CALL TO ORDER

Mr. Swackhamer called the meeting to order at 11:20 a.m.

BUDGET REVIEW

Mr. Wheeler stated last week he emailed budget documents. There were a few other areas that have changed such as Driver Diversion revenue. We also included management raises and decreased the undistributed fringe to match up. We also updated the room tax and outside agency requests. He noted that for Special Children’s Services the net County cost was reduced $100,000. We are within striking distance on the budget based upon if you are willing to anticipate additional sales tax in the budget. Mr. Van Etten commented with the minutes from the previous Budget Workshop, it was very helpful to have a lot of commentary added to explain the questions we had.

District Attorney’s Office

Ms. Fitzpatrick asked do these numbers include the funding request for the District Attorney for an Office Manager? Mr. Wheeler replied yes. When there is a vacant position in the budget you do not need to change any money in the budget. If the committee and the Legislature approve this position, then we can reclassify a position or create a position next month and we can fund it at that time. Mr. Malter asked is there a vacant position in the District Attorney’s Office that is being proposed for this? Mr. Van Etten stated there is a zero-based position. Mr. Wheeler explained under the Administrative Code, we could administratively fill that. If you authorize the position, then we can transfer the money. Ms. Fitzpatrick commented it seemed like the presentation this morning went well and I wanted to be sure that it had been handled monetarily.

Mr. Van Etten stated he liked the idea that there would be an opportunity to bring in an individual retired from law enforcement on a part-time basis and then we would not have all of the costs of a full-time position, but we would still have the knowledge and experience. Ms. Fitzpatrick stated we will need someone with experience to make that job happen. Mr. Van Etten stated the key is for Mr. Baker to allow that person to do their job. Mr. Malter stated my concern was that we had court cases that were being held up because he wants to do the administration of all of the cases and that has to stop. Mr. Van Etten stated there is enough money in the salary line to cover this. Mr. Wheeler stated the pay would be similar to the SRO’s which is capped at $35,000 per year.

Sheriff’s Office

Mr. Wheeler stated he had asked the Sheriff to attend today to answer any additional questions the committee may have.
Mr. Van Etten stated you have requested multiple cars and new positons. What would be helpful is if you could explain to us strategically where you want to take the department. That will help us understand. Sheriff Allard stated when the Undersheriff and I came in, we looked at the resources we had and what resources we thought would strategically benefit the County; what needs did we have in Public Safety. We found that there were needs in evidence collection, arson investigations, EMS and the tactical teams. We directed our resources towards those areas. When we first came into office there was no forensic evidence team in the County to collect DNA, fluid samples or fingerprints. Now Corning PD and Hornell PD have a person assigned to assist us with that. We also use Jail personnel. He stated our SWAT team is on pace to be State certified within the next five years. We are currently accredited in the Jail, Civil Division and Court Security. We anticipate this year that the Road Patrol will also be accredited. Across the board we have best practices as established by the State. We also have five certified arson investigators and now we are averaging 3 - 4 arson arrests per year.

Sheriff Allard stated with our STOP-DWI program we looked at prevention and apprehension as well as the three-legged stool for reducing Opioid use and overdoses, which are prevention, enforcement and treatment. We put all of that under STOP-DWI to save money. In that timeframe, over the last 12 months I believe we had 6 deaths attributed to impaired or intoxicated driving in the County and it continues to be one of the biggest drivers for criminal deaths in the County. We went from an average of 35 DWI arrests per year to 135 arrests per year. That is what we have been doing consistently since we made that strategic change. Moving forward I would love to continue those programs.

Sheriff Allard explained the biggest increase in personnel that you have seen in our budget is due to the CAP Program. If you recall, in 2018 the State came in and said that we had to have a Public Defender at every arraignment. In order to do that; the two cities were opting out and said they were not going to bring people to Bath. So we would have had to field Public Defenders at three courts, twice a day, every day, including Saturday and Sunday; 365 days a year. We worked creatively with this body to create the CAP Program where we had one centralized location for court at the Jail. You did not have to use this building or the building across the street for this and we reduced our transport costs. The original plan was for us to bring every inmate for CAP over to the County Office Building, and transport them back and there are costs associated with that. We came up with a plan creatively wherein by increasing the number of deputies we would transport from both the City of Corning and the City of Hornell, here to the centralized arraignment court. This reduced the number of attorneys needed to a third of what you would have needed and we now know that savings is in excess of $500,000 per year. That was why the additional deputies were put on. It was not because I am trying to create an empire or I am out of control or any of that. It was to make sure we had enough people per shift to do those escorts. We estimated initially that the transports would be about 300 per year. Year one we had 229 transports, year two we had 265 transports and now in year three with two months to go, we have 255 transports. Our estimations are still there. We get a nominal fee from the cities to do that. Mr. Wheeler stated that is about $20,000 per year. Sheriff Allard stated the revenue from it was not the driver; it was the savings of not having to hire attorneys that we can’t get anyways. In that resolution that you passed, there were five deputy positions; two then, two six months after and one in the following year. We still haven’t filled that last deputy position; it’s approved, but has never been funded.

Mr. Van Etten asked how many transports did you have in 2020? Sheriff Allard replied it was about 265. Mr. Van Etten asked were most of those virtual? Sheriff Allard replied yes a lot of them were, but they still had to be brought here for the virtual arraignment. It was virtual from the Jail. Two of the individuals that we had physically transported had tested positive for COVID while they were here, so we tried to make sure that we moved them out as quickly as possible. The numbers have remained right about where we thought they would be and where we forecasted them to be and we continue to save that money every year even though it doesn’t show up in the cost center. That $500,000 a year will continue every year that we have this program because the State will never let us go back to arraignment without counsel. I think that is a fair statement that that will never happen unless you do district courts or whatever you are working on. I don’t see OCA (Office of Court Administration) working with us for any of that. Deputies are still doing the transports and the zero-based positions actually come back to fill a retirement. That was a retirement from two years ago. At the end of last year when we were doing budget, again, the forecast was it was going to be the worst budget in 50 years and Mr. Wheeler and I talked and Mr. Wheeler said that he was going to have to zero-base and not fill this vacant position. I think whether or not the budget can sustain it this year is up to you. There are two vacant positions sitting out there. We were utilizing those BOCES SRO’s that came back to us to meet the needs of the citizens. Now, in anticipation of them, we have
already entered into an agreement with Arkport and Hornell for one of the positions and then Corning wants to enter into a similar agreement for the other one. If we cannot fill the retiree positions, we will be minus two.

Sheriff Allard explained our calls for service have tripled in the time I have been here. Our arrests have almost doubled and we are arresting the same people more often because of bail reform. I believe last year we were between 11 and 15 homicides countywide. When I was a police officer having one homicide was a big deal and that didn’t happen, especially in this county. Now we are averaging over 10 homicides a year. It’s a much more dangerous place out there when the deputies are responding.

Mr. Malter asked with the SRO’s we have one assigned to Hornell and Arkport? Sheriff Allard replied correct, with full reimbursement. Mr. Malter asked you are also anticipating the one for Corning would be reimbursed? Sheriff Allard replied yes. Mr. Malter asked when will that transpire and are those revenues built into the budget? Mr. Wheeler replied it is not built into the budget. If that transpires, then it will be a discussion with the Sheriff and you about funding that and anticipating revenue. Mr. Mullen commented I think that is a reasonable approach to take. Mr. Van Etten stated from a budgetary standpoint it is a wash. Ms. Fitzpatrick asked don’t we have those positions budgeted in there now with no corresponding revenue to cover their cost? Mr. Wheeler replied no. The one that we already have for Hornell and Arkport, we budgeted revenue for that. With the other one you could always choose to fund that vacancy and appropriate the like revenue.

Mr. Mullen stated I have a question about some of the historical positions that we have dealt with. Didn’t we add a position or two for the youthful offender transports? Sheriff Allard replied no. We have added positions for the opioid prevention and for the CAP transports. Mr. Wheeler stated the RTA (Raise the Age) stuff came up about the same time as CAP so we might have had discussions about having to do RTA as well, but it wasn’t ever specified for RTA.

Mr. Mullen stated last year it was roughly a 5 percent increase in your budget. What were the items that were added last year? Mr. Malter stated the medical contract was one. Sheriff Allard stated yes, PrimeCare drove it up. Mr. Wheeler asked are you talking Sheriff Road Patrol or the whole cost center, Sheriff and Jail? Mr. Mullen replied the whole cost center. Mr. Wheeler explained PrimeCare was one of them. We did increase overtime, as historically Road Patrol has gone over, but there has been flex in the salary. With their help with COVID response and some of those other things we did increase overtime. Those were the two big things. Mr. Malter commented and also the food budget. Mr. Mullen asked was the other hit the removal of the revenue from the SRO’s? Mr. Wheeler replied yes.

Ms. Fitzpatrick asked how many deputies do we have on Road Patrol on any given day at any given hour? Sheriff Allard replied on the day shift it is typically three deputies and one supervisor. The afternoon shift it is three more deputies and a supervisor, but the night shift overlaps that. We did that strategically because we found our most violent calls are from 9pm to midnight. At 9pm the overnight shift comes on. From 9pm to 5am we have 5 deputies on with one supervisor. Then from 3am to 7am we have two deputies. Ms. Fitzpatrick asked and when the two deputies came in from BOCES, did they help with the overtime situation with that and now are we going to go back to having a problem? Sheriff Allard replied they did. Primarily what they did through 2020 was all COVID and the early part of this year was all COVID. They handled the majority of that. Again, when there are staffing shortages backfilled, we had the flexibility to move them around and avoid more overtime and we did that also.

Mr. Malter asked as far as COVID, and a Sheriff Deputy accompanying Public Health, is that number going down? Sheriff Allard replied yes. It is about three to four a week and it is the worst of the worst. Mr. Wheeler stated yes and obviously it was a tremendous benefit to be able to deliver the isolation orders to the positives. We talked to other counties and as we have talked, not very many other counties have done anything like that. I think we avoided a lot of issues with people skipping isolation. What we do now is if we are able to get the people and they seem compliant over the phone, the nurses talk to them. As the Sheriff said, it is only the ones that said they were not going to isolate that we
say after three or four tries we ask a deputy to go and have a chat with them and that works. Sheriff Allard stated your deputies supported the Public Health mission more than any other county in the State. I don’t know of another county that even came close to what they supported. They were not necessarily pleased with it, but they did it. Mr. Swackhamer commented they would have gotten overtime with that. Sheriff Allard replied yes, there was a lot of overtime associated with it. They were tired. It is important too, that during that same period of time with civil unrest, there were three periods of time during 2020 that the State Police completely pulled out of our zone to go to Rochester and we handled everything in the county; one time for two weeks straight. The overtime for that we estimated about $20,000 - $25,000 just to cover the entire county. Historically we have relied on the State Police to cover a lot of our calls. I just did a survey with one of the local State Police administrators and in-zone right now they are down 20 – 30 percent. In Steuben County specifically, they are down almost 20 Troopers currently. So in a best case scenario they will be back to full staff in five years and worst case, 10 years. We continue to meet our responsibilities with the State and do the very best job we can to meet the responsibilities of the citizen within the budget you provide.

Mr. Malter asked do you think the reason for the decline in the numbers for the State Police is from a budgetary standpoint or is that pre-orchestrated by the Governor’s Office at this point? Sheriff Allard replied there are a couple of things going on. After bail reform, everybody that hit 20 years left because it was such a tremendous change in the landscape for law enforcement and there was a tremendous amount of people that left and moved out of State. Twenty years ago was 9/11 and at that time the State Police really beefed up; they had a big hiring move after 9/11. Those people are hitting their 20 years now, so you are going to see, a reasonable forecast, a big chunk of their services going out the door through retirement. Over the last year, year and a half they had almost one thousand people retire and they have had one academy of 200 people to backfill.

Mr. Horton stated I don’t mind filling positions that you have there. I’m not into creating positions, but definitely filling. There has to be no worse feeling than being that deputy that calls for backup at 3am and there is nobody available. That has got to be a horrible feeling for the deputy. One thing that people don’t think about with CAP when you are trying to budget that; in the Sheriff’s defense, when they have the CAP come in they don’t know if it is going to be one person or six and if that guard is going to be helping CAP for a half an hour or three hours.

Ms. Fitzpatrick asked how many positions are funded there? How many positions did you ask for and how many did you actually budget? Mr. Wheeler replied the only positions that are not budgeted are the ones that we zero-based last year; a full-time deputy and a part-time investigator. We kept those zero-based in your draft budget. Sheriff Allard explained as you go through the staffing, we have one deputy that is fully paid for by OCA (Office of Court Administration). We have one deputy that is fully paid for by DSS that is assigned to DSS. We have one investigator that is reimbursed by DSS for the hours they spend investigating DSS welfare fraud. We have two part-time investigators that are fully paid through the CARP Grant to investigate DSS investigations. We have the one deputy that is assigned to Arkport and Hornell that is reimbursed. I believe those are all the reimbursements we have currently. Mr. Horton stated to my understanding you don’t have the revenue from the Corning position either. So if one goes to Corning, the revenue from Corning would allow us to fill another deputy position so you wouldn’t be short, correct? Mr. Wheeler replied it would. It would depend what their contract is. I doubt they are going to pay $100,000. Mr. Malter asked the Hornell and Arkport contract is $110,000? Sheriff Allard replied yes.

Ms. Fitzpatrick asked have we had to give the Sheriff or Jail budgets money from the Contingent Fund? Sheriff Allard replied yes. Prior to PrimeCare, we had to come to the Contingent Fund almost every year for medical for the Jail. I know we have had to come back for vehicle maintenance one year. Mr. Wheeler stated they have used fund transfers. Ms. Fitzpatrick stated one of the conversations we had during the Budget Workshop was concern about trying to give the Sheriff a budget and keep him within that budget. If we are moving money from one budget category within your budget and moving it to another; perhaps salary line or overtime, whatever that is, your budget is your budget. But if we are moving in money from the Contingent Fund, then the concern is we need to give you a budget and then make sure you have the means to stay within it. That is why I proposed the question. Mr. Wheeler stated we could run you reports. The largest driver in Road Patrol is overtime. That would be something that you cannot necessarily anticipate, but that would be the only thing I would see, other than a year where we had bad vehicle maintenance or something like that. Mr. Swackhamer asked what about the Jail? Mr. Wheeler replied medical is always difficult to anticipate. You do have money budgeted for that in this draft budget.

Finance Budget Workshop
Monday, October 25, 2021
Ms. Fitzpatrick asked with the medical contract there is a pretty substantial increase in that, but aren’t you seeing your numbers in the Jail decreasing? What would explain the increase in the contract? Sheriff Allard explained the contract for PrimeCare, for the services themselves, stays constant. The thing that is driving PrimeCare and what we pay is the catastrophic billing which is overages on prescriptions, overages on hospital stays, and overages on outside testing. When we have someone in the Jail with a catastrophic illness, we work with Probation and the courts, the District Attorney’s Office and the Public Defender to try to find an alternative to incarceration for them. We have avoided hundreds of thousands of dollars in medical costs by doing that. Unfortunately the prescriptions also include the psychotropic medications that are prescribed by mental health; so that is all prescriptions. We actually get a better price through PrimeCare for our prescriptions than we did before because they are a national chain. It is what it is and when they get prescribed we have to pay them. If they go into a hospital for two weeks because they had cancer when they came in and it takes us two weeks to get them back out, we are on the hook for that. Medicare will pay some when they are in overnight, but a lot of it is ER visits, tests, scheduled tests with doctors. Unfortunately when you are on the street and using, you don’t feel all those ills that you feel when you get in the Jail and are no longer using. Sheriff Allard explained we had kind of a perfect storm in 2020. In 2019 when they came in we had low numbers because of bail reform and at the end of quarter four of 2020, is when the State stopped taking State ready inmates. We were up over 180 inmates at one point in time when they quit taking State ready inmates; we were still paying for all of the medication and everything. Our catastrophic billing has a threshold and when you hit that threshold you pay for everything over. That is part of our contract with PrimeCare. In 2020 we were low numbers until the fourth quarter so we didn’t hit that threshold until late. In 2021, currently, we had those high numbers until March, so we hit that threshold much quicker. As we move forward, it was just due to the numbers in the Jail. We just did an analysis, August to August this year to last year and we are up 36 percent in the Jail for inmates. We are staying right around 150 inmates and that seems to be our new normal. Mr. Swackhamer stated that is fine, but all of that money is coming out of taxpayers’ pockets and we have to watch it.

Mr. Malter commented each year is unique in your department and the only thing we can do is a best guess scenario as far as the budget goes and I think we have done that this year. Mr. Van Etten stated so the draft we worked on at the Budget Workshop, the Jail went up about $540,000 from 2021 to 2022. About $500,000 of that was PrimeCare and we have since lowered that down to $1.6 million. Mr. Wheeler stated originally it was at $1.8 million. Mr. Van Etten stated what we did do is added $100,000 to the overtime line in the Jail. We are trying to build a budget that reflects the history of your organization. Sheriff Allard stated I appreciate that and we do strive to stay in it. As you all know all the posts in the Jail are mandated by the State and we have to fill them. The MAT (Medically Assisted Treatment) legislation did get signed and it is law, so that will be coming next year also. Mr. Malter commented there is a liability factor if we start cutting staffing. Sheriff Allard stated yes and the Commission is not going to give up all control. They are just going to say if you have a closed pod you don’t have to have staffing on hand.

Ms. Fitzpatrick stated another thing we had talked about at the Budget Workshop were your vehicle requests. There was some discussion about the number of vehicles that you have there at the Jail. There was just concern over how many vehicles you have and if we can clean some of those out; and that wasn’t clear. Mr. Wheeler stated the Sheriff sent a good response. Mr. Van Etten stated yes, every single vehicle was detailed of the 19. Sheriff Allard stated actually the Undersheriff has put together a report for you if you would like to peruse it. The report shows each individual vehicle, the mileage, the charts, everything that goes along with it that are spare. Unfortunately, especially as we come into deer season, it’s not unusual for us to have three vehicles down because of deer in a weekend. Mr. Swackhamer stated but you have 19 spares. Sheriff Allard stated they are not all the same; they have different purposes. He asked Undersheriff McNelis to provide a quick breakdown of the report.

Undersheriff McNelis explained the original assessment was that there were 19 spares and we have updated the list so there are actually 15. There should be 16, but one of those vehicles had to be pressed into service. Of those 15 spares, 4 of them are unmarked. That leaves 11 vehicles and 2 of them are special use vehicles for K-9. That leaves 9 vehicles. If you go by last year’s statistics for car-deer incidents, 55 percent of our car-deer incidents occurred in the last quarter and that was 6 car-deer incidents. So we had 9 vehicles, you take 6 of those away and you are down to 3. We have had I think 3 Ford recalls and you have to take care of those vehicles and then there is also routine maintenance. So you can see how that number dwindles very, very quickly. There are some other variables that go into it. Undersheriff McNelis stated 2014 was a very odd year. We actually had 10, 2014 model vehicles for whatever reason. I think they extended the mileage that year. Those vehicles are approaching seven years old. The average mileage on those spare vehicles is
150,000 miles. We have 2 vehicles that we took from forfeitures from the DA’s Office. We have 1 vehicle from DSS, 1 vehicle from Weights & Measures. We use those as observation vehicles. They are not really operational and we cannot use them for anything else. A lot of the other vehicles we do our best to repurpose. If you look at some of the photos in the report, I think you’ll see they are not exactly the pride of the fleet. We do the best we can and we are fiscally responsible to repurpose what we can. The reality is that things age unfortunately and we also have to be responsible and replace them. If you look at the report, you’ll see some other variables and facts that surround them. We have 7 vehicles that are operational now and by the time we get our new cars next year, they will be at or near the 100,000 mile mark. I believe it is 37 percent of the spare vehicles that are 9.8 years or older; 31 percent are 7 years or older and 31 percent are five years or older. We do try to be responsible with our requests.

Mr. Van Etten asked from an annual cost standpoint, I mean incremental costs, to keep that fleet of 19, it is basically insurance and maintenance when they are used? Sheriff Allard replied yes. Every year we have some vehicles that we use for parts. Mr. Van Etten asked do we remove those from the insurance policy when they are not road worthy anymore? Sheriff Allard replied yes, and we put them out for auction. Lt. Locke runs our fleet and does a phenomenal job with that. Mr. Malter stated I think that one of our concerns was that nobody was monitoring this operation as far as the vehicles and I think you are proving that is not true. Ms. Fitzpatrick stated that is why it was so important to have you come in here and explain the questions that we had because who better to ask than you. I don’t want you to think from any of the questions I am asking you that I am not one hundred percent supportive of your operation and what you have done. This is one of the areas for taxpayers that we provide such a great service for them and it is one that maybe they don’t appreciate until they need it. Sheriff Allard stated I get that and Mr. Wheeler and I have had several discussions and I understand the challenge.

Sales Tax
Mr. Wheeler stated if you are comfortable with the figures I gave you, and if you are comfortable with where everything is set and to get to your target, I would request a motion for the additional appropriation of $1.7 million in sales tax.

**MOTION: AUTHORIZING THE ADDITIONAL APPROPRIATION OF $1.7 MILLION IN SALES TAX REVENUE IN THE 2022 BUDGET MADE BY MR. MALTER. SECONDED BY MS. FITZPATRICK. MOTION CARRIES 4-0. (MR. SCHU ABSENT FOR VOTE)**

Ms. Fitzpatrick stated I’m still unclear. How many vehicles did the Sheriff ask for and how many are we giving him? Mr. Wheeler replied he asked for a total of 8; 5 new and 3 lease. We are giving him 4; 3 lease and 1 new. Ms. Fitzpatrick asked as far as new positions are concerned could you run through that again? Mr. Wheeler stated last year there was a vacant Deputy Sheriff from a retirement. In speaking with the Sheriff, we zero-based that position along with a part-time Investigator position. The Sheriff had requested those be funded this year and in your draft budget I kept them zero. Ms. Fitzpatrick stated you are saying we can address some of these issues at the time if Corning does want to do the agreement? Mr. Wheeler replied that is my opinion because it would be difficult to anticipate the revenue; the Sheriff could probably give you an estimate. If you wait for the contract, I think we have plenty of flexibility to do that. That way it keeps your budget whole and ready to go. You can do that at any time; you could do it before the new budget year if you want.

Mr. Wheeler stated to respond to Mr. Ryan’s question regarding the vehicle life cycle analysis; they worked with me and Mr. Brewer on that. The other important part that I think we should add about how the vehicles are run, and again, this goes to the longer conversation about lease versus purchase. A number of years ago we had a long discussion about adding another mechanic position to Public Works. All they do, essentially is the Sheriff’s vehicles and the Motor Pool vehicles. You have that resource over there that does the maintenance. He stated he and Mr. Brewer have had a lot of conversations about looking at the mileage of their vehicles, and yes, you are not going to keep everything at 100,000 miles with the geography of this county and you will go over. If you start sinking $10,000 into a car, then that is a different story. We looked at it and we felt comfortable in doing 3 lease and 1 new vehicle for this budget.

Mr. Wheeler stated the presentation of the budget will be Friday, November 12th at 10:00 a.m.
MOTION: TO ADJOURN MADE BY MR. HORTON. SECONDED BY MS. FITZPATRICK. ALL BEING IN FAVOR. MOTION CARRIES 4-0. (MR. SCHU ABSENT FOR VOTE)

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature