

Budget Hearing Minutes
Public Safety and
Audit & Control Committees
Wednesday, October 4, 2017, 1:00 P.M., Room 331
Gerace Office Building, Mayville, NY

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

Others: Tampio, Leone, J. Griffith, J. Hansen, T. Narroway, J. Cresanti, Sheriff Gerace,
Quattrone, P. Swanson, N. Barone

Chairman Wendel called the budget hearing to order at 1:00 p.m.

Chairman Wendel: Kathleen, if you could start us out in the overview please.

Mrs. Dennison: I first want to walk you through the materials that you have in your binder and I'll just give a few comments on some overall items that effect the budgets for all departments.

The first section of you book is the tentative budget and that is the top portion through the thick black divider. This was the book that was published on the Internet so it is available for the public. You will not be spending a lot of time in this section but probably most important of it is the first tab, operating budget. The first exhibit behind that tab is what we call the local share summary. It is a compilation of the appropriations and revenues for all departments, all funds and this is where we calculate the final tax levy. The preponderance of the tentative budget, the rest of it is mostly detailed by department and there a section for each organization. They are in order by organization rather than by the order in which they are reviewed and these budgets are summarized to the classification level.

We, instead of going through the budget's organization, this section we're going to be using predominately, the line item deal which is the following section behind the black divider. In the line item detail, again, it is organized by organization number and for each organization, we have the budget summary which starts out with summary of the local share. There is one page for organization with a total of the local share for each department within the organization. Following that page is the full time equivalent exhibit. The number of people in each department and how that has changed from one budget year to the next. Then the budget summary, there is again, for almost all the organizations, there is a one page that summarizes the organization. There are a couple organizations that are in just one department so there is only one page. But in general there will be an organizational summary and this also is summarized at the classification level. Behind that organization page there is a page for each sub-department. Generally we have advised the department heads if they could walk through the budget summary for each of their departments and comment on changes in the 2018 budget and comment on changes versus either 2016 actual, 2017 adopted or amended budgets, and/or versus the 2017 projected results.

In addition to the budget summary for each organization behind the summary there is a line item detail which has the items budgeted to each account. I just want to make sure that I point out that on the line item detail, the actual column is only 6 months of activities, January through June of 2017. So only six months. There are a couple of other exhibits in the front of the

binder. We have the projections for the County through 2022, so it will be a projection of fund balance as well as projections of appropriations and revenues and those would be in the front pocket of all the binders. You also have in the front an exhibit that shows you 12 months actual. It would be the last 12 months, July of 2016 through June of 2017. Twelve months of actual versus the 17'/18' budgets. Any questions on the exhibits?

Then overall highlights. The base pay in this budget includes a 3% increase for managers. It includes step increments that are due employees and it includes wage increase for settled contracts. The Sheriff Deputies contract, DSAC, has been settled so there is a 1.5% increase in DSAC wages. There is a 2% increase for CSEA 6322 which would be part time deputies. There is a 2% increase for CCSSA, for the Sheriff's Lieutenants. There is no increase for CSEA Unit 6300, no increase for 6323, Correction officers and Dispatch unit. Again, no settled contracts, no increase. The budget does include health insurance rate increase of 10% which was the average increase across all departments so that increase is contributing to approximately \$1 million dollar increase in local share across all departments.

I just want to make a couple comments about shared services. The Information Technology Department does recommend budgets for computers, landline phones, printing, office supplies, and postage. The departments can modify those budgets as they see fit but in most cases those items are the budgets from I.T.. Any cell phone charge are recorded in a separate account and those at the discretion of the department.

Finally occupancy costs is determined by the Buildings and Grounds Department and allocated to each department so those budgets are based on the advisement of the Buildings & Grounds Department. That's my overview.

Chairman Wendel: Any questions for Kathleen?

Legislator Chagnon: Mr. Chairman, if I could make a comment. As you are probably aware the tentative budget presented to us by the County Executive has a 2.7% increase in appropriations which results in a 2% increase in the local share. Because of consultation with the Chairman of the Legislature, he's put out a request to the committee chairs that we try and cut that in half and we're looking for a 1% reduction in the local share in each of the departments. So we'd be appreciative of any advice that you or the departments might have today as to how we could reduce that local share. I will take the opportunity to point out to you that the first department that we're looking at today, Emergency Services is already projecting a 16 1/2% decrease in their local share so they are doing their part and then some. Thank you.

Emergency Management

Chairman Wendel: Congratulations on your retirement.

Mr. Leone: Thank you very much, I appreciate that and speaking of such, if you haven't met John Griffith, he's my replacement. He started on Monday and we're very happy that he showed up on Tuesday so it's a move in the right direction. So John will be taking over at the end of the month as my last day is the 27th. I'm sure you all know Valerie Hayes from our office so anyway, I said to John, I said, we'll make this easy. You can certainly jump in when you want but this is relatively new to him.

As you have already pointed out, we have – the dynamics of our budget is obviously the Fly Car. We have a lot of changes going on in our department with the Fly Car and I'll just make a comment. Half way through the year, with Kathleen's assistance we actually separated the Fly Car program out of our EMS budget to really make it clear as to what the revenue and the expenses were going to be so we tried to do that to the best of our ability. Valerie and Kathleen worked very hard to do that and Janelle so now it's a separate stand-alone budget. It's pretty clear that when we start receiving revenue and what the expenses are going to be, it's going to be relatively easy to get a good picture of what that is. So, as we look at this, we're going to see in 2017, EMS was really high and then we chopped it down for more than half, actually, we ended up doing that so we made those changes earlier on realizing they should be stand-alone. That being said, I just wanted to clear that up. We do have a local share decrease of 16 ½% and you are probably wondering why how that all occurred. Our budget revenue projections for the Fly Car were obviously based solely on MMA, the consultant that we hired to put those numbers together. So when we did the original 17' estimate for revenue, we took a very conservative approach to it. Now that we've got 7 ½ weeks of wheels rolling and actually delivering the service, we think that that may produce more and obviously it's a guess but we want to be a little bit optimistic. I'll tell you the good part of it is and the not optimistic part of it is, we've already made a difference in people's lives. People that needed a paramedic have gotten a paramedic on time and has really made a difference in outcomes already and to me, that is what we do. So, that's the difference. That is probably the biggest change in terms of why the local share has come down. Hopefully we'll be able to meet that and we'll see where that all goes. It's very difficult to say. Again, we're sort of – we have very little history in terms of being on the road but based on that, that's a decision that we made.

We're asking for, this year, coming up in 18', because of the Fly Car, we're actually looking to add 2 part time paramedics positions to our program. We have 3 full time medics, a Supervising Medic and 6 part time medics. What we found is that in order to complete the schedule, we're paying more overtime than we are really comfortable with. Our pool of part time paramedics and they are all full time employees someplace else, sometimes we can't fill those spots. So we're looking to add a few more part timers to decrease the amount of overtime that we have in 18'. It's pretty significant. If you look at the numbers and we're spending more in overtime than we really should be and I think that we could make a big difference so we're looking to add 2 part time paramedics, including salary and benefits, it's like \$40,000 and we think that will have a big impact in terms of ability to fill the schedule and the ability to minimize the amount of overtime relative to that. That is the big piece of it and the other piece of it is the Fly Car billing. We've had this discussion and we hired a company called Professional Ambulance Billing out of Williamsville and they only bill for (*inaudible*) fly cars and those kinds of things. We actually got the number in, the number for our Professional Billing service was higher than we anticipated. It did not reflect that in 17' but reflects it in 18'. Of course it's all relative, we don't know, we don't get charged for it but we put the whole number in there to cover all of the revenue. Hopefully that will happen so that made a little bit of difference.

We also because of the Fly Car, we're allocating positions from Emergency Services, EMS to the Fly Car so we can support that program. Now we're doing payroll and we're doing purchasing and doing all the things that are relative to keeping the Fly Car operation going so we have redistributed some of those numbers. The budget also includes brining some of our folks up from a 35 hour to a 40 hour work week. The reason for that is, rather than going to hire someone who we'd have to pay full benefits for over time, we can add a few hours to our staff and cover

those things without covering additional benefit costs so that is a significant savings. We think that that would work out better than hiring somebody to do that. So that is one of the things that we're looking to do. That is about \$32,000 for the year and that would not cover the cost of an employee in benefits by a long shot. We think that is the best approach to it. Are there any questions on that so far on any of that?

Just looking at the budget itself, primarily in Emergency Services there really isn't much change. Actually there is some decreases in some of the things that we're doing. As I said, some of the personnel costs have been reallocated to the Fly Car project because of the time we're devoting to that project. There isn't real significant increases or any increase in Emergency Services per say. Maybe a slight increase in a line or two but not much at all. The same thing – if you want me to go through them in detail, I can, but the same thing for Technical Rescue, the same thing for Hazardous Materials, the same thing for our other sub-departments, Emergency Medical Services, which is 3989, that is the one that shrunk significantly through half way of 17' because we took all the Fly Car stuff out of there. EMS/EMS, which is the Fly Car. Things like our defibrillator lease and I have to tell you, I'm learning a lot about the cost of drugs. They are going up and every time you turn around to buy whatever the drug is, it's all over the place. So we're really learning a lot about the cost of drugs.

Legislator Nazzaro: Do you have any group purchasing?

Mr. Leone: We do. That I can talk to you a little more about but we do group purchasing.

Mrs. Hayes: (*Inaudible*), we're going off of Livingston's County bid so we're getting their pricing.

Mr. Leone: For a while, we couldn't get some cardiac drugs. You know that better than I probably but trying to rustle those things up has been a real challenge. One time you go to buy the drug and it's x,y,z and the next time you go to buy it, it's way up here. So we're learning a lot of about the cost of those kinds of things. Our defibrillator lease, we opted to lease them rather than purchasing them outright. At the end of that week's period, we can turn them in and start that all over again. Our defibrillators are 12 v defibrillators and I call them the thumpers but CPR machines, we lease all those things so that is all built in here. Also to note to, our EMT training program, we because a core sponsor in 2015, our revenues continue to see an increase, we're delivering more EMT courses. So we think that we're going to continue along that pattern. As we continue to deliver EMT course to fire fighters and others and deliver other services to volunteers which we're talking about a new program now that CME's are going to play a part of that and we're probably going to administer that program. So, EMT's will have the option to going to sit in a class, they can do it through CME program. I'm not sure (*cross talk*). That seems to be the trend and we're probably going to take that program on. There will be some additional revenue but there will also be some additional expense and that is not built in this budget. We haven't quite nailed all that down yet but you'll probably be hearing more about that as we move forward. Any questions? That is pretty much the snapshot. Again, most of it is under the Fly Car program, that is the (*inaudible*). Everything else is pretty much the same.

Chairman Wendel: I'm not questioning negative, I'm just questioning why Haz Mat dropped considerably. What is the reason for that?

Mr. Leone: It's all to do with grant. Dan is really good about bringing grants home so what you see on a every other month basis, we'll come before the committee and say, we received this grant, we need appropriation, we didn't do that this time. So the 17' reflected that and in 18' we're not quite sure yet. We don't know what those numbers are going to be yet so we didn't put them in. The same thing will probably happen with Technical Rescue. My guess is we'll probably going to get a Technical Rescue grant in 18' that we didn't get in 17' but that will come before you at some other time. Any questions?

Legislator Niebel: I have a couple of questions. Julius, thanks for coming out of retirement to answer these questions today. As far as the contractual and the defibrillators, it shows an increase of \$282,275 over the adopted budget. Now, 2017 the program wasn't really up and running, we amended that and we got a projection, like \$170,000, but still this is like \$112,000 over that. That is for the defibrillators and also the increase in Fly Car billing. Could you maybe explain a little bit more?

Mr. Leone: Sure. When we put the 17' budget together, we used a budget price, we have not gone to actual bid for the Fly Car billing service and when that came through, that number was higher than what we initially -

Legislator Niebel: By like \$60,000?

Mr. Leone: It was significant.

Legislator Niebel: Sixty thousand or there bouts. I think I saw that some place.

Mr. Leone: Yeah, the two companies were pretty comparable. To be honest with you, we went with the higher company because they had a reputation of not leaving much money on the table, they will really push it through to get every penny that we have coming to us. So we thought that that was probably going to be our best approach to try and receive all the revenue that we had coming to us.

Legislator Niebel: This is a pretty good size increase, \$112,000 over what we projected for 2017. Do you foresee any kind of savings in this line item here as far as the increase is \$112,000, can we reduce that at all?

Mr. Leone: The lease for the defibrillators it's fixed. So we can't change that and we're obligated to that.

Legislator Niebel: You have a contract for that?

Mr. Leone: We do and the Fly Car billing would be predicated on how many PCR's we're going to push through to the biller to perceive revenue so that's all sort of relative. It will have an effect on both revenue and appropriations.

Legislator Niebel: So you don't see any way to have any kind of savings there?

Mr. Leone: Not on that line at all. The other thing that I should point out too is in the 17' budget, we didn't hire paramedics until July so we had no significant payroll from January to (*cross talk*), that won't change –

Legislator Niebel: Or billing.

Mr. Leone: Or billing so it's all relative but we didn't spend a good portion of the payroll expense because there wasn't anybody to pay except for Mike and Kevin was already on payroll. So, we didn't spend that money and that money will be there at the end of the year. So, that's going to be money that was appropriated in 2017 but we're not going to spend that out except for the paramedics we've been paying since August.

Legislator Niebel: I have a couple of line items things here. Julius, page 3 of 14, account number 3010.4120, computer software supply. We've gone up about \$5,000. Is that something that was given to you by the I.T. Department? Can we decrease that at all?

Mr. Leone: You said 4120?

Legislator Niebel: Well, 3010, page 3 of 14.

Mrs. Hayes: In the detail it's "I am Responding" is \$30,500 under miscellaneous.

Legislator Niebel: It's gone up \$5,000.

Mr. Leone: Yeah, it's "I am Responding" right and we pay for that through grant money. It's 100% grant money that we use –

Legislator Niebel: (*Cross talk*) reimburse us.

Mr. Leone: It's 100% reimbursable.

Legislator Niebel: Page 4 of 14, Training/Registration/Tuition, bioterrorism, 3010.4700, \$1,500, that is a new amount. Is there any way to reduce that?

Mrs. Hayes: It's the same as last year.

Legislator Niebel: No, that's the tentative is for 2018, we didn't have anything for 2017.

Mr. Leone: Right, we did not.

Mrs. Hayes: I think some of that was just because we expected to send John to some training because he's new.

Legislator Niebel: How much is the training? Is it going to be close to \$1,500, can we reduce that at all to maybe a \$1,000 or \$500.00?

Mr. Leone: We'll take a look at that Terry.

Legislator Niebel: Then also on that same page, employee payroll, we've got an increase of \$4,500. In 2016 we expended \$8,000 for the first six months of this year, \$4,700, you guys don't need to exceed those, no, I'm just kidding (*cross talk*).

Mr. Leone: There is medic uniforms as well as we're going to be bringing a new 4th Battalion Coordinator on and a set of turn out gear is too much money.

Mrs. Hayes: Over \$2,000.

Mr. Leone: That is where it is. So in anticipation of, I was going to retire, we put money in there to outfit the new person that is going to come along so it didn't happen to be John because John already has turnout gear but we're going to replace John so it's an obviously a significant expense. We try and reuse some of that gear but it doesn't always fit the next guy.

Legislator Niebel: But it is an increase of \$4,500, you think that is justified in that you are going to have to do that?

Mr. Leone: That might just get us there. That is how expensive the stuff is.

Legislator Niebel: Page 6, Vehicle Maintenance and subcontractors. We didn't have this in our adopted budget for 2017. We've had some expenses, \$434 in 2017, we have \$1,000, can we reduce that to \$500 at all?

Mr. Leone: I will tell you what that is. Vehicle maintenance subcontractor is our rescue truck is 1994. It's getting older and actually we budgeted and kept our request this year to replace it but that's probably not going to happen so we've had some mechanical issues with that truck so that is why we put a \$1,000 in thinking that we're going to have to put some work into that truck.

Legislator Niebel: Page 7, other supplies. We've got an increase of \$2,700. It's in 3640.4190.

Mrs. Hayes: I put small tools which is under \$1,000.

Mr. Leone: What that is, what we're trying to do is, as you know, we've been spending a lot of effort and money on the training centers and this is miscellaneous hand tools for the instructors. (*Inaudible*) lines and adaptors and ladders and things that we've - actually when we've remodeled some of the training center, we got rid of some of the stuff that, old wooden ladders and things like that so we can bring them up to speed and train our firefighters. So we put some money under miscellaneous to buy some of those pieces of equipment. They are small hand tools and things.

Legislator Niebel: Amounting to \$2,700?

Mr. Leone: I feel comfortable with that. It's a lot of money. Those tools are –

Legislator Niebel: You are the expert Julius, I'm just asking some questions. Page 8, equipment rental/lease. Look, we're going from \$600 from the adopted budget up to \$6,000 a 10% increase. Actual dollar increase of \$5,400. It's account 3640.4310. Is there anything that we can do there? We actually didn't have any expenditures so far for six months of this year but we do have an adopted budget of \$600.

Mr. Leone: You are looking under Haz Mat, right?

Legislator Niebel: Yeah.

Mr. Leone: Most likely, this is a Dan thing. I would have to take a closer look at it and see why he wanted that amount of money because I can't tell you that right now.

Legislator Niebel: Off the top of my head, I'm thinking that we could have a reduction there.

Mr. Leone: I'll find that out and I will tell you why. He'll say yeah, a lot of things that Dan does for hazardous materials relative to analytical equipment so whether we're leasing a piece of equipment or we're doing something that he needs to do, I can't comment on it because I don't know but I will find out.

Legislator Niebel: My last question is on page 13 of 14. It's 3989.EMT.4840, it's under books. We've actually budgeted nothing for 2017. We don't have any expenditures for 2017 for the first six months. We have a budget of \$8,325.

Mr. Leone: What that is, is we purchase the text books for the students and we turn around and resell them to the student. We had a nice inventory from 16', we didn't have any in 17', and we need to buy another inventory of books so that is what that is.

Legislator Niebel: Eighty three hundred dollars for that?

Mr. Leone: Well, a text book is like \$250 so we buy them, we keep them, and we turn around and sell them back to the student. We actually get the money back so it's nothing that we expend or give to the student. We actually charge the student for that text book.

Mrs. Hayes: It's in the revenue line.

Mr. Leone: There is a revenue line for it.

Legislator Niebel: There is an offset?

Mr. Leone: Right.

Legislator Niebel: Alright and then Mr. Chairman the only other comment that I have is, I'm just concerned about the billing as far as the Fly Car Julius because look this is a three quarters of a million dollar program as far as our appropriations. I just want to make sure that we're getting the \$750,000 of revenue to offset that. So, with the increase in the billing charge of \$60,000 or whatever, do you feel confident that this is going to be a wash, whatever we expend for the Fly Car we're going to be able to collect from either Medicaid, Medicare, private insurance, or private pay?

Mr. Leone: I can say this. We're going to give it our best shot. I mean, there is no guarantees in anything obviously.

Legislator Niebel: I understand that.

Mr. Leone: So we're going to give it our best shot. Based on the MMA projected, those are the numbers we're going by. Once we see what it looks like in the next 6 months or so, I think that we'll have a much better picture. I mean, we're billing now but we have absolutely no revenue in our account yet at all. It takes a while to do that.

Legislator Niebel: There's a lag.

Mr. Leone: There is a lag so we'll get a better picture and I think that is a very good question for six months to a year from now and see exactly where we are.

Legislator Niebel: I intend to ask at six months.

Mr. Griffith: All we have to go by is the historical numbers from the MMA study (*cross talk*)...

Legislator Niebel: I know John, you really don't have enough information but this is a significant increase to Emergency Services as far as the program and I just want to make sure that we have a mechanism I guess in place for the revenue because we're going to expend the money with appropriations that weren't expended and I realize that you can't put a dollar figure on the lives of people that we save but still in all, we have to be concerned about the revenues.

Mr. Leone: We think every day, when the wheels are rolling, it is a billable call, it's not a billable call and I will be honest with you, we're talking about it, we're running calls right now that are BLS calls that we're putting a paramedic in the back of basic life support ambulance because they can't get an EMT and that was part of our discussion when we talked about this program. Whether it's an ALS call or a BLS call, we're going to go. If they need us and they can't get an EMT, we're going and we're doing that now. We'll put a paramedic in the back of rig and we're in Erie on a four hour call. I understand all of that, the revenues has to be there and we're going to do our best to make sure that it is.

Chairman Wendel: I will say, from a personal standpoint, I've been there where the paramedic has been dispatched and they haven't been used. Twice now we've said that we don't need you which again is mindful. The downsize of that is, you do have to take into consideration

the fuel that was spent and the time and we understand that but, I will say from the field experience I've seen, the paramedics are very diligent as to what is a billable call and what is not a billable call when they get there. The question that I have is, our Medical Directors are phenomenal in their efforts to assist. Can they bill or are their services billable through the Fly Car program? For example, the Fly Car is there, could there be an additional bill if by chance the doctor is there?

Mr. Leone: That is a good question. I don't know the answer to that. It's certainly well-worth asking.

Legislator Nazzaro: (*Cross talk*)

Mr. Leone: It's probably not.

Legislator Nazzaro: (*Inaudible*) Medical Director unless he actually preforms some kind of billable procedure that would have the corresponding pix code to match what they were doing.

Chairman Wendel: See that's what they – I mean, they respond for example, you have a case, a fire with Dr. Faulk, he brought equipment on, it was actually (*inaudible*) of wounds so there may be that chance that, you know –

Legislator Nazzaro: It's all documentation making sure you have the right codes but also what I was going to follow up was, isn't the risk where somebody – we have a lot of Medicaid and Medicare stuff, but insurance companies, when you are early into this and using a billing company, (*inaudible*) commercial pays, like Blue Cross or United Health Care, are they covering these?

Mr. Leone: Are they covering the Fly Car?

Legislator Nazzaro: Yeah.

Mr. Leone: Yes.

Legislator Nazzaro: Do you have contracts with them? Or any kind of contractual (*cross talk*).

Mr. Leone: Professional Billing is doing all the credentials.

Legislator Nazzaro: So to P.J.'s comment, the billing company should look into (*inaudible*) medical services. They just there to observe and not doing anything, no. (*Inaudible....*)

Chairman Wendel: That's what I'm saying, sometimes there might be a case where they've (*inaudible*), for example, if one of the Medical Directors will respond, if he is there without the paramedics, the Fly Car, then that is something different but not to say that it's not

something that could be billed for or we could bill themselves or the Fly Car system, I think it's something having the company look into. Not that they are going to be out there –

Mr. Leone: We've had the docs out there pushing meds and doing things in the field where we didn't have that a year or so ago and now we have that but that's a good question.

Legislator Nazzaro: Are those docs independent or are they part of the – are you compensating them?

Mr. Leone: We contract through WCA Services to receive their –

Legislator Nazzaro: They do their own billing.

Mr. Leone: Dave Thomas and that organization handles that. We actually contract for the (*inaudible*) service but not as medical directors.

Legislator Nazzaro: It's like an emergency department our (*inaudible*) are independent so (*inaudible.....*).

Legislator Whitford: I would like to comment. I think that I can speak for the Legislature and at least my constituency, how wonderful it's been having you for 16 years and as you go into retirement, the energy, excitement, and enthusiasm that you've always had when you come here (*inaudible*).

Mr. Leone: I appreciate that. In fact, I want to thank you for your support. It's a great committee to come to and a lot of great discussion and I want to thank you for everything that you have done for Emergency Services and the support for Emergency Services. Taking the (*inaudible*) Fly Car, that is a huge step and it's not an easy step. Recognizing the fact that we needed to do something so thank you for that. We're going to work hard to make this as successful as we can but thank you for that huge initial step, thank you very much. Thanks for all of your support.

Legislator Niebel: Thank you Julius for your dedication to Chautauqua County.

Chairman Wendel: I've taken advantage I guess because, I keep throwing this out, the new old guy as somebody has now called me, when you have a system that has worked fluidly for 16 years and never a question as to your dedication and the dedication of the department, how it's evolved, how it (*inaudible*), like I said, we've all taken it for granted and we appreciate it. When you are in the business sometimes it's hard and you forget just how good of a job it is but we appreciate it immensely what you do.

Mr. Leone: Thank you, appreciate it.

Unified Courts

Mrs. Dennison: I will be presenting Unified Courts. Tab number 2. Unified Courts has no personnel so I'm going to skip over to local share summary and the personal and if you turn one more page to Assigned Counsel, A1162.1120. As I am sure you are aware, expenses for Public Defender cases assigned to outside counsel if there is a conflict of interest within the Public Defender's office or also if that office does not have enough attorneys to represent everyone that needs the Public Defender's on those cases are outsourced. It's always been a difficult item to budget and to keep in control. However, I will say that the expenses so far this year are \$440,000. If we annualize that that would be an expense of \$586,000 so there is potential to come in at or under budget. Because we can't really predict the volume of these cases, we are electing at this point to leave the budget the same as last year even though the 2016 actuals obviously were quite a bit above \$605,000. That is the rationale that we're using at this time.

I also just offer a note of caution though that these cases, there can be a significant lag in recording the expenses. A lot of times we don't know what expenses there are until the cases are completed. So, annualizing the current results is not necessarily a fool proof prediction of the annual expense.

The next category, 1162.1125. Indigent Services, Child Custody. These are cases again assigned to outside counsel which is typically assigned by Family Court. Legal Assistance of Western New York is the primary provider of these services. We are budgeting for 2% increase next year. As you can see, the 2016 actuals are \$140,000 so a budget of \$140,000 is in line with last year's experiences. Any questions on those?

Moving onto the Supreme Court and these next departments are all almost identical. Supreme Court, Family Court, Surrogate Court, Court Library, all of those departments, the charges there are all occupancy charges and insurance charges. So those are the costs to operate those court facilities as estimated by the Buildings & Grounds Department and similarly the insurance portion of our property and liability or liability insurance allocated to those court facilities.

Moving onto Justices and Constables, 1162.1180, the the small expense, that is a charge from New York State. Once a quarter we get a charge from New York State for felony fees paid. They are paid to towns and villages but there is a revenue component to this in the miscellaneous category. There is an offset here so that is awash with the revenue, it's just in a different department.

Then the final department is 1162.9999, that is a revenue department. That is a standard revenue that we receive from New York State for operating all these court facilities. It's a little bit cumbersome because the expenses for the courts are all in different departments and then there is just the one revenue. We're expecting that revenue to remain constant or relatively equal to last year. Any questions on those departments?

Chairman Wendel: I know the one that we're going to and I'm sure you all are going to jump in on this is Assigned Counsel. If you are looking at numbers across the board, we have vendors making – I'm not sure but, you are looking at \$60,000, \$87,000 and then we have people making nothing, I don't understand how we could say we're arbitrarily choosing when you have such a disproportion – you've got 12 people out of roughly 16, only (*inaudible*) counselors that

are making excess of \$20,000 on top of a private practice. This whole cost we have to - this has skyrocketed since I've been on this Legislature.

Mrs. Dennison: Unfortunately, I am not able to speak to you how those cases that are assigned.

Legislator Gould: We don't assign them. Judges do.

Chairman Wendel: We do have someone coming in October to Public Safety that does have a software program that will manage this a little bit better, is what I am told. Until then, there is nothing that we can do but it's been a thorn in our side because the numbers keep going up and up.

Mrs. Dennison: We need further discussion balancing this with Cattaraugus County. Wasn't there a proposal that passed that (*inaudible*)..

Chairman Wendel: There was talking that started and we can bring that up with the Public Defender as it usually falls on indigent services. I guess that is just a statement that I made. It's kind of frustrating. If you look at numbers, I mean, these numbers are assigned to a name and I'm sure most people would like a part time job making \$87,000 a year, up thirty some thousand from the year before. Counselor, \$31,833, was at \$44,505 and now they are at \$87,820 and I'm sorry, they are only at \$20,000 this year. Do we have any way to set a rate, a billing rate?

Mrs. Hansen: (*Inaudible*)..., but I believe they are at the standard rate.

Chairman Wendel: But they are not charged as the standard rate.

Mrs. Hansen: There is an hourly rate depending on if it's a criminal case or - it's been a couple of years since I've done it but there is a standard rate as far as I remember.

Legislator Niebel: I think that they can add to that standard rate.

Mrs. Hansen: Right there is always (*cross talk*)...

Legislator Niebel: Expert witnesses and whatever.

Mrs. Hansen: Right, paperwork, copies, I mean, there are always additional items on there but there is a standard base rate.

Chairman Wendel: It should be an encumbered expense.

Legislator Niebel: I guess the only question that I have for this is, Kathleen under contractual, we are increasing it by \$13,052 and that is in the increase, you think, in Assigned Counsel.

Mrs. Dennison: The overall increase, I mean, there is a small increase that is the sum of all departments. There is small increase in Indigent Services, basically it's the occupancy charges. Two percent increase in operating the buildings that house (*cross talk*)...

Legislator Niebel: That is the only thing I could find. Do you think that is justified, \$13,000?

Mrs. Dennison: I think that is is justified because we're using that increase Countywide for the buildings and facilities so I think that it is a reasonable number.

Chairman Wendel: Any other questions for Unified Courts? If not, thank you very much Kathleen. Moving forward.

Probation

Mr. Narraway: So the Probation budget for this year represents a 2.2% reduction in the local share. Although that sounds great there are some complicated factors to that, that I'll get to in a little bit. We have increased our staff by a one part time person for next year. Actually I increased starting on July 1st with the resolution that you approved Wednesday night for the part time Alternatives to Incarceration program. It's entirely grant funded and that's the only increase. Just as a way of keeping you up to speed with all things Probation - for those of you that aren't aware that the New York State Legislature passed the Raise the Age bill. That bill will likely cost a significant increase in our work process. That's (*inaudible*) in October 1st of next year and the 17 year olds will come in the following year on October 1st. We didn't budget anything relating to that, well, I shouldn't say that, we made a minor adjustment relating to that but we didn't add any personnel or anything related to that yet just because at this point and time things are very unclear as to how this whole process is going to proceed and how it's all going to shake out once they are done with the rule making for this process. Very likely, when I'm here at this time next year, I will be asking for at least an additional personnel just to cover that. The potential good news is that the State has promised that they are going to pay for all the costs attached to this but we all know how that goes but that's the promise. I'll do my best to hold them to that.

As far as personnel services, the primary increase there is related to steps and increase in the part time position. In anticipation of the Raise the Age, we increased some spending relating to electronic home monitoring. I anticipate that the Judges are going to look for an alternative to locking these kids up and most likely the alternative to locking the youth up would be to put them on an ankle bracelet and have them stay at home. It's not a fool proof method but it's a good fallback for them and it is much cheaper than detention. So we added in some money in for that. The other increases there are for computers as recommended by the I.T. Department and we added a couple of thousand dollars to have some smart phones to our equipment list. They have the ability with GPS so it's going to enhance our officer safety for our Probation officers who are working in the field as well as it will allow them to work a little smarter instead of harder by being able to do some access to data base that are available on smart phones and do some case notes as well while they are in the field instead of waiting until they return back to the office.

On the revenue side, there was a court decision this past year that determined that we are not allowed to charge for certain things we do. For example, electronic home monitoring, the

court decision said that that was part of the cost that we should bear and it shouldn't be borne by the defendant. So, that's a revenue line that essentially has gone away for us. There is a little bit of a downward trend in our income related to adjustment on our revenue collection in supervision fees just as it's trended over the last year. Our population has kind of flattened out thankfully, we have just a little chance to catch our breath but attached to that is a flattening of revenue.

As I mentioned at the beginning, we went from essentially a 2% increase in local share to a 2% reduction. For the most part that is attached to \$100,000 in revenue from shared services. The Department of Health & Human Services believes that there is an opportunity to gain some reimbursement from New York State for the work that Probation officers do. I have a number of concerns attached to that. It's going to mean probably an increase in workload for my officers and it will come with as part of a cooperative agreement between Probation and Social Services. Bottom line is, it's better for the County as a whole that we do this and we'll have to bite the bullet and do our best to get the reimbursement as best we can.

Legislator Niebel: Tom, for that \$100,000 increase in revenue, you are referring to revenue 14 Shared Services, \$100,000 OCFS Funds to DHS for work done by the Probation staff?

Mr. Narraway: Yes.

Chairman Wendel: Any other questions for Tom? Local share you came in 2.2% lower than last year so you've met our requirement, thank you very much and then some.

Legislator Niebel: First of all I would like to compliment Tom and his staff, 2.2% decrease in local share, very good. I do have a couple of questions and these are just minor questions Tom. I'm thinking of three line items on page four. Operating supplies, we're going from \$7,000 up to \$9,000, a \$2,000 increase yet our actual expenditures are only \$2,597 for the first six months of this year. That's account number 3140.4110, operating supplies. Because we're only at \$2,500 right now, could we decrease the operating supplies?

Mr. Narraway: That account is essentially larger purchases. It's not \$100 here or \$100 there. For example, we purchase ammunition for the officers in their training out of that account so if it's not in the first half of the year it would be in the second half of the year and the actual expense would, over the course of the year, increase. Anybody that is a hunter or shooter knows what, couple (*inaudible*) we've been in, the price of ammunition is essentially what that reflects.

Legislator Niebel: O.k, but in 2016 we only expended \$3,600 so even if we double that for 2018, that would be like \$3,720. Do you think that we could decrease that at all? Say by a \$1,000 or \$1,500?

Mr. Narraway: I guess my point would be to look at 2015 and we almost spent \$10,000 that year.

Legislator Niebel: It's not a bad point. Let's drop down a couple of line items to other supplies. In 2016, \$7,395, we're going up to \$14,100 and increase of \$11,100 over our adopted budget. Can we decrease that at all?

Mr. Narraway: That number is based on recognition of the I.T. Department to replace computers.

Legislator Niebel: Other supplies?

Mr. Narraway: Yes.

Legislator Niebel: Alright.

Mr. Narraway: It hasn't flattened out we're trying to have a little bit of a cycle and next year just a little bit of spike in the numbers of computers we did swap out.

Chairman Wendel: Now are those capable of handling the monitoring system potentially, the ETI program if need be?

Mr. Narraway: The ETI data for the ETI program is built into our Probation data base kind of which is automatically (*inaudible*).

Legislator Niebel: As far as communications, that shows a \$2,000 increase. Is that something that was given to you by Finance?

Mr. Narraway: The \$2,000 increase is the increase in smart phones that I spoke of earlier that it's more of a matter of safety being able to have a better idea of where officers are, having the ability to put some alarms on that. If they are in distress they can (*inaudible*) switch and we would be alerted and the software we can put on there is just going to really increase the safety to our officers.

Chairman Wendel: Any other questions for Probation? If not, thank you very much.

Sheriff

Sheriff Gerace: I believe that everyone has met Jennifer Cresanti. She's the fiscal supervisor for the Sheriff's office. We stole her from the Gebbie Foundation. She's just coming up to speed on everything.

Chairman Wendel: She's taking Kathleen's place?

Sheriff Gerace: Yes. Jennifer did come in after the budget. Kathleen was kind enough to assist us and Jenelle Hansen also helped us with the budget preparation which was - we were in between because you stole Kathleen from me.

Chairman Wendel: O.k., the floor is yours.

Sheriff Gerace: I assume the process that you want us to follow is similar to previous years. We can start with – do you want to start with FTE's Mr. Chairman?

Chairman Wendel: Yeah.

Sheriff Gerace: Or you want to go right to local share? We're .01% local share increase. FTE's we have reduced by a part time Clerk, we added a position at Starflight due to a military deployment but that is cost neutral to us. Obviously the Starflight program is reimbursed by the corporation. We reduced allocation to the District Attorney's office and we'll talk about that, in the STOP DWI area. We did remove - .9% was in the budget for funding for a STOP DWI coordinator and then we had a change of nursing staff that went to Health & Human Services when they took over medical of the Jail. We had added a part time to full time in Pistol Permit and that was since removed. It's not reflected in there.

Mrs. Dennison: That is correct. You had originally proposed adding another part time position so instead of that, the Pistol Permit office is currently one full time and 2 part time and the suggestion for 18' proposal to go to 2 full time people and no part timers.

Sheriff Gerace: I am requesting that we move a part time emergency 9-1-1 dispatcher to full time. That is here and reflect a .64 FTE. Our 9-1-1 center continues to be – it's a critical element in the system and we're dispatching for every fire department in the Chautauqua County and seven police agencies, including the New York State Police. I just feel that we are adequately staffed. I would like to have at least one more. I probably would like to have four but we put one in the budget so it's a change from half time person to full time. Again, I apologize to Audit & Control members that I've kind of back sided to you. Mr. Chair, I can go through budget by budget if you like that.

Chairman Wendel: I have some significant questions compared to when we sat here last year and things that have transpired. If you look going back to 2015, we started with an overage of \$843,000 which we found within our budget to maintain. Last year we found an overage of \$913,000 which we found within the budget. It's pretty significant numbers to find inside of a budget as reported as bare bones. Coming back to this year of looking at our Sheriff's organization, one of the discussions that was made and I know you don't control this but, the contract they were given, we were assured as a Legislature, it would bring significant savings and at this point, those savings haven't been reflected. That's a challenge for people who were asked to do this in good faith. I personally did not vote in favor of it because, I mean, I'll go out on the limb, go on record, I was very questionable about this because to tell us you are doing to do something and we don't do it. We can't hold anybody to that –

Legislator Niebel: You are talking about the retirements?

Chairman Wendel: Retirements and we aren't seeing that reflective and this year we had given up \$1.2 million dollars in our Jail costs for health care but yet there is not a \$1.2 million dollar reduction in our Jail costs, if I see that correctly. I guess the point is, why? I guess plain and simple. When you are talking in two years we have expended, over exceeded a budget by

\$1.7 million dollars but it's been found within our budget, that is pretty difficult to people who are –

Sheriff Gerace: I don't know that that is accurate Mr. Chairman.

Mrs. Dennison: I would suggest maybe we walk through the details because there are a lot of building leases and the comments do explain what has changed from year over year. As I said, I would suggest that maybe we go through the details to see what has changed and that will shed some light on why there is not a \$1.2 million dollar drop in the Jail budget. We do have some projections from the Director of Finance on the effects of the change in the retirement program. The other thing to keep in mind and we are seeing and she is projecting lower wages in the deputy sector but short term there are charges and that is included in this budget. The \$343,000 annual charge for the buyout or buy in, whatever you want to call it, moving to that new retirement program. So that budget request, that buy out payment. So there are a lot of variables that are changing in addition to taking the jail out of the budget.

Chairman Wendel: I guess first of all, do we have a projected number of what is the anticipated, what are the factual numbers of retirements?

Mrs. Dennison: We do have that. There have been so far this year, there are 8. The projection was based on 11 and Sheriff, I believe you expect to see those 3 additional retirements by the end of the year.

Sheriff Gerace: Yeah, I have received notice of at least one more that is leaving within two weeks or so. I don't have a firm date yet so that would make 10 and then there are two others that have indicated that they may be leaving as well.

Mrs. Dennison: So the projection was based on 12 retirements in 17' and as I said, so far there have been 8 and there are expected three more by the end of the year. So, it's look like there will be 11 retirements by the end of this year. Now, I did not have a hand in the projections for retirement change over so I can't speak to all of that. I'm not sure if the projections assume that 12 people would retire on January 1st. I don't know that but as I say, the retirements this year are – we're stepping through it so we have or expect to have 11 retirements by the end of the year but not all those people will retire for the whole year. The other thing that I should bring to light is when Kitty was looking at these projections the retirement projection assumed additional 10 people retire in 2018. This budget does not include those 10 retirements. That is one potential change that we can make that would definitely (*cross talk*).

Chairman Wendel: Significant. Ten people retiring is a lot different than budgeting 10 people and then all of a sudden at the end of the year now we're looking to reconcile the budget and we've gone over when in essence if these 10 have retired, that's the budget –

Legislator Niebel: The difference in the wage and step increase.

Sheriff Gerace: And their tier of retirement. Wages and fringes.

Mrs. Dennison: If we take those 10 people, the wage differential between a top step deputy and Step One deputy in 2018, the differential is \$8.99 an hour. So, \$9.00 an hour so we take that times the number of hours they work in a year and 10 deputies you have about \$186,000 in wages. Then we would attach the fringes to that, we factor in those 10 additional retirements, wages and fringe benefit would be approximately \$250,000.

Sheriff Gerace: But that's assuming they are gone for the entire year which they could – like we're saying now, retirement coming up, we're talking mid-October and that wouldn't have the same impact annually.

Mrs. Dennison: The reason why it's not in the budget is that those people haven't given us their retirement notice. I mean, we have the 11 people that have given notice in 2017, the budget does reflect the changes for those people. The additional 10, it does not so I would suggest your posture is that you have an option do you want us to include those to add them, we can, but as the Sheriff pointed out, not knowing when they are actually going to retire and it's a little bit of an aggressive posture, the option would be to not include that and then that would be a potential savings by year end.

Legislator Niebel: Kathleen, I think the suggestion from the Chairman here was that we do have a significant transfer from the Sheriff's budget to the Health Department. As I went through it real quick, \$200,000 for Medical Health Services, another \$200,000 for drugs and pharmaceuticals, not to mention, \$548,000 as far as the five nurses so whether we're talking about a million or a million point two, that is being transferred to the Health Department. If it were not for that, actually we'd be looking at, instead of a .1% decrease in the local share, we'd be looking closer to a 5% increase. I mean we can go through the budget line item but I think we're going to have to take a careful look and see if we can't have some sort of decreases there.

Chairman Wendel: If you would go through line items, I guess that is what we'll look at next to try and figure out how we can make sense of this.

Mrs. Dennison: Or the another option is, if you refer we start with the overall organization tab with the comments because that does summarize any changes.

Chairman Wendel: Yeah, we could do that.

Mrs. Dennison: Do you want me to run through those?

Sheriff Gerace: Yeah, go ahead Kathleen. That would be great.

Mrs. Dennison: So personal services, Jail overtime, there is an increase in the budget for Jail overtime.

Legislator Niebel: Three hundred thousand dollars, Kathleen?

Mrs. Dennison: I'm checking that because -

Legislator Niebel: It doesn't have a page number but it's like the second page in from the actual breakdown here for the department. It's on the second page at the top.

Mrs. Dennison: It's on page 26 of 41. The Sheriff had originally proposed a \$300,000 increase through conversations with the County Executive, that increase was reduced to \$150,000. But there is an increase in Jail account of \$150,000. (*Cross talk*) comment is out of date. Jail overtime has been an ongoing problem for us for a few years and we have been attempting to make that a more realistic budget every year. The budget does now include contractual overtime, that's for the Jail, (*inaudible*). The overtime for the Jail, the contract pays them for holidays. They have holiday time but they don't take holidays. So for every Correction, every Sheriff, there is \$96,000 in overtime which is essentially guaranteed to the private contractor. So, for the Jail overtime budget for years has been barely equal to the contractual overtime and it has not included anything for anything extra. So if somebody gets sick, you have to fill their shift and if you fill it on 2 hour's notice, you are billing on overtime. So we've been trying to make that a more realistic budget. This year's budget is a contractual overtime, it does include some additional funds this year for the first time. There is a contractual component (*inaudible*), the additional \$150,000 is the non-contractual overtime.

So, going back to personal services on the first page that is there affect and then also as I mentioned in the overview for the Committee about having contractual rate increases for Deputy Sheriff's Association and for the part time Deputies.

The equipment purchases. There is a big increase in the equipment but those are being funded. You'll see in the contractual, there is a \$549,000 decrease throughout the whole organization and largely that is because of transferring the Jail Medical costs. Pharmaceuticals and also the medical treatment costs.

Moving onto employee benefits. The same story as other departments, there is a big increase in the medical insurance rates. Also for the first time this year, the Sheriff has included in the budget health insurance costs for part time CO's that are eligible for Health insurance. Any Correction Officer that works over 1,040 hours in the course of the year or averages more than 20 hours a week, they become eligible for health insurance. In the past, we had not budgeted for that because (*inaudible*) to predict what is going to happen but this year we also have the additional factor that part time CO's, if they work over 1,560 hours in a year and their averaging more than 30 hours a week, based on the Affordable Care Act, those employees, they get health insurance for all of the next year. So any Correction Officers that exuded 1,560 hours in 2016, they get health care this year and if they go over that number this year, they will get it for next year. So we did factor into the budget, Jenelle did an outstanding analysis on how many CO's we have and whether we expect them to have, part time CO's, whether we expect them to have health insurance next year so we have included that cost. I have to apologize that I don't have an exact number for that but that's certainly been the source of budget overage in the past because it was not included in the past.

Just a snapshot on the revenue side. The other property taxes. The first one is going down because we have lower expenses in the 9-1-1 area. So 9-1-1 departments are self-balancing so if there is lower expense, any extra revenue goes to the reserve account. So essentially those departments were not allowed to make a profit. Even if the Sheriff makes a profit, he doesn't get to keep it. It goes to the reserve. So there is less revenue because there is less expense there.

Legislator Niebel: Kathleen dropping down a couple of line items here, Pistol Permit/Finger Printing, no longer collected by Chautauqua County. Could somebody expand on that?

Sheriff Gerace: As you saw, I asked for another full time Pistol Permit Clerk. We retracted that. What we're going to do the first of the year is utilize a civilian finger printing company called Identogo it's part of (*inaudible*) Trust which is a parent company. They do all the finger printing for civilian finger prints. So for instance, is someone who's a bus driver, school teacher, has to be finger printed. There are two sites in the County. I feel that we can process them more rapidly that way and it will save us time. It's not going to save us money but what you are seeing is an adjustment to the escrow account that we will no longer need. Prior to this move, even today, the State requires us to keep money in escrow and then when someone is finger printed for a pistol permit purposes, it deducts from our escrow account. We will no longer have to maintain an escrow account because they will be paying the vendor directly when they are finger printed for pistol permits. They won't be coming to Mayville and be finger printed. They will be using a private vendor and then DCJS, the Division of Criminal Justice Services, will send us the record checks and we wouldn't physically get the finger print, we get the criminal history. So that eliminates a piece of the process. It's going to speed up our turnaround and give our Clerk a little more time to focus on moving the permits. They are still 6 months out for a turn around on a permit, on average, and that's too long.

Legislator Niebel: O.k. Joe, those this revenue of 16', license and permits, where we show an actual decrease of \$94,000 for the pistol permit finger printing?

Sheriff Gerace: No, because we are still going charge a processing fee as we are allowed to do, so our fees won't change. What will change is the escrow account.

Legislator Niebel: Will we have \$94,000 less in revenue then?

Sheriff Gerace: I don't know if we caught that up or not Kathleen.

Ms. Cresanti: I think that might actually be a wash. If you look at the expenses in the .4's contractual, there is a note in the comments. Reduce pistol permit finger printing expense. There is a correlation between that expense decrease and the revenue decrease.

Sheriff Gerace: We are limited by law on what we can charge for fees in the Pistol Permit office so there won't be any change in fees. The difference to the pistol permit applicant will be that it will be easier for them to get finger printed. It will be that they do charge, where we were charging \$10.00 for finger printing, the Identogo charges \$12.00. But instead of driving to Mayville, they could either go to Dunkirk or Jamestown or any place in the State or actually the nation where there is an Identogo finger printing facility. So they could do it in Erie County, I don't think that there is one in Erie, Pennsylvania, but for people that are – they don't have to go through the single point entry and they don't have to drive to Mayville, so I think that it's going to be a win/win in the long run. We intend to start that the first of January.

Legislator Niebel: I have a pistol permit, I'd rather pay the \$10.00 than the \$12.00.

Sheriff Gerace: I understand that Mr. Niebel, but you save gas money not having to drive to Mayville.

Legislator Niebel: That's true.

Sheriff Gerace: And your time is worth something and we're (*cross talk*) pretty much. The delay and people coming here to get finger printed and it does tie up our Clerk tremendously. They will have a day that they just finger print people, no other processing can be done.

Chairman Wendel: I have a question under revenue, under Federal aid. The adopted budget was two twenty one, we jumped to nine fifty and then we projected at eight seventy five. Why are we jumping so much in those numbers. You are increasing \$700,000.

Mrs. Dennison: It's grants. When the budget is prepared a lot of the grants have been awarded so we do add revenue for grants but in most cases also add expense with the grants. So the amended budget for the expenditures is not jumping as much of other factors that are (*inaudible*) but in general revenues go up before they get (*inaudible*).

Chairman Wendel: So you are looking at an increase grants of like \$400,000 but again, that's just estimated.

Mrs. Dennison: It is an estimate, yes. We when we get the grant awards, we get a specific amount awarded but the grants are typically for performance period of three years. So we know what the award is but we do have to guess or estimate how of the grant is going to be (*cross talk*).., yes, estimated timing. Then we do the amendments to the budget, we do our best to estimate how much of that grant is going to be expended.

Let's move onto the summaries of the individual departments.

Chairman Wendel: O.k., we're looking at Court Officers.

Sheriff Gerace: This is the majority of the court security detail which is funded by the Office of Court Administration. There are non-reimbursable's which includes things like ammunition, longevity. In the contract, they will not reimburse us for that and also fire arms if we have to purchase those. The State will not reimburse us but all the other salaries are reimbursed. You will see that we've had a slight increase in reimbursement for court security but that's pretty much at our costs. Many of those town courts are now requesting that we provide court security to them through contract which we bring to committee. They are asking for a court officer be it, town or village court. This is a budget that's pretty close to being cost neutral when you look at the total amount of money that's utilized to run court security. Most of that is paid for by OCA.

Chairman Wendel: Any questions about court officers? O.k., now dispatch.

Sheriff Gerace: Dispatch, we have some step increases there. They are not members of DSAC so they have a contract in place. There are some step increases and wage increases in dispatch, correct?

Mrs. Dennison: Not yet. The 6323 –

Sheriff Gerace: That's right. I forgot. Their contract expires at the end of this year. So really the only thing, I would say the Alarm's Law, we adjusted revenues there, downward by \$1,500 because history isn't there for collection, so we made a minor adjustment in that budget on the revenue. My request to move a part time to full time will result in health insurance which was included in this budget. 3020.E9-1-1, this is just a reminder, this is the surcharge that is placed on wire line phones. Yes, we still have some of those that have a cord that go onto the wall and this is zero local match. The one thing that you will see that we try to do is, where possible, is move expenses from this account to the wireless account because the wireless is one that's growing. More people are getting cell phones and there are only certain things that are acceptable to use under wireless so what I had asked Kathleen to do is find every expense that we are paying for, out of E 9-1-1 that could be allowed in wireless 9-1-1 which will get to in a second and shift them because we have a little bit more – fewer restrictions on the 9-1-1 account than we do on the wireless 9-1-1 account, if that makes sense. I hope I spelled that out properly. Any questions on E-91-1?

The next would be 3020, Public Safety Communication Network. This is where we moved expenses for the radio system which is, obviously, a shared system. We house the cost for it in our budget but it's all public safety, CARTS, is all on our system. There is no personal in this budget. This is the budget that maintains the tower sites and the radio system –

Mrs. Dennison: Matt Trusso is in there.

Sheriff Gerace: Yeah, that's right, a portion of his budget is in there. Matt's salary, I misspoke. I forgot that we had moved him.

Mrs. Dennison: If I could clarify the comments a little bit. The State Inoperable Communications grant, that is the equipment expense, the \$295,000 equipment. On the revenue side, that Federal Aid actually included two grants. There is the grant that pays your equipment and then there is a grant that pays for Matt Trusso's salary for communication systems. The comment only suggest it's only one revenue stream or one grant but there are two grants in the revenue line.

Sheriff Gerace: Did we not split this one in half too and we're expending half of it in 17' and half of it in 18'?

Mrs. Dennison: Correct.

Sheriff Gerace: Because of timing. There is no way that we can get that technology off the ground that quickly.

Mrs. Dennison: Yeah, so there is the two ninety five in 18' and then I believe the 2017 portion, I think it's \$362,000, so that it part of the amendments in 2017.

Sheriff Gerace: Any questions on that?

Chairman Wendel: So we are budgeted \$379 for that revenue and that offset is picked up by part of that salary then?

Mrs. Dennison: Yes, that is correct.

Sheriff Gerace: Tech Services. The notes here are, we've provided upgrades to these folks that work in tech services. So, they are not completely implemented. They will be finished in 18'. Then we did cut down the revenue line under E 9-1-1 system maintenance. That was higher than we could actually obtain so we did reduce that by \$15,000. What we're allowed to do with the expense from 9-1-1 is to charge ourselves, if you will. The tech people are going to be doing maintenance on the 9-1-1 system that is allowable for them to bill us for that, even though it's internal. So we can book those expenses against ourselves and use 9-1-1 funds to pay for it. So we just think that the estimation on how much time that they were actually spending was overstated so we reduced that by \$15,000.

3020, Wireless 9-1-1. Did you see the note there that we transferred funding from – expenses from E 9-1-1 to the wireless account and that is done again in order for us to – this area there is growth in revenue enough to cover expenses but these two budgets are pretty much cost neutral. This is where we have to carefully monitor our reserve. Obviously we need reserve funds to keep the program running, 9-1-1 running. If you recall, we replaced our 9-1-1 (*inaudible*) this past year and completely changed our network to a, what's called Next Generation 9-1-1 and that was done because we had a reserve. Now if that reserve got to be monumental then we have to take a real close look at what we're charging monthly for our wireless users but, right now the history has been that it's necessary to keep the system afloat. We can't use wireless fees to pay for personal. So it can only be used for equipment, leases, software maintenance, that kind of stuff. So we try to move it out of 9-1-1, other expenses that could be paid for out of wireless 9-1-1. I'm kind of repeating myself with this.

3110, our operations. There are a couple of significant changes. The retirement system is one of them. I do not feel that Kathleen or Kitty Crow should be the ones that answer any high level questions about the formula or cost versus or the retirement system versus reduction. We do anticipate and this has been a very chaotic year for us because of the number of retirements that have taken place. I count people that Kathleen might not be counting. We had one leave at the end of last year because of the new retirement system coming and then we had one leave, didn't have enough time to retire but I still would count that person and ask that we look at the cost because they went in at a higher step and a higher grade and step than the person that we hired to replace them, would benefit us in the less replacement cost. So you we took out – I'm going to just say for the sake of discussion, a Grade 16, Step 5 or 6 that left employment here to go to the New York State Police and he's going to be refilled by a Step 14, Grade 1, so that person I would count. Having said that, we've had, I count 10 people that have left and replacing them, training, and we're in that process continuously right now. We're starting to see supervisory level people leaving and it's disruptive. No question about it.

Mrs. Dennison: I would just like a comment. Just looking at the personnel services, you will see that the projection is that 2017 personnel services would be \$160,000 less than budget so that shows the effects of the retirements and then also in the budget, the 2018 budget, is lower than 2017. That is the effects of the retirements because we have more lower step people. I should also note here that this category includes other positions in addition to the deputies but, we are starting to see the positive effects (*inaudible*) due to retirements.

Legislator Niebel: But Kathleen, this figure here reflects the retirements that we know about, it doesn't reflect the possible 10 extra retirements?

Mrs. Dennison: That is correct.

Legislator Niebel: In 2018 and again, I realize they are all not going to retire January 1, 2018, it's going to be staggered but if we do have 10 retirements it will be a cost savings in the wages and in the – well, the fact that the new hires will be at a lesser wage then the retirees.

Sheriff Gerace: Yeah, and they come into Tier 6.

Legislator Niebel: Exactly and the employee benefits and step will be less for the new hires.

Sheriff Gerace: The other part of that contract or agreement is what they are all in the high deductible health insurance. Every one of them. They have no other option anymore.

Legislator Niebel: And that is a savings too.

Sheriff Gerace: Absolutely.

Mrs. Dennison: And the wages too, the wage decrease is not used, that \$68,000, so keep in mind that (*inaudible*) the effect of a 1.5% wage increase.

Chairman Wendel: EX04, somebody described the EMT Medical Director?

Sheriff Gerace: We were asked by Emergency Services to include a small amount of money to help offset the cost of a Medical Director because they are directing our EMT's as well as the paramedic program. So we added, I believe a \$10,000 line item to that. Good observation.

We had a little bit in the revenue side of the operation in this 3110. The Civil fees were down a little bit and those fees are obviously from serving civil papers and also fees associated with garnishments and evictions etc.

Then we had a grant with the City of Jamestown through the Office of Court Administration and that had been mistakenly over budgeted so that had to be corrected which results in an impact of the 2018 number. The grant issues, we started a new account where we put all the grants under one account to help better manage that so that shows \$130,000 that was actually moved into another account.

Pistol Permit, there is note that a part time position upgraded to full time, that has been retracted. We are not going to do that and the remaining things deal with the finger printing fees

that I had explained. We had some discussion in our meetings and also our presentation to the County Executive about fees but fees are set by law and even addendum fees when you transfer them or add a gun registration or deleted on, that is set by New York State law. We have no authorize to supersede that. So the big thing is the change in the finger printing process which will really have no impact on our revenue. It will have a positive impact on both consumers and our staff. Unless you have questions, I won't beat that any further.

Legislator Chagnon: Will that to the budget prevent creating a part time to a full time?

Sheriff Gerace: I believe that was the (*inaudible*), was it not?

Mrs. Dennison: The comment is correct. We took two part time positions, took them out and put in a full time. So the two part timers essentially (*inaudible*) to one full timer. Does that make sense.

Mrs. Cresanti: Originally there was an additional part time person that we put in there –

Sheriff Gerace: But we should end up with one full time and two part timers.

Mrs. Dennison: The County Executive wanted to change it to full time in Pistol Permit.

Sheriff Gerace: It was my misunderstanding. My understanding was that he didn't want us to have the second full time person.

Mrs. Dennison: No, he did not think we needed the – I think it was originally one full time and three part timers for a total of 2 ½ , he thought two is sufficient. So it would be two full time positions.

Sheriff Gerace: My apologies. I misunderstood the email. I thought we were losing the full time position. That is why I was wondering why it was still showing up.

Mrs. Dennison: Gaining the full time but losing the two part timers.

Sheriff Gerace: The basic academy is not even worth discussing, that's just where we work with JCC and it's a wash of fees from those that are attending the basic school and then we get that revenue back. It's a zero.

The grants is where we are booking all the different various grants. Obviously there is no local share to that. Then we move onto the Jail.

As Kathleen mentioned earlier, the difficult part for me and Mr. Chair you mentioned the end of year budgets, the Jail has been killing us and it's killing us because we've been under staffed and underfunded. It's not easy coming coming to you for money.

Legislator Niebel: It's not easy giving it.

Sheriff Gerace: I understand that and that's where we're in a no win situation. But the Jail overtime which seems to be – we can't operate without it because we're 24/7, 365 minimum

staffing operation. When we had only enough money in overtime to cover contractual, stuff that we had to cover, then operational put us over budget. And the operational, I have no choice, I'm under regulations, State law, that every shift, every day has to have a minimum staffing set by the State of New York. They set the regulations, they set the staffing, they even tell us how many Sergeants and Lieutenants we have to have but they give us zero dollars. Not one penny to do that. So, we try to adjust the overtime so we don't over expend overtime. We constantly monitor the overtime. We've seen with the addition of part time people in last year's budget, you recall you improved an increase in a number of part timers, that has resulted in a reduction of overtime within our overtime. But, this is one of the areas that we see a need because we've been underfunded. We did transfer medical services to Health & Human Services, that's still a work in progress but I can say that I've fairly pleased with the way that it's been going. It's not going to be an overnight success. As Kathleen mentioned, there were several things, actually, we didn't talk about that additional correction officer in the FTE's?

Mrs. Dennison: We did not talk about that.

Sheriff Gerace: I can talk about that now. We get hit with – we call them 1040's. When they get to a 1,040 hours by contract, that part timer gets health benefits for the rest of the year. That was never budgeted in our budget. We just kind of absorbed it which is obviously not the proper way of doing business. So this year we tried to do a scientific process of looking at how many normally go over 1,040 and that depends on so many things. Some completely out of our control. Somebody gets hurt, somebody goes out on long term illness. Now I don't have a person and I have to fill that shift, I have to fill it, so either I keep someone on overtime or I work part timers more than budgeted for them. Or, I try to hire more part timers which is – it takes a long time and it's expensive. They can't work alone until they get field trained and within one year they have to go to the academy so adding part timers isn't a quick process. It takes us months to get them in there. We have to advertise, we have to interview, we have the psychological screening –

Legislator Nazzaro: So, to (*inaudible*) part timers, we had nine last year?

Sheriff Gerace: We added 9 and we have 39 part time positions. I can't tell you how many are filled right now but we are authorized I believe, for 39. We hire them and for instance, this last group, a guy quit before his first day and we've used up the list so we're now hiring off the streets here meaning we don't have a valid solution so that's a challenge. So we have 39 part time positions, if they are all filled, we can reduce overtime because we can use the part time staff. When they are not available or not filled, then we have to use overtime to fill our shifts. I hate to say this and you think about it as an administrator, we force our people to work overtime on a regular basis which means at the end of their shift, they are not going to home and we do that by seniority so that (*cross talk*) stays over. So you just work 3 to 11 in the jail, you are ready to go home and see your wife and kids and you just get told you have to stay until 7 a.m. and you are locked up for 8 hours more.

Legislator Whitford: Unless someone senior volunteers.

Sheriff Gerace: They can and when we've allowed – we've made all kinds of adjustments. We let them try and split that up with somebody or they can switch shifts but usually somebody calls in sick at the last minute, you have to fill that shift. You start to call out, nobody wants it and then the person that you thought was going home, isn't. They are staying for that shift. So we've looked at it, we've done the math, Kathleen did a pretty significant study into the cost benefit or full versus part and no matter how we cut it, we couldn't show that adding more full timers was going to save us money. It's not. We just have this constant battle filling those gaps. The part timers, they go through the same screening process, they go through the same training, same civil service test but they are looking for full time jobs with benefits, most of them. So we're going to have turnover.

Legislator Niebel: So the part timers are under 1,040 hours?

Sheriff Gerace: If they go over 1,040, then we have to give them health insurance for the remainder of the year and we have to give them accrued sick time or vacation time?

Mrs. Dennison: Vacation time.

Sheriff Gerace: They get vacation time, they accrue that. Once they hit the next calendar year, that resets and they don't get the health insurance anymore unless as Kathleen explained, if they get to 1,560 hours under the Affordable Care Act, they get health insurance for the remaining part of that year and the entire year coming up. So, you talk about supervisors, watch overtime, don't ever use the part timers and make sure we're never understaffed and they will just look at me like I have two hats. Because it's pretty difficult to do.

Mrs. Dennison: If I could throw one bit of positive news, for this year – so, as the Sheriff mentioned last year he did add the 9 part timers so the 17' budget includes – if you look at the numbers that the Jail is mandated to have, so the 2017 budget includes 21,767 shifts that part time and full time CO's. Looking at this year and extrapolating out the current experience so far this year, we estimate the number of shifts just in 2017 would be 21,853 so it's different by 100. What that means is, the budget, we think now is right sized with the number of mandated shifts and we're just talking about straight time shifts. One of the problems in the past budget is that there really was not an adequate allocation or factor for time off because the full time CO's, we are obligated to give them time quite a few time off (*inaudible*). In 2017, we're looking at – their time off shifts are totally about 3,000 shifts between vacation, sick time, workers compensation. But my point is that the number of shifts that will be worked this year appears to be very close to the number budgeting. Unfortunately the number of overtime shifts this year is running over budget. It's not running over budget as much as last year. If we annualize the expenses that we have this year, it looks like the overtime would be \$200,000 less than last year.

Chairman Wendel: Two hundred thousand less than \$672,000?

Mrs. Dennison: Yes.

Chairman Wendel: You know, we sat here in 15' and said we were going to correct this, we sat in 16' and it was going to be corrected, forgive me if I'm wrong, and now you are telling

us that we're looking at a minimum of \$400,000 overage over what we were told for two years is going to be taken care of? It's very difficult to swallow when every year this budget has gone over and we have no other choice, (*inaudible*) getting back to, we didn't change the local share, we didn't change any transfers but within this budget, we covered those expenses. I think that is the basis of all of this right. So you are telling me if we're going to be \$470,000 over, we know that we have \$470,000 in this budget that we're going to cover.

Mrs. Dennison: Just in the overtime, right. That doesn't mean that there are not savings in other areas.

Chairman Wendel: That is the bottom line. If we're given a budget and saying this is the bare bones this is all we can do and then all of a sudden now, at the end of last year, we're handed a resolution that needs to be taken care to the tune of \$913,754 and that is found within either cuts, reductions, what have you, that is where the concern lies for everyone at this table. We were told last that we would not have this problem at the end of 2017 and now we're told today that we will have this problem in 2017. Unfortunately to me, that's very difficult to swallow. We are told it's not going to happen and yet it does. I don't know what everybody else's feelings are.

Legislator Niebel: If we're talking about a half a million dollars in overtime, well look, this is going to result in the budget being higher than what it is and it's going to mean that we're going to have to have a tax rate higher than what it is. So, look to the extent that we can reduce the overtime or any of these other charges, that is going to enable us to reduce the tax rate which I think is what all of us are here for.

Chairman Wendel: Audit & Control, any discussion or any input? Again, this will now be three consecutive years that you've exceeded the budget.

Legislator Pavlock: What is the solution for fixing the overtime?

Sheriff Gerace: Let me just go over the overtime for a second. We can look and do a and probably should, to do a cost evaluation of adding full timers to prevent overtime. Some of it is unpreventable because it's contractual. They work Christmas night. You are not going to close the Jail and say, make sure you are all o.k. in the morning while we go home for Christmas. That is contractual. We don't have it. I think sometimes people have the impression that overtime is some gift. Nobody wants to work their Christmas eve and Christmas day or New Year's Eve, on those holidays. We have to operate. That is what we would call contractual overtime. Stuff that we have to have. The other overtime, the solution to eliminating overtime is adding people. There is a breakeven point where you say, wait a minute, now we're going to pay more full timers, we're going to blow the FTE's, the health insurance is going up, our costs go up so we don't have overtime. So, that, as I'm told for the private sector, you get past about the 12% mark and now you are working against yourself. We are nowhere near 12% of the total.

Legislator Niebel: You are talking about FTE's, what about part time?

Sheriff Gerace: It's problematic.

Legislator Niebel: We added 9 last year.

Sheriff Gerace: It's not that simple. Because we number one can't find these folks, we only had 30 to take the test. Well, 30 were used up instantly because we'd already hired people that weren't on the list but they took the test so the minute the list came out, they were appointed and that left less than half of the people on the list to choose from. Then you get into this whole, we can't keep them coming in quick enough to keep us at our consistent level of 39 and it still doesn't give us –

Legislator Niebel: What you need.

Sheriff Gerace: To give you one other example. I meant to talk about this in FTE's and I skipped it. We had a Correction Officer get injured. Went out on 207C which is a section of the general municipal law which if they are hurt on duty, correction officers, fire fighters, police officers, they get full pay while they are out. This had happened some years ago and the person was terminated. But, the law says, you still pay them. Well the budget was never adjusted for her salary so she was receiving full pay that wasn't in our budget but we had to cover that as her pay was taken out of our budget. She had no budget line because she wasn't an employee. So, what happened was, we got that person back to work, believe it or not. I was stunned that we were able to do that. She's come back to work on a limited basis but she's back on the payroll so her additional - we were paying for her anyways, now budgeted and there is a budget line for her. We were already paying it, was just coming out of .1's unbudgeted. So it is a very difficult thing to keep people working in that facility, trained, best people, you want the best of the best. We're talking about people's lives here and overtime shouldn't be a sin. It's a necessity. Either you hire more people or you work people longer and when you've got such an investment in people for training and development, the turnover is counterproductive. It's hurtful. But, we looked at, can we add more full time people? There is that catch 22. It sounds good upfront but when they get to be senior and they get five weeks' vacation, personal leave and sick time, you still have to replace them when they are sick and on vacation.

Legislator Whitford: Wouldn't that be taken care of through attrition? I mean, if you are talking about full time, you have a rotation and you have –

Sheriff Gerace: To some degree but we're down twenty –

Legislator Whitford: Normally that is what happens.

Sheriff Gerace: Correct. According to the New York State Commissioner of Corrections, we should have 85 full time Correction Officers. We have 65, so we try and fill it with –

Legislator Whitford: Do you have to pay (*inaudible*)..., what is your minimum staffing?

Sheriff Gerace: Depends on the shift. We don't have an impact clause in our contract. Minimum staffing is different for each shift because of the programs available and the movement of inmates. So the State requires us to have more staff available on day shift and little less on 3 to 11.

Unknown speaker?

Sheriff Gerace: Yes. We're moving prisoner transports in and out, internal classes, exercise, they go to exercise, so day shift is the highest number and then 3 to 11 and then 11 to 7.

Legislator Whitford: It used to be overtime, when you would equate that to a full time person with benefits, not straight time, it was 28% was the breakeven. Normally that's –

Sheriff Gerace: *(Cross talk)*.

Legislator Whitford: So if you have 28% of overtime and you have a full time person, that's a breakeven point because the 28% you are not paying benefits but you are paying time and half or double time and the other one you aren't. So it's the benefit part of it that equates with the 28%.

Sheriff Gerace: The other thing with the part timers, retention is difficult because they want a job with benefits. A lot of them take the State test and will go to the State Department of Corrections or move onto other fields and some just aren't cut out to work in the corrections field. It just doesn't work out. We figure we have about 8 was the average, if I recall, 8 a year are attrition and part time correction officers. I think is what your, if I recall, your study was about 8. Other questions you might have Mr. Chair. We did reduce revenue for transport of Feds. Our Federal numbers right now are at where they are supposed to be. Our projections, although you know from my numerous correspondence that we're still overcrowded and that is not something that we plan for.

Chairman Wendel: Right now looking at this on page 5 of 41, with that said, we projected, budgeted eight hundred fifty seven and we're at two hundred ninety seven. How are we going to make – if it's six months, we brought in less than half of our projection, how are we going to make up more than that in the next 6?

Mrs. Dennison: You are looking at?

Chairman Wendel: Right here, A3150.R226.0MHS, Marshall Housing. I guess the point is, I don't understand – right now if we double this right now, we're looking at \$594,000. We've budgeted \$857,000 –

Mrs. Dennison: *(Cross talk)*, that's not six months. I can double check but it's at most five months. It lags a month time *(cross talk)*.

Sheriff Gerace: If you are looking at Marshall and Immigration combined?

Chairman Wendel: No, just Marshall right here because it says, charges, other government, Marshall Housing. If I stand corrected, we budgeted \$857,000 and if we are a month behind even if you still - you are looking at – divide that by 5 we're still not coming close to what we budgeted.

Mrs. Dennison: Yeah, the budget is (*cross talk*)...

Chairman Wendel: I guess the point is, I can't – I don't know how we can budget something and show up potentially two to three hundred thousand or even a hundred thousand dollars less as an acceptable budgeting principal. That is very difficult. I would rather err on the low side and say great, we have extra Feds instead of saying, we're expecting almost a million dollars and we fell \$200,000, \$100,000 short.

Mrs. Dennison: I better put on my Budget Director hat because I'm a political. That has never been allowed. The Sheriff has come to these committees and said 30 Feds a day is not realistic. He's said it for years and everyone said, no, we want to budget that.

Chairman Wendel: So we said, you can't cut your budget? There is a committee that said that?

Mrs. Dennison: I think that we have shown documentation that 30 Feds (*cross talk*)..

Chairman Wendel: Then why are we budget 30 Feds a day? Here is the issue and I guess this is the big picture, maybe I'll put in one big happy package. We know that 30 is not realistic, but yet we come back at 30 every year. We know that these budgets for the Jail are not realistic but yet we come back, year one, we're going to take care of it, well, we're now in year two and we're going to take care of it and now you are telling me we're \$200,000 less than last year's projected overtime which will be \$543,000. So now we're looking at a minimum of \$543,000, and this is all put into one package and then we're saying that we never said you guys can cut your budget?

Mrs. Dennison: No, let me rephrase. Also, I should say obviously, I am here representing the County Executive, this is his tentative budget and as he would say, it's a plan.

Chairman Wendel: We need to change the plan.

Mrs. Dennison: Our plan, the objective is to have 30 Federal prisoners a day. The results this year are running quite close to that. I haven't looked at the figures in the last month but that is the objective. It's an aggressive objective.

Chairman Wendel: Then we need to have a conservative objective because a conservative objective is going to put us more in line to prevent this at the end of the year.

Sheriff Gerace: I couldn't agree with you more.

Chairman Wendel: Then why are we doing it? We don't control this side of the budget, we control what is presented to the County Executive. If you present 30, then he's expecting 30. If that is not realistic, that shouldn't be presented.

Legislator Nazzaro: PJ, I've sat through 10 of these and Jay has sat through more than I, but it think the philosophy in the past and I'm not disagreeing with you, you are really sort of

spot on, the Sheriff – all the departments, they get a lot of pressure when they come here, some of it is, (*inaudible*) on the Legislature as well because they will give us a number and I go way back, the Sheriff and other department management will make their point but then we say, o.k., we need to budget this number, you don't shoot for the stars but, there has been times where we upped that number. Some of those Legislators are no longer here, most of them aren't here but I think you are right. (*Cross talk*) to keep that tax rate flat or down. So you are spot on when you put accurate number in there and since I have the floor for a second, it is very frustrating because a lot of this is out of the Sheriff's control but also I think we need to find a fix. I keep very accurate notes and have them going back and I thought by having part time correction officers, we added 9, that it would alleviate the problem. Obviously now we're hearing that maybe it's not part time we should have full time...

Sheriff Gerace: I'm not saying that.

Legislator Nazzaro: I think that we need to find a solution because everything we put in, something else like Alternatives to Incarceration, move the nurses over to the Health Department, put APD's into the Jail, there are so many moving parts, that you are right, every year we are off on this budget. But a lot of it is out of the Sheriff's control. Now we have to find what is the number? What do we need as far as Correction Officers?

Chairman Wendel: But I think it also reflects –

Legislator Nazzaro: Eliminate that over – to reduce, not eliminate.

Chairman Wendel: Right, that's an issue I understand but I guess the question that I'm asking and yet to find it is, how do we –

Legislator Nazzaro: How do we fix it?

Chairman Wendel: Well, we're fixing it every year, sorry, with our budget. We can't go over \$900,000 through cuts in other departments that are presented to us as necessary, now, \$900,000 is a lot to find in the budget. I don't know who or where and I'm sure (*inaudible*), if you found that much money in your budget, there would be some issues or the County Executive. So that would in essence, I'm not sure what the percentage is. If that was floating extra in that budget, a lot of the constituents and taxpayers are going to be upset. I guess that is the bottom line. How do we get to where - I know what the argument is going to be but if we don't do that then we're going to be over. We need to find a solution as opposed to always going back and saying, this is our bare bones budget, oh, I found it. Because it sounds like I'm actually the fool because I've appropriated or approved what I thought was bare bones and obviously, I don't know if it's bare when you find \$900,000.

Sheriff Gerace: That overage didn't come from my budget. That overage came from fund balance.

Mrs. Dennison: Some of it came from other departments.

Sheriff Gerace: Other (*inaudible*) agency.

Mrs. Dennison: No, other departments in the County.

Sheriff Gerace: In the County, not in the Sheriff's Department.

Mrs. Dennison: Some from within your budget, some of them outside.

Sheriff Gerace: (*Cross talk*), we're trying. I've said this before, we try to save money everywhere we can.

Chairman Wendel: I understand that but I'm looking right here and there is nothing stating that it's from another department.

Mrs. Dennison: I will look up the adjustment from last year.

Chairman Wendel: Look here, Pistol Permit, Consolidated Dispatch, Public Safety Communications, Technical Services, Sheriff, Sheriff Equipment, Fixed Contractual, Employee Benefits, that is to the tune of \$797,000. I guess that is the question. We're looking at Community College increase of \$364,000. I mean, it's not coming from other parts of the County according to what this is showing me and this is what we were given last year and this is what we were given two years ago. The decrease in appropriation came from within the department, within the agency. If I'm wrong, that's fine, I mean, (*inaudible*) but I think that needs to be shown.

Legislator Nazzaro: We'll have to check into that because if all that came within the department P.J., that would be roughly 5% just from the department on a \$20 million dollar budget. A million dollars to make up that would be about 5%. That seems like an awful lot.

Mrs. Dennison: If I may, exhibit year-end adjustments to the Sheriff's budget, the adjustments that came from outside his organization, there was a decrease in appropriations for Community College tuition of \$258,291 and that is all that I am seeing from outside the organization. Overall there is an increase in appropriations of \$907,000, there was a decrease in appropriations from inside the organization of \$433,000, there was an increase in revenue of \$116,000, those are the changes.

Chairman Wendel: So \$400,000 came within the department. Thank you. You've gone through departmental, I think we're looking at now the line items if there is any questions anybody has in the line items, please ask.

Legislator Niebel: P.J., it's just a comment. Overall it's true that we're looking at a .1% decrease in the budget but as we've already discussed, a lot of this is from the change from the nurses to the Health Department. So really, if it weren't for these transfers from the Sheriff's Department to the Health Department, we'd be looking at about a million two increase. What I would like to ask the Sheriff, Jennifer and Kathleen is, if maybe they could take a second look at the budget and see if they can't come up with maybe \$100,000 in cuts or thereabouts. Look, I

know that it might be tough but perhaps we could look at retirements, perhaps we can look at overtime, equipment maintenance, other contracts, just take a look and see what you can do and then discuss it with Audit & Control if you could.

Legislator Nazzaro: Just to piggy back on that, I don't know how the rest of the Audit & Control Committee feels on it, but if the projection was for 10 retirees in 2018, I would recommend take 5 because some could go in the first quarter, some could go at the end of the year but we had 12 I think for 2017 and we're at 8 or 9 (*inaudible*) hit maybe 11 by the end of the year, Sheriff?

Sheriff Gerace: We're going to have 12.

Legislator Nazzaro: Just a suggestion so we don't use (*inaudible*), maybe 5 for 2018 because that would be an average if they are going to retire on July 1st. So go sooner (*inaudible*), later, if they don't go at all, then we have a problem.

Legislator Niebel: That's reasonable.

Chairman Wendel: I think the other side is, it might make it tough on the County Executive but I think we need to bring those Federal inmates into a realistic number.

Sheriff Gerace: I agree with you wholeheartedly.

Chairman Wendel: It really has to be – it can't be 30 because realistically you guys on the hot seat for over budgeting almost a million dollars when we're not even coming close to that.

Legislator Niebel: That's not fair to the Sheriff or his department.

Sheriff Gerace: If you look at last year and one of the things that we corrected this year is this staffing because we were being forced to put people on constant watch every shift of every day so we weren't budgeted for that extra manpower. That is five FTE's equivalent. So, we've added that, that housing, because every day we have Correction officers sitting in front of somebody cells making sure they don't hurt themselves and sometimes it's more than one a shift because if you have a female and a male at the same, they have to have two different people watching until they are cleared medically. So there is all these things that you can't control all the time. You have to be able to roll with the punches if you will. So we can do our best quesstimate. Mr. Wendell, I agree with you a thousand percent if there is such a thing. I think holding Federal inmates should be one of these things that we are happy that we're above our projected revenue. We were at 32, we've been at 32. We're boarding out as we're holding Feds.

Legislator Pavlock: Just to jump on what the gentleman are saying also is go back and look through the books to see if there is some areas that could use a little trimming. To jump under his point is, from year to year within the department there is a significant balance transfer to move around but it's done within the agency so there is some money there. Obviously there is some guessing that has to be done but also maybe we could figure that guessing out a little closer but also maybe a solution to that guessing is seeing if staffing full time people or how many part

time people at the Jail would help. Do the research there and see what can be done relative to the overtime.

Sheriff Gerace: We have done that as far as looking at the breakdown where the full timers versus part timers and the cost. Obviously it's more beneficial from a cost perspective to hire part time people. Retention, training, and quality is a different piece because they do move on and we're back at it again. But, in our research, it's still more profitable, dollar and cents wise, more wise to hire part timers. They are a lot harder to manage because they have other jobs and it's harder to schedule. I totally appreciate what you are saying. We will go back to the drawing board and see if we can find areas that we can reduce.

Chairman Wendel: Why do we have this problem with the road patrol. It seems like the road patrol is – everything else that we do is o.k., but the Jail is the one that hits us the most.

Sheriff Gerace: Minimum staffing is what kills you. And we don't have minimum staffing. If a deputy calls in sick on a shift, we do call in people. We don't let it go below where we feel is dangerous but, in the Jail, it's the unpredicted. Today we have a guy that comes into the Jail, he needs special care, he needs to be transported to Buffalo, he needs to be watched 24/7. Now that some of that cost is going – we're still watching our costs for Health & Human Services. If we get a high cost medical inmate, we're not just going to say, that's Christine's problem. We're still trying to manage the inmate population when we get a high cost inmate. You get an inmate that comes that's a high cost medicine, paying \$3,000 a week for some of his medicine. Some of the things you just can't control until we can control who comes in and who gets out but the Judges do that. They don't care what the Jail population is sometimes. So, that is the difference Mr. Wendel. It's the minimum staffing, it's the minimum requirements of the New York State law, and it's the complexity of the inmate population, the drug abuse issues that we're running into. We have more people on suicide watch than we've ever had before so that is some of the very difficult to predict things.

Legislator Niebel: Male, female –

Sheriff Gerace: A perfect classification is and we're lucky that we have probation with a grant that gives us the four item classification because if we had to classify at 8 or 12 points, we'd be able to house even fewer inmates. We can adjust down to 15 Feds a day or zero and give you the numbers of what it would mean to the budget.

Chairman Wendel: I think realistically if we can – I'll say it, I think \$500,000 is a number that we should possibly look for. If it's not doable, the closest we can get to that I think is going to help but in the last two years –

Sheriff Gerace: What hurt us bad is, at the beginning of this year, we couldn't get Feds because we had no space and then when we did get some space, it took them time to get us people. They get tired of us jerking them around, sending them back, bringing them back, sending them back, bring them back, so now we've kept all 32. It was probably June that we got back up in the 30's, I'm guessing. We can't do catch up by putting 40 in.

Mrs. Dennison: Year to date average is in the high 20's. You know, the year to date average per day is now is 25 or 26.

Sheriff Gerace: Between immigration and Federal Marshall, it doesn't matter. I mean, those are interchangeable. Same rate, so if we're higher in Marshall's and lower in immigration or vice versa, it's a wash because they are the same rate per day.

Legislator Wendel: At the end of the day it's still – we're still going to keep the Feds, you don't have to ship them. If we have to board people out, it's not the best situation but at least we're keeping Feds as opposed to not getting Feds and boarding out that's even (*cross talk*).

Legislator Nazzaro: I may have missed it because I had to step out for a call but, is the number of prisoners/inmates we have to send like to other County Jails, decreased? That used to be a (*inaudible*) cost. I know that we have done other contracts. Do we have that under control?

Sheriff Gerace: It's not under control. We have 23 boarded out.

Legislator Nazzaro: So it's gotten worse?

Sheriff Gerace: This is a very difficult time for the Jail right now. We're overcrowded and I've been making a lot of noise about it. As a Legislature, I ask that you help me with the State law change. I saw an editorial in Sunday's paper, spot on. Twenty two parole violators in our Jail. Technical violators. What does that mean? They were in State prison, Judges here did what I wanted them to do, send them to State prison. State prison let them out on parole, they violated a technicality in their - I'm not saying they didn't belong back to incarceration but under a little known law, Nassau versus Mario Cuomo in 1987, the Court of Appeals ruled that the Sheriff in which county they are apprehended has them. So we have 22 parole violators and 23 or 24 boarded out. Coincidental, we have 22 technical parole violators, I think it's 18 as of today, I misspoke, we're down a few, that are sitting in our Jail that owe time to the State prison system. Why they don't go back to State prison directly, the Court of Appeals says they don't. So the only way to change it is to get the State Legislature to change the law. Just a point of information, as of last week, 1,669 technical parole violators were in Jail throughout New York State. If you do the math at \$70 a day, it's \$42 million dollars a year that the State is saving and making the counties pick up the cost.

Legislator Niebel: We're boarding out prisoners in other counties but those slots are being taken by Federal prisoner so actually we're making \$10 more per day.

Sheriff Gerace: Yes. Not \$10.00 per day (*cross talk*).

Legislator Niebel: More for the Federal prisoners.

Legislator Nazzaro: How much are we getting for Feds?

Sheriff Gerace: Ninety four and we pay roughly \$84 to house them out.

Legislator Niebel: So you are making \$10.00 per Federal prisoner.

Sheriff Gerace: The big thing is returning. Once we give them back to the Feds, we don't get them back for a long time. They have to wait until there is one available and they are looking for a bed space.

Legislator Nazzaro: You have transportation costs in there too.

Sheriff Gerace: We're on the positive side of that. As the Fed numbers go down the transportation numbers go down.

Legislator Muldowney: State ready (*inaudible*)....?

Sheriff Gerace: You know, they are pretty good about that because they know at day 10, they have to pay so like day nine and a half, they pick them up. (*Cross talk*)

Legislator Niebel: Because this will come up with the next two departments, could you talk a little bit about arraignments? Say somebody gets stopped for DWI, does your deputy have some discretion as to the arraignments? In other words, could the Deputy just issue an appearance ticket for that person to have them show up at some other time or does he have to be arraigned right away? Because I think that this is going to come up here shortly.

Sheriff Gerace: The answer to your question is, 99% of our and probably more of our DWI arrest are gift. The arrestee is given an appearance ticket to return. Where they aren't given an appearance ticket it's cases where there is either outstanding warrants for them or they are combative with the deputy and then they might be brought before the Judge for the protection of the public. A felony DWI would be different story because we most likely wouldn't but sometimes they are released on appearance tickets. That in some cases is an agency decision. My deputies issue a lot of appearance tickets, even for a penal law arrest. Things like petty larceny, disorderly conduct, etc., etc.. Other police agencies don't give any appearance tickets out and they arraign everybody and they come to Jail. The issue with Attorney's at arraignment is logistics. You have an excess of 50 courts if you count every Judge because the Town could have two Judges in one town and they are technically a separate court. They have different schedule, different calendar so it is a huge concern. Again, common sense, push it right out the door. (*Inaudible*) arraignment would solve the problem but the State is not entertaining that. You can solve the problem. You could have a Public Defender on call that sits at home and does the arraignments, there isn't, last I checked 2017. You've got watches that do more than computers did 10 years ago. That can be done but the State won't allow it.

Legislator Niebel: Because we're not there yet. If somebody is arraigned, the way we're headed, they have to have a Public Defender there to represent them. I think that is where we're headed.

Sheriff Gerace: What happened, real quickly, the ACLU sued five counties in New York State. It was a ruling handed down by the Court of Appeals that said that these five counties, we're not one of them, has to have an attorney at arraignment. OCA is pushing other counties

toward the same (*inaudible*). We had one meeting, I think there is another one scheduled to talk about an arraignment plan where we would have Judges - (*inaudible*) on the number of Judges for off hour arraignments and probably there could be a rotating list of Judges that will volunteer to do the off hour arraignments and then you would have a Public Defender and I don't want to speak for Mr. Barone on how he manages it but other counties do it like this. This guy or gal only has to go to one place if there is an arraignment in the middle of the night instead of maybe going to Clymer for one person and then to Cherry Creek for the other.

Chairman Wendel: I don't know about anybody else but I'm going to throw it out that we look at a target of \$500,000 to the budget and come back to Public Safety. I know it's steep, but in the last two years we've seen this (*cross talk*).

Mrs. Dennison: Five hundred thousand reduction to the Sheriff's Department.

Chairman Wendel: Overall.

Sheriff Gerace: If you are going to ask me to reduce the number of Federals, that is another hit of that amount so you're really saying – one reasons – when you say reduce the Feds, this has happened to me for 20 years. Reduce the Feds but cut your budget. Oh, you don't want to cut your budget, add Feds. One year you did it to me against my wishes. It's been several years. Not you as a Legislature, not you individually but I had a County Executive do it to me years ago. He raised the rates and I said that I can't make that revenue, that can't happen but it passed and then we had this plan that was supposed to be pre-arraignment, remember that, and I said, please don't put that in my budget. It's a great idea to have attorney's at arraignments but it shouldn't be put in as Federal housing. The logic was, we're going to reduce the population of the Jail so Sheriff you can bring in more Feds and boom, I got hit with another number, I think it was 40.

Chairman Wendel: I guess the side of it is, if you reduce the number of Feds then the reduction of Feds and total reduction of budget should be \$500,000 as a goal. Because we're reducing the number in revenue and if you are reducing revenue, we understand but obviously that revenue would be understood in the budget to where that (*cross talk*).

Mrs. Dennison: Is there a number of Feds that you would like to propose?

Chairman Wendel: I don't know those numbers. I will trust that to you guys. A number that is realistic. I mean, you could – if we're looking at 20 or 25 ...

Legislator Nazzaro: Twenty five would be \$171,000 (*inaudible*). If you knocked it from 30 to 25. Just throwing the number out there.

Chairman Wendel: Why don't we take the average over the last three years. Is everybody o.k. with that? So take a look at the average for the last three years and use that as our number.

Legislator Niebel: Let's take a look at the retirements, let's a take a look at the overtime and see what can be done.

Sheriff Gerace: I totally appreciate what you are trying to do but when you say give me a realistic budget, I just cut \$500,000 out of it and when I come in and we're over, this is what happens. You are going to cut it but, stay in budget.

Chairman Wendel: But we'd still (*inaudible*) budget because there is money in here that we found again and that is what we're talking about. There are ways to look at that.

Sheriff Gerace: But then that's reappropriating it, maybe that's what –

Chairman Wendel: I guess we can look at it and say we're not – because here is what I get from people on the outside. They see that number that gets printed as \$900,000 and then we approve a resolution with \$900,000 whether it's JCC funding, County funding, fund balance which nobody wants to see especially the public and we have solved the problem to the \$900,000 overage. That is the concern that we have. I'm not blaming anybody here. In 2015 we were told, o.k., we have it under control, last year, yes, we have it under control, and now this year, Kathleen says, we're faced with another overage. At the end of the year, the budget you are operating on now has to be cut somehow where you have to find those savings in the budget to make up (*cross talk*).

Sheriff Gerace: It's a lot like being at home when you have your home budget, you don't have enough money – you are making this repair to your house, you are going to cut something out so we try and do that internally. So, you can look at that as a criticism but if I know that I can't control that Jail budget because I had to call three people in on overtime, then we're trying to save it in other spots within the organization. That is what I believe is the proper things to do. If you want to reduce all those other budgets so I don't have the liberty to do that, then I don't have that ability. I don't think it should be a criticism if I can keep within my budget regardless if I'm robbing Peter to pay Paul, otherwise, we'll right size the Jail budget and cut down the revenue and put the overtime where it belongs or give me more full time people. I can't keep part timers.

Legislator Niebel: P.J., I do think there has been some progress made in the Sheriff's Department. Nine hundred thousand dollars overage a few years ago, \$800,000, now \$600,000 and possibly maybe only \$400,000 for next year. So, I think they are progressing and I think we're moving in the right direction.

Sheriff Gerace: When you say overage –

Legislator Niebel: As far as the overtime Joe.

Chairman Wendel: This is where I'm getting it from. And all is presented to us, the WHEREAS in our resolution, the department expenses have exceeded initial budgetary estimates while some appropriations have a surplus. That is what we get presented in a resolution.

Sheriff Gerace: Correct. That is us controlling internally the best that we can in other divisions because we can't control some of the expenses in the Jail. I've been pleading with Judges, I've been - we don't have Bobbie Trimmer in here anymore. I poured over the Jail data

and spent two days personally looking over who is in our Jail that shouldn't be there. There is no advocate trying to get those people out. There are bails that are out of line. There is no advocate looking for bail reductions. We have people charged with the same offense and one has a \$500 bail and one has \$10,000 bail for the same charge.

Chairman Wendel: Where is Bobbie's replacement?

Answer inaudible

Chairman Wendel: Yeah there is. We've hired somebody. Bobbie had a replacement, she trained somebody. I think that needs to be brought to the County Executive or whoever controls that. That needs to be brought to the attention because that person has to be doing the job.

Sheriff Gerace: I just know that when Bobbie was seasoning out and maybe that was just her experience level, but she would actually, on occasion, would bring a case to me personally saying, I can't get this Judge to do "x", (*inaudible*). I don't want to bother you but, I haven't had that happen since she's retired. So those people are still in our Jail.

Legislator Niebel: To high a bail.

Sheriff Gerace: It's inappropriate for them to be there. If someone is in our Jail for \$500.00 bail, are they a threat to society? Really people should be held in Jail for one of two reasons. They are a threat to society or they are a flight risk. It's because some of us, we, me included, cops want people in Jail and it's a little contrary to what our founding fathers thought. If you are found guilty then you go to Jail but (*inaudible*), 4%. I have a guy that has been in my Jail 673 days pre-sentenced. He's waiting trial. That's over two years. Can someone focus on that? Where is his defense attorney saying what the hell are you doing in Jail for two years?

Chairman Wendel: O.k., thank you very much. I would like to make a motion right now as we convene this budget hearing that we go into executive session as it relates to an employment situation with the District Attorney's office.

Legislator Niebel: I would like to second that.

Chairman Wendel: All those in favor?

Unanimously Carried (3:59 p.m.)

Legislator Whitford: Move to come out of executive session.

Legislator Pavlock: Second

Unanimously Carried (4:15 p.m.)

District Attorney

Mr. Swanson: As you guys were aware, what I was going to be bringing to the County Executive was a proposal to add some attorneys to staff. I believe what I proposed to you in July in the handout that I gave and those of you on Audit & Control Committee that are here, I hope that you did receive this and got a chance to take a look at it. But what my proposal was to add two prosecutors over the next – five prosecutors over the next three years. I outlined the reasons why and I detailed some of the duties and responsibilities that our office does have. They are extensive. What I polled recently and I have a copy for you if you want it, the crime index rates per 100,000 that came up from last year. It's published yearly by DCJS which is our Department of Criminal Justice Services and what you will see is Chautauqua County in indexed crime ranks 7th, violent crime rate; 15th and in property crime we ranked 7th. That is a rate, per 100,000 and we're right up there with Niagara County, Erie County, Schenectady County, and Rensselaer County and the reason I mention Schenectady and Rensselaer County is because their populations are similar to ours. Rensselaer is about 159, Schenectady is about 153 and their budgets and you can look in the handout that I gave you, their budgets are substantially more than what ours are. Our local share last year was \$1.5 million almost \$1.6 million. You look at Schenectady County, their local share was \$3.4 million and Rensselaer's was over \$2 million. I'm not saying we need that much, but what I am saying is that we need bodies to prosecute the number of felonies that we have every year that are generated by this County. We haven't seen a real increase in our attorney's staff in quite some time and that's why I have made the proposal that I have made. I believe what you are seeing on my FTE's, you see that we want to add one ADA. There is an increase in an ADA for .5 and that is because of the cuts that the Sheriff has given to me in the STOP DWI money that is supposed to be remitted back from the State to our County and then in turn to our office. We've seen that number get cut the last, I believe at least the last three years to a point now where it's only funding one ADA. It used to fund one ADA and a secretary so obviously we've lost that secretary. We're down to a staff of five and then my confidential secretary. The other addition, the FTE is simply a number on the FTE line, that covers the .24 addition of time of Chris Belling(?) who's an attorney with 42 years of experience who is assisting our office with a variety of things.

We have received funds in our Crime Victims Unit and I believe those funds were approved last year. We're having to give some of that money back, I believe, \$48,000 because we weren't able to utilize it but we have made steps to add a staff member on that line and the reason why that line is only .61 is because last year I think that we budgeted for an increase of a part timer, right?

Unknown Speaker: Yes.

Mr. Swanson: And instead of adding a whole this year, we're asking to add .61. Unfortunately last year that part time position went unfilled and I do believe that we have somebody in line to take that position over and will also help the Sheriff out because it's one of his Senior members of his staff. If we can accomplish that, that's a good thing for both us and good for them because the number of cases that we have with only two Crime Victim Coordinators is staggering and having a third body over in that office will, I think, benefit not only our office but all the victims that we serve.

Moving down, if you want to go – this is my main page and this is my expense line, EX01. Personal Services. There is a management salary increase, I guess, that is negotiated by the Management Association. There is a DA salary increase this year that ties in line with the Judges salary increase that I believe will take effect April 1st. I don't know what that will be yet because it's tied to Federal (*inaudible*) cost of living increases and I don't know what that is yet. You can see we're wanting to add an ADA. I'm asking to change the title of my secretary to an Executive Assistant because quite frankly, she doesn't do much by way of secretarial responsibilities, she's doing things in some – quite frankly, way outside of that job classification. The stenographer fees are going up and that's mostly because we're in Grand Jury, two times every other week and just to contrast that with just five years or so ago, we were only going to Grand Jury, well two years ago we were only going to Grand Jury once a week and 10 years ago we were only going to Grand Jury twice a month. What that equates to is the number of cases that are being indicted and those are felonies and that all ties in with my request for additional attorneys that can handle those felonies that the population is generating.

Our New York State aid is consistent with previous years. I do know that DCJS cut our funding across the board on the Aid to Prosecution grant. They've cut that Statewide, 5%. Our VAW grant which is our Violence Against Women was renewed as well as the CARP grant. I want to talk just briefly about those two things. The VAW grant is federally funded. I don't know what the President's budget is going to entail and whether it's going to include that grant after next year but that fund and that grant pays for a prosecutor and a part time investigator. As well as the CARP grant which is the Financial Crimes Grant, essentially for New York State. That pays for a part time investigator and an ADA. One of my obvious concerns is if one of those grants dry up, we lose a prosecutor which quite frankly, we can't do. We also get funds from the Department of Health & Human Services to prosecute the welfare fraud cases that pays for almost an entire attorney. We also get money from the Sheriff's Department to pay for half, at this point, half of an attorney so we have a lot of outside funding coming in to give us the bare minimum of staff that we have. My concern is that those grants sometimes come and go and my concern is that if we lose one – obviously we're always looking for new grants that we can get but, our amount of grant funding that pays for attorney's is rather high.

You see on personal services, on my Crime Victims portion, goes up because we're adding a member to that staff. I don't believe that there is an increase in (*inaudible*) position, Grade 25, that's not happening, so that can be taken out of there. That's a recent development. But most of that increase is matched. There is a local share. You can see there is an increase in my Victim Services by \$17,000.

Ms. Retig: I was just going to remind everyone that the personal services and the wages are covered 100% by the Office of Victims Services grant which is VOCA(?), federal money, not taxpayers money and part of the fringe is paid by that. But there is a 25% match.

Mr. Swanson: And that is what covers that increase. That being said, the reason we're getting more money from them is because they are recognizing our case numbers and that's obviously something that I've informed you about. The types of cases that we're seeing require more attention by attorneys. Our index crimes, our violent crimes, our property crimes, on a felony level, demand time. When my felony assistance are carrying 150 felonies a year and they are tasked with preparing for three different trials every week, that's borderline on the unmanageable. I talk a lot about that in the packet that I passed out and obviously I would

entertain any questions that you have about the work that we do. Really, if any of you want to come down and view our operation, I would be more than willing to give you a tour and talk about what we are doing in more detail but I think you all kind of have an idea of what that is. We prosecute all the cases that come from all of our local law enforcement departments. That's a big task and we want to do it right and I'm just asking you, I think I'm asking for an increase of \$230,000 this year, is that accurate? Or, \$254,000 in total and that pays for – the big increase in there is adding a full time attorney. Now what I would be doing and what my proposal was, was to hire someone as an entry level employee and internally designate one of my attorneys that has the experience and the skill to handle narcotic cases. I'm sure you are fully aware of the drug problem we have in this County and my idea is to provide both the Southern Tier Regional Drug Taskforce and the Jamestown Metro Area Taskforce with a prosecutor designated exclusively to them. What this would do is, it allows them to have an attorney on call to consult with them. Search warrants, on what to do with various cases that involve, well, do we charge this person or not because if you are not familiar with how a drug taskforce works, a lot of times they will utilize people that have been pinched on minor offenses as confidential informants. We may have a little more insight as to the character and nature of that particular person, whether or not we want them to use that person as a CI. There is a lot of advice that we could give if we had someone available that was on the ready for those two groups. What I would suspect you would see happen is that you would see a more consistent disposition on these cases where as right now you have a number of prosecutors, all different in their methodology in handling these things and I would suspect you'd see more consistently firm dispositions when we're prosecuting these cases that - and these aren't just somebody gets pulled over in a traffic stop and they have drugs in their car. These are people that the taskforce has spent time and resources developing a suspects because this person is particularly bad actor and they are selling drugs in our community. I think what we see is a more consistent disposition with those cases which I suspect our drug taskforce would be happy to see. Hopefully we can begin to prosecute those people more firmly and more consistently because we have somebody who is knowledgeable, I can send to training on how to prosecute and develop these cases and work with your taskforces to get better dispositions and that's my hope in beginning to designate some positions in my office, specialized prosecutions. In the future, I'll be asking you for additional prosecutors. The three areas of concern that I see are the drug cases, child sex abuse crimes, and violent crimes that include burglary, robbery, anything with a gun. Our office would benefit by being able to designate a Senior Prosecutor to those kinds of cases. Right now, we don't have the personnel to be able to do that because we're basically running a triage unit, handling the cases as they come in, in the volume that they do come in. But that's why I have the number increases that I'm asking for. I hope that you can find a way to accommodate us. The problem out there, you see in the paper every day, it's very real and eventually those cases are getting charged fall on the desks of the people that work for me. I'm just asking for a little assistance. I take up a very small portion of the Countywide budget and we've been under budget for the last two years that I've been doing this job and just asking for a little assistance.

Chairman Wendel: Does anyone have any questions for Mr. Swanson? I know the County Executive was pondering this and I would concur his recommendation. I mean I know the one thing that we have looked at is the local share increase. That going up substantially but with that said, I think the necessity is there. I wish we could give you more, like we all said, I

don't think that there is anybody that doesn't feel that way. Do you have somebody in house that you feel would be able to transition quickly?

Mr. Swanson: I do, I really do. We have a great young staff and we've got some Senior level people that are able to advise and steer them. Just to be frank, I would love to be here asking you for more money so I could pay my attorney's better. They all know that. Our average salary in our office for attorneys is about \$83,000. If you factor out the number of hours the typical attorney bills during the year, it's about 2,000. They are making about \$40.00 an hour. Just contrast that for a moment for what Assigned Counsel gets paid to take a criminal case and handle it because there is a conflict in the Public Defender's office. They make \$75.00 an hour. I'd love to be here asking for that but we have a more pressing need and it's the need for additional prosecutors and that is what I am asking you for. I don't anticipate any time in the near future coming and asking you for more money for raises because quite frankly, we need more attorneys.

Legislator Chagnon: I don't mean to belabor this but you made a comment about the Sheriff no longer giving you funds for the STOP DWI program. Could you explain that a little bit?

Mr. Swanson: Well, the STOP DWI program – funds come back to us from the State when they are paid in full.

Legislator Chagnon: But (*inaudible*) change to that.

Mr. Swanson: I don't know –

Legislator Chagnon: It was signed by the Governor.

Mr. Swanson: It was?

Legislator Chagnon: Yes it was.

Mr. Swanson: So now they don't have to wait for the surcharges to be paid.

Legislator Chagnon: That is correct.

Mr. Swanson: That should help. We should start to see money coming back more frequently, I guess, or more rapidly. That being said, I know Joe and I have been talking about this particular issue for the last two years, how we can remedy it. It starts with our local judges, holding the people who have been convicted, feet to the fire in making them pay their fines and surcharges. Because until the State is paid those monies and if it did change, that's fantastic because I know that Senator Young is the one that proposed that. Now it just requires that the fines be paid and then it starts to come back and we don't have to wait on the surcharge, that's fantastic development. But at the end of the day, the fines have to be paid in full and then we should start to see monies coming back and hopefully that fund balance starts to go up again and we can bring that money back into our budget to pay for that DWI prosecutor full. Because back

in the day when that fund was flush, like I said, it paid for a secretary and a full time ADA which is great but we don't have that money coming back at this point and maybe we'll see a reversal of that.

Legislator Chagnon: How long has it been since you lost those funds?

Mr. Swanson: Last year it was cut down to 75% and this year, we're down to just a half an ADA. I don't know what it was before that but I know that that progression started a couple of years before that.

Legislator Chagnon: Thank you.

Chairman Wendel: Any other questions?

Legislator Niebel: Just a comment. Pat look, I'm not going to support any increases in personnel at this time. I don't think the District Attorney's office and look, this is my own personal opinion, but I don't think that your office is as effective as it should be. I think that it affects the safety and well-being of County residents. To me, given you more money at this point and time is just throwing good money after bad. I think there has to be positive changes made to the District Attorney's office and if there are, I don't have a problem revisiting the personnel question in the future. But, I think there needs to be some changes to your office.

Mr. Swanson: What is the metric that you use to make that determination Terry?

Legislator Niebel: Patrick, I'm looking at a second degree murder charge last year where the person walked. They were acquitted. I'm looking at mistrials, I'm looking at a hung jury. These are some of the dynamics that I'm looking at that quite frankly don't look real good for the District Attorney's office, don't look real good for the County.

Mr. Swanson: Well Terry, what I will tell you is that when you go to trial in difficult cases and you are having to prove that someone did not act in self-defense, you are facing a challenge and when you go to trial in hard cases, you don't win every time. We have a 98% conviction rate. That's pretty good. That's on line with just about everywhere else in the State. A mistrial caused by a witness talking to a juror isn't a function of our office doing anything wrong. A hung jury, is something that happens. You know, we had the more recent one with Justin Haffa and quite frankly, I took responsibility for that. We're going to try that case again in November but to just say that – you make a blanket statement that we're not being effective without giving me a real metric, I don't know how to change in the future Terry to say –

Legislator Niebel: O.k., you just mentioned the person that talked to the jury, (*inaudible*), is that who you are talking about?

Mr. Swanson: He's the defendant, he didn't talk to the jury.

Legislator Niebel: O.k., but the person that was shot, the person you were prepping o.k., walks out to have a cigarette, ends up talking to jury members, taints the jury. Results in a mistrial, o.k., that shouldn't happen, Patrick. That shouldn't happen.

Mr. Swanson: I don't know Terry how you expect us to control people when they are outside in their everyday lives.

Legislator Niebel: You had the person there, you are prepping them, aren't you?

Mr. Swanson: O.k.

Legislator Niebel: He goes out and has a cigarette, talks, that is a mistake on the part of the District Attorney's office.

Mr. Swanson: How so Terry?

Legislator Niebel: How should he be talking to the jury?

Mr. Swanson: We don't lock our witnesses up. We can't make them stay in our office. That issue is not our issue Terry.

Legislator Niebel: Well, the *(cross talk)*..

Mr. Swanson: I suspect that you know a lot about that case because they are represented by Jason Schmidt who you helped intimately in his campaign.

Legislator Niebel: No, no, I haven't talked to him about that. But, the fact remains that you had mistrials, we've had hung jury's and this is all a reflection on the District Attorney's office Patrick so at this point and time, I cannot support any increase in personnel period.

Chairman Wendel: Anything else, any other statements, any other questions? If not, thank you very much.

Public Defender

Mr. Barone: Well, I will keep it very simple. I will try to anyway at least initially. I may just quickly preface any questions and discussion about the actual budget proposals. I'd like you to be aware of a few different numbers that we put together for today and unfortunately, I am by myself other than with Kathleen here to help so I'll do the best I can.

I just ran some numbers down that I thought would be interesting and of course, I have complained in the past or whined a little bit about our caseloads increasing each year. That's really for a number of different reasons. There is really no one particular factor that goes behind those case increases but needless to say, last year for 2016, my office opened and represented a total of 5,268 criminal cases. In our Family Court division, we handled 1,936 cases. The criminal cases that we represented, those were misdemeanors as well as felonies and in addition to the felonies and misdemeanors, there is also violations of probation , parole hearings as well that

we're assigned to through the State. In Family Court those cases usually are neglect, custody, and unfortunately now, we assigned or we're required to represent people on visitation matters. Where in the past we never used to have to but that's a new mandate by Office of Court Administration. So that's added some additional cases for us.

Now, in 2017, up through today, our criminal caseload, the cases that we have opened are 4,338. The projected total for this year based on what we've opened and what we average each month would be approximately 5,800 cases, an increase of maybe 5 to 600 cases. In Family Court, the total number of cases we've opened this year is, 1,479 and again – actually the projected total number of cases in Family Court would be about the same as last year which is good news. Anytime that we can keep our caseloads right around the same amount, that is real good news. Now, that doesn't take into consideration however the number of assigned cases that may have been assigned out in Family Court but that number from what I'm told, I don't have the, excuse me, I may have it. We were trying to get an update for today and I guess we're still working on that so I don't have that number. So that is where our caseloads are going. Last year when we spoke, we talked about an increase in caseloads because of the guidelines, the eligibility guidelines being expanded or loosened up a little bit taking into consideration a number of different factors. We actually projected at least 20 to 30% increase in caseloads and I think we're a little bit underneath so that is good news. I mean, our caseloads are still killing us but that being said, I just want to because this hooks in with that we're really looking for in this year's budget. We have currently and for those of you what were around when I first got appointed, one of the things that we really wanted to do in our office and it's a changeover where that office initially began years and years ago, but, because of the caseloads increasing the way they have, because of the complexity of cases, how we have to handle cases today, because of the different types of clients that we're encountering, it's just a whole new ballgame. I've always believed that the best way, the best bang for the buck in this County for our Indigent Defense is to have the entire Public Defender office full time. Rather than having a mixture or all part time attorney's. When I first got appointed, I believe that there was one full time Assistant Public Defender in that office. Right now we've got a total of 5 full time attorney's in the Criminal Division and I have one full time attorney in the Family Court Division. So we have made quite a bit of, what I believe to be headway. Of course, it makes sense. When you have full time attorneys, their caseloads, they can handle, number one, more cases and we're more in compliance with the standards New York State is setting for our attorney's and how many cases they can handle. Right now, Indigent Legal Services who is going to be taking over complete responsibility of all indigent costs within five years, they say, their caseload is 250 cases per attorney for misdemeanors, 399 for felonies. Or excuse me, 250 for felonies and 399 for misdemeanors. Well, if you just do the math based on the number of attorneys I gave you, we're way over and we always have been. But, the idea of having full time attorneys is they can address those caseloads more effectively and they are in a better position to do it. Right now, we have 6 attorneys in the Criminal Division that are part time, and part time could be anywhere from 49% to 93% and they are considered part time. Those all with the exception of one part time attorney in the Criminal Division have benefits. In the Family Court Division, we have two part time attorney's. Both part time attorneys have benefits. I have one Assistant PD, I just hired her a few months ago, Christie Woodfield, who by the way is working out tremendously, a young lady that is from Lakewood and she's just done a great job. But she's part time and she does not have benefits. So, that's our attorney breakdown.

I hope you don't mind but I want to just kind of cut to the chase here. We are asking for more money this year. That is mostly dictated by the number of cases we have and that is going to go up every year but the reality is, I could use another 5, 6, 7 full time attorneys in addition to the attorneys I have right now to bring us within compliance with the number of cases that we handle. I just want to stress this and I have stressed this before, PJ has listened to it a ton of times over the years. These are constitutional rights. I know that people don't want to see defendants getting money or the defense getting money. They would rather give money to prosecution than they would defense. The reality is, this is a constitutional right. We've got no choice, we have to do it. But more importantly, it's to be done affectively. If you don't do it affectively, it's a violation of a person's constitutional rights but beyond that, it costs the taxpayers of this County more money. Is something isn't prosecuted for represented effectively, it ultimately comes back to bite the County in the butt and cost the taxpayers more money. So, in order to do this more effectively, I suggested and I've talked to Vince Horrigan about and I've made the proposal in our budget is that we need more attorneys. Now, I understand the reality of things, I'm not going to get more attorneys. I'd love to get an additional 5 full time attorneys, 6 full time attorneys, put one up in Family Court, keep the rest in the Criminal Division. That is not going to happen, o.k., I get it. I understand that however, that being said, what I do think would work is really not asking too much is to take the part time attorneys and by the way, excuse, I'm sorry, I just put in an application a month ago with Indigent Legal Services for a grant of approximately \$100,000 to cover a full time Assistant Public Defender at no cost to the County. That would cover benefits and salary. They are going to give it to me and I'm just waiting for the authorization and they understand and that's for, quite frankly, for the counsel at first appearance that we're mandated to do and we're working on that. We have a system in place for Jamestown City Court which is the busiest court in the County. We've got something in place right now. We're sending attorneys there for every appearance, during the week and on weekends. Myself and four of the other attorneys, we're going in on weekends, Saturdays and Sundays, we're meeting with the Judges and we're appearing at every arraignment. Contrary and I do take exception to this, look it, the Sheriff wants to point fingers at us for Bobbie Trimmer not being around, listen, don't think for a second it's that simple. That is not what's causing that Jail overcrowding and if you believe that, you are wrong, because that is not what it is. It goes way beyond that and I take exception to that or that someone in my office or I'm not doing our job, that is not it. I'll deal with that a different way and at a different time. But you know what, we're trying to make this work with limited bodies, with limited personnel. The best way to do that really, to get what we need is to take our part time attorneys which are already at 80%, 85%, 92%, who are receiving benefits already and kick them up to full time. I think we did the figures Kathleen, was it a hundred – what was the additional cost in salaries?

Mrs. Dennison: We didn't specifically quantify that. But the budget does include, as Ned is saying, to increase all of those part timers to full timers just because it's a more efficient use of funds because they are getting the benefits anyway.

Mr. Barone: Right and I believe that it really - I don't want to say it was not much, it's a significant amount. I believe it was approximately \$120,000.

Legislator Whitford: It was \$119,000 (*inaudible*).

Mr. Barone: Exactly. What that would do is, it would take 8 attorneys in my office who are now part time and put them at full time. That would solve my problem with coming into compliance with Indigent Legal Services and OCA mandates as to caseloads per attorney. It would provide me with the ability to send attorneys at every court in the County or to set up centralized arraignments or whatever we had to do and cover the caseloads we need with the additional attorney that I get. Look it, the way I look at it is, and this system over the years worked great, years ago, but things have changed. The reality is you can't do it anymore and the reality is, look it, if someone is working at an 85% clip and please, this is no knock against anyone of our attorneys, they all do a real good job, they work hard, they are overloaded, they are underpaid, but yet, the reality is, if this County wants to really – if we need to get to where we need to, this is the best way to do it. You have attorneys let's say are at 85%, to kick them up to full time, it could only \$5,000 in salary or at 90% or at 92%, it's next to nothing compared to what it would cost to hire a full time attorneys. So that's our big push quite frankly. I understand and that's one of the options that I gave when I sat down and told Vince, look it, if we're not going to get several full time attorneys on top of what I have, then consider giving me the monies to make the part time attorneys full time. Now, of course, that does add some additional costs. I'm not naïve to say that it doesn't. We're going to need an additional secretary or staff member that we talked about. It will increase some additional expenses for example, mileage reimbursements or additional costs. Those are associated with of course any increase in our staffing. Keep in mind, this is not - I realize is not a simple fix. I mean, we have issues right now with our space. I've been going at it for the last couple of years on our space. We've run out of space. I know that Vince Horrigan came over and saw us a couple of months ago and I showed him what we have and it's not a pretty sight. I've got four attorneys in a room that's like about a 10th of the size of this, all crammed in. I don't enough office space. I have attorneys that are working for us full time right now that had just gone full time, closed up their private practices, but still work out of their private office because I have no place to put them. That's the reality but that's another issue that I'm trying to deal with right now. I understand that everyone else's concern about the space that they have and things become I find, very territorial up here in Mayville about where they are. We can't be off campus is the reality because we're going back and forth to the court room every day. Two or three times during the day so it's not practical for us to be off campus. In any regard, that's really the long and short of my budget. I mean, that's where we're really looking to and it did increase our proposed budget.

The only other thing that I do want to mention is that, I want you to keep in mind a couple of things. Of course, what we do today effects what will happen with our department two years from now, five years from now, ten years from now and what affects the County. Indigent Legal Services, I've met with several times since the State has authorized the reimbursement of all indigent costs to each county. Which, and again, I've said this before, that in and of itself is transformational. That's a huge step in indigent defense from where you have all come over the years. So this is something that no other State in the Union, by the way, has done. New York State is the first state. Now this year we're getting some additional increases in our funding and what we do this year for our budget in 2018, will determine to a great extent what Indigent Legal Services continues to fund over the next couple of years. When I met with them, I told them exactly what I needed, what I've got, what our caseloads are and what we need. They told us in no uncertain terms, we will try to implement what we can but you have to set yourself up for success and not failure over the next couple of years. So we're really looking at what we need. By making our part time attorneys full time, that gives us the staffing we need right now. That's

going to possibly increase and just keep in mind and I hear about what – I don't really care what other departments make, the District Attorney's office, or what they don't. I can tell you, you all know what the average salary is for an Assistant Public Defender. You know what my salary is, my base salary. It's not a \$185,000 or \$180,000. I make less than the average Assistant District Attorney and I'm the Public Defender and I'll show you my trial calendar plus the cases I handle, not only administer but handled. So, I'm not even going there and my Assistant PD's are making – as a matter of fact, the guys that have worked for 30 years as attorneys, not 5 years, or 4 years or 6 years, or 10 years, guys that are making \$45-\$50,000, they are way below. My second Assistant, Pat Rice, second Assistant, Pat's worked what, 35-40 years, he's handled 999 cases this year alone, felonies and misdemeanors, 999 cases and he sat in on two big murder trials with me this year as my second chair, in addition to handling those. He's not even clearing \$65,000.

Legislator Niebel: Does he have a private practice on the side?

Mr. Barone: No. He's 100% full time. Now, he's still probably handling some cases and closings but he's 100% full time. As a matter of fact, his office was right across the street, that is completely closed up and he's at our offices here in Mayville. So, I've got attorneys that are really and that's one of the things – look it, that's not the County's fault. That's something that the State really needs to look at and that's what they are supposed to be doing. We're trying to do what we need to do. Again, it all comes down and I realize it's a cost but we have to not only consider our cost but we have to consider doing our job the right way. Again, if we don't and I'm proud to say since I've been Public Defender, since I represented the cases that we've handled, the trials that we've done, nothing has come back on appeal. Not one case on ineffective assistance of counsel. Not one. This County has not had to retry a case because of a failure on my office's part. Not one case. Now, if any case has come back, it's going to be because of something the court did wrong or the District Attorney's office did wrong. Not something that our office did. That's what we have to balance. It's not only doing our job, but we have to do it effectively and that's what that whole settlement was, the Heral(?) Settlement, the five county. That's what they were really stressing was look it, you can't just represent people, that doesn't cut it. That is not what this is about. It's about doing the job that you are supposed to do, doing it effectively. That's why they sued, those five counties. That is why you need counsel at first appearance. It's not good enough to pick up a phone or sit on some Skype and do your arraignment. That is not good enough. Other people can think that but that's not what effective representation is. It's being there with your client, that individual, and I beg to differ, I've got the numbers to show and I've said this at our other meetings. I can't tell you and you can contact Jamestown City Court, on weekends when we have appeared with our clients for arraignments, we have had at least an 80% success rate of getting people released on recognizance, released under supervision of probation or on felony cases, when Judge LaMancuso never used to set bail on felonies at arraignments, he is now doing it because I argued what ILS told us. If the DA doesn't want to show up and they don't show up, they don't show up at first appearances. They don't even bother to call and say, look it guys, he dangerous, you should set bail at a high amount because he is a danger to the community or he's going – they don't bother to even do that and we argued with that. It's was only through our efforts that now bails are being set. Now the reality is that some of these people can't make it but it's still gives them some options.

Legislator Niebel: (*Inaudible*) on our jail population.

Mr. Barone: Exactly. There are certain things that are beyond our control. Can we do a better job, my office? Sure we can, we always can. There are certain things that we could better and that is what we need to do. We need to have – I have gone to the County on reclassifying our eligibility examiners and investigators to what we call, Urban Investigators, pursuant to Monroe County's investigators. They're indigent defense. We've run into some road block, we've run into some problems, again, I'm not making excuses and we can certainly but we're interviewing 250 people a week right now for eligibility and doing and that's with two. I had Shaleen Taylor, how took over Bobbie Trimmer's spot. Shaleen, the Jail told me, the Jail told me, the Warden, was the best job they've had done in the last several years. And for you who have kept in touch or seen things, you know that is true. Now, she took a job with New York State because of the security. She was not civil service – that was a whole issue with civil service so she went to New York State and we're now trying to fill that. Hopefully when we fill that very soon we can address those issues. I apologize, I went off on a tangent on that but I heard that – I couldn't help, I'm sitting here and I'm hearing about – and by the way, the gentleman that – some of these people that are sitting in the Jail, again, we can only argue, we can only try to do, we have made bail motions, we have gone to the Jail on – to the Judges asking for bail reduction. We do that continuously and they don't do anything. We don't set the bails. All we can do is argue and do everything legally that we're entitled to do. Then it's ultimately up to the Judge and the District Attorney. The District Attorney's office are the ones that recommend bail. When they recommend \$500 bail on a guy that walked out of the Dollar Store with a two dollar item, you have to ask the District Attorney why they are recommending bail in that amount. And Town Judges, don't think for a second they listen to us, they listen to the District Attorney.

Chairman Wendel: That a whole another ball of wax there.

Mr. Barone: So, your recommendations are covered in your presentation, budget, correct?

Mr. Barone: Yes.

Chairman Wendel: Two point seven seven will bring you to what you requested for your people going part time to full time?

Mr. Barone: Yes.

Legislator Whitford: One full time, six going to full time from part time and then the clerk, right?

Mr. Barone: No, excuse me. It would be 8 part time –

Legislator Whitford: Eight to part time (*cross talk*) and one other one to full time?

Mr. Barone: One new person to full time.

Legislator Whitford: So the part time added up to .77.

Mr. Barone: Yes, that is correct.

Legislator Whitford: So they are all actually close to 90%.

Mr. Barone: And the one full time would be based on a grant from ILS, Indigent Legal Services that we've already submitted and they are going to give us because of the counsel of first appearance.

Legislator Niebel: O.k., so one from the grant is included in the 2.77?

Mr. Barone: No, I didn't include that. That's above and beyond. That is not included.

Legislator Niebel: Because it's not a definite?

Mr. Barone: Yes and not only that to be honest Terry, when we submitted this, I hadn't talked with ILS. I reached out to them when I saw how I was falling short with some things and it was after we submitted our budget proposal that I talked with JoAnn McCrea(?) and JoAnne is the attorney responsible for implementing this settlement, New York State settlement and she told me, she couldn't believe our caseloads. I have to tell you, I do want to just say this. Our indigent defense department, our Public Defender's office and you can talk to other indigent providers throughout New York State and ILS, we are extremely well thought of throughout the State. Not just my department but our County, our Legislators, because when I talk with everyone at ILS, and I've told them, I said, they've noticed that - I said that our Legislature really, when it comes to my office, I've always preached, we shouldn't be political. This is not a political office. It's about constitutional rights, it's about doing what's right and I've been fortunate to have a Legislature that's sees it the same way but ILS sees that and they understand and we're well thought of. The horror stories that I have been told by other PD's throughout the State is amazing. I mean it truly is. It's not right what happens so JoAnn told me, look it, why don't we give you a grant, apply for another grant, let's try and get you another full time attorney, at least to try and get you over to next year to help with the counsel of first appearance so that is why that came up Terry.

Legislator Chagnon: I was just reading an article yesterday that said that, the State Office of Indigent Legal Services has asked the counties to submit their plans for addressing the demand for legal services by December 1st.

Mr. Barone: Yes.

Legislator Chagnon: Starting next April, if the State budget is hammered out, counties will be eligible for State reimbursements of the cost of expanding access to Public Defenders. Is that what you reflected in your budget?

Mr. Barone: Yes. Based on what we've had an I know exactly what you're talking about because I'm required to give to JoAnn, it's JoAnn McCrea that is doing this, and JoAnn wants to know where we need to be, staff size basically, to take care of the counsel of first appearance, some of the new mandates is what it's about.

Legislator Chagnon: So is any of this reflected in this budget?

Mr. Barone: Yes it is. The increase in the staff, the part time to full time would take care of that.

Legislator Chagnon: O.k., how about the funding from New York State?

Mr. Barone: Oh no, well yes, we've included, no, because we don't know what those are, if anything. What we have included in here is the funding that we're (*inaudible*) next year at this point.

Legislator Chagnon: So there could be additional funding.

Mr. Barone: Yes, absolutely.

Legislator Chagnon: And it goes onto say, expanding access to Public Defenders and other assigned lawyers to handle misdemeanors and (*inaudible*) criminal cases so that would be, Assigned Counsel could be eligible for additional funds as well.

Mr. Barone: Yes, absolutely. Now here is the key and what you are talking about is a great point because what you mentioned was the fact that, look it, right now we're trying to become compliant. One of the things that ILS is concerned about and maybe this might answer it for you, when they talk about other assigned counsel, is that, when a private attorney is assigned to represent someone, what they are concerned about is, number one; that they are able and capable of representing whoever they are assigned to do. Secondly, that they have the resources available to them. Investigators, research, anything that they need and sometimes what we will do, we're conflicted out. But, what they want to do, ILS, is to provide training in the future for private attorneys. That they are going to be required to maintain certain levels of confidence in handling assigned criminal cases as well as Family Court cases. They want to make sure that if assigned counsel, private, are handling cases, that they can effectively do it. But yeah and again, we could end up once they see what our (*inaudible*) is a huge hit on our office, counsel of first appearance. Huge hit and when you are trying to get 36 different town courts to agree and we've got the two city courts, ILS is going to wait and see. Are we going to be centralized arraignments like Broome County just did, Oneida County, they did centralized arraignments and we're going to have to change certain charters but they are going to wait and see how we're going to handle countywide.

Legislator Chagnon: (*Cross talk*), to the trial counties, the counties that they have tired in first.

Mr. Barone: Yes.

Mrs. Dennison: Mr. Barone if I could ask a question. In conversations with your staff, we talked about the increase in staff requirements for trial appearances and arraignment. We did increase the revenues \$100,000, so is the grant that you are talking about and the additional PD is an addition to that \$100,000?

Mr. Barone: Yes.

Chairman Wendel: I think that it is intuitive that we or imperative that we centralize arraignments to take place because the number of County justices and courts around here is ridiculous. Between your office and you said (*inaudible*) attorney doesn't even attend it, it's way too many. I know that there are arguments and the Criminal Justice or Criminal Coordinating Council, whatever it's called, something needs to happen because you can't have that many hands in the basket. I don't want to get into it now but if somebody is coming in and that's their job and they are not listening - they are not Judges, they are not attorneys. Thank you, I appreciate –

Legislator Niebel: Ned, on page 2 of 6, just a couple of quick questions on the line items. A1170.4000, mileage reimbursement, management, it looks like you have an increase of \$15,500. Is that for the additional arraignments and what have you? That's a significant increase.

Mr. Barone: In part it is but in addition to that, that would be in anticipation in the hopes of getting the part time attorneys going to full time. There would be an expected increase in mileage reimbursement only because of this. Right now we have part time attorneys that are situated up in the north end of the County and what I have tried to do is assign them to courts in the north end of the County. Of course if we go full time, Mayville is the central office but from that point, they are going to be required to go to the north end or south, whatever it may be. That is one of the reasons.

Legislator Niebel: As far as building maintenance and this might be a question for Kathleen. We didn't have anything budgeted for 2017 yet we have \$10,000 for 2018. That is A.1170.4350, building maintenance. Could somebody address that?

Mrs. Dennison: It's for the proposed expansion of your office.

Mr. Barone: Right. We're hoping - I've got to find someplace to put everybody. It's the expected cost.

Legislator Niebel: That's reasonable Kathleen? O.K.. Last one. Legal Services. A couple of items down from there, A.1170.4530, is that more assigned counsel?

Mr. Barone: No, what that is is, that's expert witness fees and the expert witness fees for example, just to give you some idea. I try to anticipate as much as I can the next year's – we have certain experts that we use. For example, Dr. Ewing, Charles Ewing, he's a forensic psychiatrist and attorney. He's my expert I use in psychiatric cases. The Keith Robbins murder trial which starts in two weeks, that's going. Dr. Ewing is my forensic psychiatrist. If I use what's called an extreme emotional defense as a possible defense I need Dr. Ewing to come in to court and testify. He's already examined Keith Robbins, we had that taken care of immediately. There are certain procedural requirements that have to be done through the criminal procedure law, he's all set to go. But he charges a fee for doing that. Now one of the other things is though, for example with him, if we get certain cases and what's good about Dr. Ewing is that, if we get

certain cases that we may not anticipate using him per say, we'll send him stuff and say, hey look, Dr. Ewing, take a look for example at what we have. Tell me if I have anything or this is what I am thinking, what do you think? Quite frankly, I have to tell you, minimal costs.

Legislator Niebel: He doesn't charge you for that?

Mr. Barone: No. A lot of times he won't. I've known Chuck Ewing for years and he's actually been used by prosecutors. So, for example him, pharmacologist in certain cases we use in the Redeye murder trial. I used a pharmacologist to determine the toxicology and how that affected an individual and how they acted towards someone else. So those are all experts. DNA on the Haffa mistrial. The whole stink was, I didn't get the DNA report. Well, I have Dr. Yeshin(?) out of Cannon University. He's a criminal forensic and he's a DNA expert. So these are all people that we use time and time again and that is the anticipated cost for that.

Legislator Niebel: Barb Redeye was a second degree murder charge and you got an acquittal.

Mr. Barone: Yes, it worked out really well. We were fortunate, things fell into place pretty good and yeah, it was a good case.

Legislator Niebel: Ned, back to Legal Services. For the first 6 months of this year, only \$9,000, I know that this is for all expert witnesses but we've got \$25,000 budgeted for next year. Could you get along with \$20,000?

Mr. Barone: I can try. That is a possibility. I'll do what I have to do. I'm trying to think, right now, we have Robbins and Haffa they want to retry. I can tell you Haffa, if they really want to retry it, it goes into next year so there is additional cost there.

Legislator Niebel: (*Cross talk*)

Mr. Barone: Yeah, if I don't end up with any new murders or anything that go to trial, we probably be o.k.

Legislator Niebel: Just one last comment. Mr. Barone, I think you are doing an excellent job. I think your staff does too. I understand some of your part time staff actually uses their private office to help, they use their clerical staff to actually work on Public Defender things so really I think that is above and beyond what they need to do. I am a little concerned, it is a 7.6% increase in your budget, you are asking for an additional 2.77 people and that's in addition to the one extra person from the grant that we (*inaudible*) yet. What I would like to see is, I would like to see you reduce the personnel by a little bit. I don't care how it's done, whether you do it as a combination of reducing the full time people to part time or part time to full time, clerical, or whatever, but I would like to see a slight reduction because I think an increase of 3.77 if we get the grant, almost 4 people, I think that is an awful lot for one year. Just my opinion.

Mr. Barone: I understand that and that's certainly something – ya know look, we try to do whatever we can. I guess you learn to adjust as best you can. If I don't get what I'm asking for,

it's going to be a real strain on us. It will be difficult. I'm being very upfront with you but at the same time, we'll do whatever we have to do. That's the reality.

Legislator Niebel: You do an awful lot with what you have. My compliments.

Mr. Barone: I appreciate that, thanks.

Chairman Wendel: Anything else for Mr. Barone? Seeing none, anything else for the Public Safety budget hearings?

Mr. Barone: Thank you very much.

Chairman Wendel: If not, motion to adjourn.

Legislator Whitford: Move to adjourn.

Legislator Niebel: Second.

Unanimously Carried (3:59 p.m.)

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