would be under direct County control. You guys would hire them, you would set it up, you would get the money directly from ILS. We would have nothing to do with that because it would be a conflict for us to have anything to do with that.

Chairman Niebel: Under the Legislative budget.

Mr. Barone: Under the Legislative budget. Then next year, that money doubles. The following year, guess what? It triples. For the next five years you are going to end up with over \$400,000 by 2023 for that office. Now, if you are paying over a million dollars in Assigned Counsel fees and you've got an office that can staff 3 of 4 attorney's, a Conflict Office, or Conflict Administrator, think of the money that that is going to save. They can handle those



conflicts. More importantly, the Conflict Administrator, at least initially, under the County control and direction, would be able to determine the assignments for the attorneys on conflicts and more importantly would be able to determine or take in the vouchers that are submitted for payment, review those vouchers, and then authorize the payments. Here is the most important thing and this is what ILS explained to Mr. Chagnon and the rest of the group. Is to make sure or ensure effective representation of those clients that they are handling. That again is the bottom line as far as the State is concerned. Even private attorneys, 18B attorneys we call them, that get the assignments. They are going to have to make sure that they are doing what they have to do to effectively represent the clients. That is what a Conflict Administrator will do, is ensure that and that is a cost saving measure all the way around but most importantly the bottom line is making sure that those people are getting their constitutional right to effective representation. That's kind of our budget in a nutshell. I'm sorry, I went on a little bit longer than I probably should have but it's an exciting time for our office and I think it should be for the County because for the first time, I mean, these are – you are going to see this get better and better each year. It's a no lose situation for the County and I'm happy to be able to sit here and with the aid of ILS – now the one thing that I do want to mention and if you want any details, I would be happy to give you what I can but Pierre was told this as well. The monies that we're getting right now from ILS are contingent on one thing. That the monies we're getting currently from Chautauqua County remain the same because the monies they are giving us are based on the monies we're getting right now at this point and that can't change because that would affect their plan, their Hurrell settlement plan. That is the one thing.

Chairman Niebel: Ned, thanks. That's a good overview of your department and a good explanation of the Hurrell Settlement. I do have a couple of questions. Actually you have covered some of these things. On page 2 of the detailed analysis, office supplies, is going up about \$6,000. Is there a reason for that? This would be under 1170.4100, increase of \$5,935.

Mr. Barone: That has to do with the increased staff. It's sometimes difficult and Kim certainly can address that, Kim usually oversees all of that. But, it's amazing as soon as you hire a new person, the little things that are associated with hiring that person, the increase expenses that we have because of that and not to mention, like I said, in Jamestown and Dunkirk right now, we're maintaining a staff, not full time in the office but that's pretty much what that is.

Chairman Niebel: Then if we drop down a couple lines to other supplies, 1170.4190, now in 2018 we only adopted a budget of \$3,500 but yet that is going up to \$38,500. That is a significant increase.

Mr. Barone: That is the technology improvements pursuant to ILS. Those are the data collection systems, the server, programs that we have.

Chairman Niebel: You don't have any say over that?

Mr. Barone: I'd like to think I do but the reality is not really. They let me think that I have some say.

Chairman Niebel: That's given by I.T.?

Mr. Barone: Yeah.

Chairman Niebel: It's a significant increase.

Mr. Barone: That also has to do with, believe it or not, with the staffing increases.

Chairman Niebel: As far as Legal Services that's increasing by \$115,000. Now we're adding 6 ½ new people but yet Legal Services is increasing by well, by \$115,000. That's account 1170.4530.

Mr. Barone: One of the things again, that Indigent Legal Service has, I say requested, it's pretty much required, is that we start contracting out more doing some different things with our appellate work. So it's not unusual for us to have appeals work for a number of different reasons and usually we have one or two attorneys that we give our appeal work to and that comes under the Assigned Counsel. But what they requiring us to do now is to contract out with either private attorneys or in this case, it's Erie County Indigent Services and let them do the appeals work for us rather than go through the Assigned Counsel. It's becoming more – quite frankly and just so everyone has a heads up on this, some of these things are becoming more regional to the Indigent providers. For example, I'm part of a group, myself, Erie County, Wyoming, Genesee, Monroe, Allegheny, Cattaraugus County, we're doing more things together to help reduce costs but be more effective and one of them is with our appeals work. We've all kind of taken on an agreement to give a lot of this work to Erie County who maintains an outstanding appeals bureau but that means paying them for it.

Chairman Niebel: And this is a contractual expense?

Mr. Barone: Yes.

Chairman Niebel: As opposed of increasing personnel services?

Mr. Barone: Yes, that is outside our office. Now the other thing that you should be aware of too is that that can also include just as kind of a safety net, we may run into a situation, you just don't know. We may be short an attorney or two for whatever reasons and we have our COFA or Counsel of First Appearance requirements. I may need to hire a private attorney on a contractual basis short term to cover our arrangements in one of the courts because of, God forbid, you just don't know what happens of there. So that can also include something like that.

Chairman Niebel: That is all the questions that I had. Committee, any questions for Mr. Barone?

Legislator Whitford: I don't have a question but I know a lot of these Legislators have been here much longer than I have and I think that it is refreshing that during a budget process we have a department head that comes in here, the passion and the excitement that you have for a future of your department and what is going on and I commend you. You should never say you are sorry for coming in and making a presentation like that. I for one am very proud of you and what you do and I'm excited because you are excited.

Mr. Barone: I appreciate that very much Mr. Whitford. For anyone involved in Indigent defense throughout New York State right now, it's a transformational time. This is really what we fight for day in and day out and we want to make sure that every individual has that equal access to the criminal justice system. It doesn't mean that we're promoting certain things. We want to make sure everyone is treated the same and they have the same opportunities in the criminal justice system. That is what is so exciting because we've worked so hard – I've been here for the last 7 years now and it can be a very gratifying job. It truly is. You can help so many people and our department is getting there. I finally realized we've got a great mix of some older attorneys with experience, younger attorneys but people who want to help the residents of this County and that is really what it is about. And understanding, it took me a couple of years, but to understand your point of view and your position because you are here for the taxpayers. Your responsibility is to the taxpayers are different. So, I think that we're finally getting an opportunity to take in to consideration your interest and my selfish interest in making sure that these people are taken care of the right way. So, I do appreciate that very much, thank you.

Legislator Nazzaro: Real quick, we had the DA in here before you. Recruiting out these new – you are going to hire 3 new ADA. Obviously (*inaudible*) one back here, the challenges in recruiting them.

Mr. Barone: Yeah, that is a great question too. I'm glad that you asked it. I personally, speaking for myself, I like to stay in Chautauqua County. I think that it is important that we keep our young people here no matter who it is and I think it's important that we try and concentrate on keeping our young attorneys in the County and hire from within the County. That's what I want. So that is my first priority. However Chuck, the last couple of go around, our resumes have been very, very limited. There is not a lot of young attorneys that either are from here or have come back here so we have our hands tied. Now, Indigent Legal Services has set up for October 19<sup>th</sup>, at UB Law School, a hiring program for just the Indigent Defenders in New York State. It is just not my department that gets to hire new attorneys, it's everybody Public Defender. Think of what that does. So they are going to bring in all these attorneys from throughout New York State who have already registered to meet with us, each one of our offices and we'll have an opportunity for the first time to meet young attorneys and the jobs that Assistant PD's do, or Public Defenders is not an easy job. Look it, it's a thankless job a lot of times. And you know what, you are never given the credit that they deserve but it takes a real desire to help people. You have to have a passion because you are not in it for the money, obviously. You see what District Attorneys or Prosecutors make and you see what Defenders make. I'm not complaining but you do it for different reasons. So that is what we're hoping to do is on the 19<sup>th</sup> at UB is having a chance to really meet with different people. Now, I have been lucky and you can look at the people I have hired. I did hire a gentleman from Erie County, he was with the Attorney General's office, trail attorney for over 37 years. I had known him through other attorneys I had worked with Federally and he's an outstanding attorney. I like him a lot. He is here for a short time because he's got a lot of time in the system but, that's an exception. But if you look at everyone else, the young attorneys I've hired, they are all from Chautauqua County.

Legislator Nazzaro: Thank you for that and (*inaudible*) D.A., where he came and talked about changing – right now the DA has to hire within Chautauqua County? That is a preference I know so you are – I guess my question is, you are not restricted to where you hire from?

Mr. Barone: No, I can hire anywhere, but, on one of the things, I've been lucky. Like Mr. Bob Lee is the attorney from Buffalo. He had a place in Chautauqua County, he moved here. He's a resident of Chautauqua County now. He lives up in the north end of the County, in Fredonia. He lives there, he's made his move there and he loves Chautauqua County but I require that – I think that I'm still required to have residents of Chautauqua County as my Assistant Public Defenders. That's what I use as a standard. But I like to hire from within the County. Listen, if I can hire a capable attorney from here, I'm going to and I hate to say it, well, I don't hate to say it but why not stay here, why not hire the attorneys if you have the option to hire a good person, a good attorney.

Chairman Niebel: That's exactly what I wanted to hear Ned.

Legislator Chagnon: I apologize for a detailed question but, I'm looking at the State aid Indigent Legal Services increasing by a million three fifty three and I can account for the Hurrell settlement being \$928,000 of that and a \$100,000 for the bail fund, but I'm struggling to come up with the balance of that.

Mr. Barone: Those are the prior distributions that we were awarded. They are still running behind quite frankly but I've got – the new ILS distribution for March 2019, would be \$236,969. Through April – April through December we have broken down and distribution seven and eight which we're still getting for example, distribution 8 included in there is the \$1709,946, that's the total of \$2,800,706 from ILS. But I can give you – like I said, they are all broken down.

Legislator Chagnon: The one thing that I want to verify is that the Hurrell settlement amount of \$927,879 is included in that number but not more than that?

Mr. Barone: Yes.

Chairman Niebel: It's included Pierre in the \$1.3 million.

Mr. Barone: Yeah and that's the one that they made us aware of in June when we started contacting everyone. We found out we had these additional monies that they are going to give us.

Legislator Chagnon: As I am sure you appreciate, my concern is that, the commitment that the County is making with the Hurrell settlement is that you will maintain our level of commitment that we have in prior budget, no more, no less. I want to make sure it's no more.

Mr. Barone: Exactly. ILS I think clarified and I wasn't aware of that, but ILS had clarified it and Pierre has asked them and they indicated to me as well as Pierre I think that yes, those monies are guaranteed to you and one of the questions if you don't mind Pierre, Pierre had for one of the attorneys from ILS, well, let's say for example this money that Ned's department is getting right now, what happens in two or three years and you eliminate a couple of those new positions. They indicated to Pierre, if I may, that the County is under no restriction, no requirement to continue to those positions. So whatever set up now is guaranteed through 2023 and we should have the contracts from ILS by next week. As a matter of fact, I have one final

conference with them on Tuesday with their Chief Counsel who's doing the contracts, that the County will get for review and authorization. Those contracts will reflect all of those different things.

Chairman Niebel: Your passion Mr. Barone or your enthusiasm has translated into some pretty impressive results for your department. Keep up the good work.

Mr. Barone: Thank you very much Mr. Chairman.

Mrs. Dennison: I'd like to ask a question to make sure that we have the appropriate budget. Two questions. The Bail program, is that in the other expense account (*inaudible*)?

Mr. Barone: Yes.

Mrs. Dennison: And how much is it, \$100,000?

Mr. Barone: Yes.

Mrs. Dennison: And then when we talk about the County has to continue to provide the same level of service and expenditures, is that \$100,000 that in addition? So the Hurrell settlement requires us to maintain a similar level of commitment. So we have our level of commitment and we're going to add \$100,000 for the Bail program and \$100,000 revenue to that, correct?

Mrs. Taylor: Yes.

Mrs. Dennison: The other question is, with the change in the occupancy tax, in 2018, for example, your \$45,000 worth of expense is going away to another department, can we still get reimbursement for that from the Office of Indigent Legal Services?

Mr. Barone: No, it's not included – no, if it's not included in the budget then ILS would not – I wouldn't think, would reimburse. I could check on that. I don't know but I don't think that they would. You mean, for next year?

Mrs. Dennison: For 19'.

Mrs. Taylor: They have their budget set already so to change something would be –

Mrs. Dennison: Their budget is set.

Mrs. Taylor: Yes.

Mr. Barone: We gave them a proposal of how to disburse the monies to us. But they are the ones that make that determination as to how they allocate those funds to us so they already have those broken down. The only remaining item that I was working on, just the other day, was the Assigned Counsel of approximately \$89,000 for this year. I got the approval from Mr.

Borrello on behalf of everyone and said, yes, we'll take the monies. Because we have a choice to keep that money. I'm sorry, there was a \$20,000 data collection fee. I apologize, that the County is going to get on top of the \$89,000. That goes up to \$40,000 next year. So, I could have kept that and I could have done the data collection but, I'd rather see the County get it, you can have it and it just requires you to get collected data, train someone, whoever your Conflict Administrator is and send that information or those results onto ILS. So that \$20,000 will be included in this year and \$40,000 next year.

Mrs. Dennison: In the Conflict Administrator function?

Mr. Barone: Yes.

Chairman Niebel: That's added to the \$89,000?

Mr. Barone: Yes and actually, the County can do – you could even hire on a data collection person, that is up to you. I mean, you don't have to have the Conflict Administrator do it or you can – I mean, it will be included in there but you can figure it out however you want. The only requirement is, is that ILS will train that person that collects the data. That is the one requirement that they told us.

Legislator Chagnon: Kathleen, on your occupancy question, I would point out that their occupancy cost is going down by \$44,000 but their budget reflects the local share net decrease of \$77,000. So in effect, the occupancy cost is covered.

Mr. Barone: Thank you very much.

Legislator Nazzaro: Looking down the road, (*cross talk*), what happens in 5 years, after 2023 with the funding? You have all this new staff and unless things dramatically change in the County somehow, we may not need that level of staff at some point. What is going to happen 5 years from now, we've added all these APD's and other things and all of a sudden now the funding – the lawsuit ends in 5 or the settlement ends in 5 years.

Mr. Barone: Yes. The implementation was over a 5 year period.

Legislator Chagnon: That's the point they made earlier. I asked them that question and they said, if we drop our funding, you have no obligation to continue those expenses.

Mr. Barone: So you are back at square one.

Legislator Whitford: He just went over that.

Legislator Nazzaro: I know but I'm just saying, it's hard to go back.

Mr. Barone: Yeah, it's very difficult but that's what - that's your choice. I would think that, look it, at that point, I wish I had an answer for that. I don't. I know that Pierre asked them that and they are confident that this will be a continued thing. It's not just New York State there

are other states now that are following suit with New York, because this is Federally – you know, Guidan(?) was established to be a Federal funded program, to provide counsel for the indigent. It wasn't the State or, especially, a County type of requirement. I mean, really, this should not be the County's.

Legislator Nazzaro: I'm not going to ask for an explanation right now because the clock is ticking, but, Audit & Control has to stick around but, it would be interesting to see what effect this has on other departments, like the DA, courts, Probation and all the others because now you are going to have more representation, which is more cases are going, you are going to have more resources that you can use to defend so it's going to be interest, in this law suit, it's going to be interesting how it effects the other departments.

Mr. Barone: Right, oh yeah, time will tell but we know what our responsibilities are in our department and obviously unfortunately that is part of our problems. Every time a new program is being implemented, they look to our office to provide bodies. That becomes cumbersome at times. It certainly does. Yeah, it will be interesting. I don't know how it effects them. I certainly hope that it effects the Sheriff's Department in a positive way. Which I think it can but you know, time will tell on that too.

Chairman Niebel: O.k., Ned and Kim, thanks a lot. We enjoyed having you. I will entertain a motion to adjourn the Public Safety meeting.

Legislator Bankoski: I'll move it.

Legislator Vanstrom: Second.

*Unanimously Carried (1:14 p.m.)*

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