

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

Monday

October 6, 2014

The meeting was called to order at 5:55p.m. by Chairman Roger Gross. He requested that Legislator LoBue lead in the Pledge of Allegiance. Upon roll call Legislators LoBue, Wright and Chairman Gross were present.

Chairman Gross made a motion to waive the rules and Accept All the Additional; Seconded by Legislator LoBue. All in favor.

Item #3) 2015 Budget Review

Chair Gross stated that he did go over the budget items pertaining to this Committee with Legislative Auditor Sharkey. He will go over each budget line item and he invited anyone to bring up any matters that they would like to address.

District Attorney Levy stated that he had come forward to the September 16, 2014 Personnel Committee Meeting addressing the matter of the Victims Witness Assistant Position (Personnel: 116510113) in his office. He stated that the request to renew the Grant to continue to fund the position was denied. He stated at that time the Committee agreed to cover the funding of the position for the remainder of the year. He stated that his staff has researched grant opportunities, as he committed that they would, unfortunately the only grants that have been located would not be available until 2017. He stated that he did request in his 2015 Budget that the position be funded. He stated that the Administration did not include it in his budget. He stated that he will appear before the Personnel Committee at the 2015 Budget meeting on October 9, 2014 to request that the position be funded. He stated that this is a critical position in providing guidance to Victims through the New York State System and facilitate communication on behalf of Victims.

Legislator Wright stated the Victims Witness Assistant Employee assists Victims in navigating through the New York State Crimes Victims Compensation Board, which is a State Bureaucracy. He stated a person not familiar with the office would find it challenging to work their way through the process, not to mention a person who is also dealing with being the Victim of a crime. He stated that he would support funding this position. He stated that he would not support having the District Attorney's Prosecutors, who are paid at a much disparity salary, and need to put their focuses on the cases. He stated in the absence of the Victims Witness Assistant Position someone would still need to be hands on with the Victims. He stated that he believes the cases would suffer.

Legislator Nacerino stated that she agrees that this is a very important position. She stated that it will be discussed at the October 9th 2015 Budget review by the Personnel Committee. She stated that it is a well-established position in the District Attorney's Office and the need has been demonstrated.

Chair Gross stated that Patrick Brophy, Chief Attorney Legal Aid is present this evening and would like to address matters in his budget. He stated Legal Aid is on pages 5 & 6 of the Revenue/Expense section of the budget book.

Legislator Oliverio questioned why there was funding cut from these lines. He stated that he believes the services that the Legal Aid Office provides is great. He stated that he would like to see all of the funding restored.

Chief Attorney Legal Aid Patrick Brophy, stated when he originally submitted his funding request he did request the same amount as last year \$616,277.00- "Total Raised by Taxation-Legal Aid Society" budget line. He stated he did not want the Committee members to be confused by the 2015 Tentative Budget that has been presented. He stated that he brought a copy of correspondence that reflects his original request that was submitted to the Administration. He stated the \$22,517.00 that was removed from his budget is of concern. He stated that the Legal Aid Office staff has outgrown their present facility. He stated currently the office is in the White House, owned by the County, 20 Fair Street. He stated that there is a staff of 14 people: 7 Attorneys, 3 Office Assistants, 2 Interns, 1 Social Worker, and 1 Paralegal. He continued to express the difficulties that exist due to the lack of space in their current facility. He stated currently the rent per month is \$1,900 equaling \$22,800 per year. He stated that the \$22,517 removed from his budget will have a harsh impact on the Legal Aid Office's ability to meet the rent expense. He stated that the five (5) year lease is up December 2014. He stated that the County has been notified that Legal Aid does not intend to stay at the 20 Fair Street location. He stated that he has acquired office space on Main Street, which will suit their needs very well. He stated in order to cover the rent he is requesting that the \$22,517.00 be restored to the Legal Aid Budget for 2015. He stated that the Office of Indigent Services assists with funding to Legal Aid to supplement the budget.

Chair Gross stated that there is a County property on Main Street as well.

Chief Attorney Legal Aid Patrick Brophy, stated he did explore that location. However he was told that was not available.

Chair Gross stated that is the 34 Gleneida property.

Legislator Oliverio questioned why was he told that it was not available.

Chief Attorney Legal Aid Patrick Brophy, stated he cannot speak for the County on that.

Legislator LoBue questioned if Commissioner Carlin has any information on this matter.

Commissioner Carlin stated that he believes that the reason is that the County Executive does not believe that is the right location for Legal Aid. He stated a decision needs to be made on what will be done with 34 Gleneida.

Chair Gross stated that Legal Aid is looking at a location on Main Street and if they went into 34 Gleneida it would be a revenue stream for the County from a vacant building.

Commissioner Carlin stated the County did not cut any funds. He stated that on page 90 of the Revenue/Expense section of the Tentative 2015 Budget you will see that the County allocated \$22,800 a year in rent to Legal Aid and Legal Aid Pays the County \$22,800 a year right back to the County. He stated over the past few years as leases have come due the County has stopped that. He stated basically it was not cost to the taxpayer; the County provided the space for free. He stated if the \$22,800 were put back without the revenue, there will be an increase to the taxpayer of \$22,800.

Legislator Wright stated that Legal Aid needs a place to be. He stated that he understands what Commissioner Carlin is saying. He stated that he can attest to the fact that the current location 20 Fair Street is not adequate space for a department of 14 not including clients. He stated that when he worked in the District Attorney's Office, they were located at the 20 Fair Street location they had less than half the staff that is there now, and it was not really acceptable quarters.

Chief Attorney Legal Aid Patrick Brophy, stated that prior to moving to 20 Fair Street they were located at 19 Fair Street and prior to that they were located on Gleneida Avenue. He stated the rent was \$1,900 a month. He stated that when they moved to 20 Fair Street they negotiated the same rent price so the budget amount would not need to change. He stated another concern about taking the money out of the Legal Aid budget is the grant rules indicate that the funding provided via a grant need to enhance and supplement an existing budget; grant funding cannot supplant. He stated he is concerned that the Comptroller of New York State would make a determination, with the funding being removed by the County, that the grant funding would be supplanting that budget. The State can take back not only current grant funding but they can also take back the funding that was given in past grants. He stated that the money was there, yes it came from the County and it went back to the County, the money was in their budget when they were renting in the Private Sector as well. He stated now they are returning to the Private Sector. He stated that their budget is limited; it has not been increased year to year. The only increase that has come was from the Office of Indigent Legal Services Funds.

Legislator Oliverio stated in his opinion the 34 Gleneida Office space would be perfect for the Legal Aid Office.

Chair Gross stated the proximity of 34 Gleneida to the Courthouse is appropriate as well. He stated that he would be in favor of reinstating the \$22,517.00 and seeing how the rental matter plays out between 34 Gleneida and the other location on Main Street.

Chief Attorney Legal Aid Patrick Brophy, stated that he has not accepted the offer on the potential rental location because he stated he is not sure that he will have money to pay the rent. He stated if the money is put back in the budget, then he will accept the offer and sign the lease.

Legislator Oliverio questioned if he would do that before finding out if 34 Gleneida is available.

Chief Attorney Legal Aid Patrick Brophy, stated that it was made clear to him that it is not available.

Legislator Oliverio stated that is one branch of government. He stated that the Legislature has not been consulted about Legal Aid wanting to use 34 Gleneida. He stated that the County Executive is not the

end all and do all with County business. He requested that Chief Attorney Legal Aid Patrick Brophy, hold off on signing the lease for the other rental. He stated the budget process will be completed in a couple of weeks. He stated that there will be a definitive answer at that time. He stated that personally he cannot think of a better use for the 34 Gleneida property. He stated that whoever told you “no and that it will not be considered” that person had no right to make that statement.

Chair Gross stated that he did bring the issue up at the conclusion of the August Physical Meeting.

Legislator Albano stated that he recalls that. He stated that he was under the impression that Legal Aid was able to get additional space on the second floor and things were working out at the 20 Fair Street location.

Chief Attorney Legal Aid Patrick Brophy stated that some of their records were moved to Records Retention, however the personnel has grown with the allocation of Office of Indigent Services. He stated the space he is looking to rent is close to 4,000 square feet versus the 1,400 square feet they are currently in.

Legislator Oliverio questioned if 34 Gleneida would meet Legal Aid’s needs.

Chief Attorney Legal Aid Patrick Brophy, stated the first floor is 3,600 square feet. He stated that it would require build out.

Legislator Oliverio stated that he would like to know if 34 Gleneida is a workable location for Legal Aid.

Chief Attorney Legal Aid Patrick Brophy, stated yes it would be. He stated that when he approached the County earlier in the year and was told it was not an option; he began to look for another location.

Legislator Nacerino stated that she believes this is worthy for a discussion. She stated that she is concerned with the timing. She stated that since she has been serving as a Legislator, this is her second year, there has never been a formal discussion in regards to 34 Gleneida. She stated that there would be much to be considered. She stated that it may not be wise for Legal Aid to wait on the decision from the County and risk losing the rental office space they are looking at now.

Legislator Oliverio questioned when Chief Attorney Brophy approached the County regarding renting 34 Gleneida.

Chief Attorney Legal Aid Patrick Brophy stated it was when the County Clerk’s Office was moving out of the 34 Gleneida office space; it was early in 2014.

Legislator Oliverio stated that this was information kept from this Legislature for approximately eight (8) months. He stated this could have been resolved prior to the budget process. He stated this is wrong.

Legislator LoBue stated that she agrees with Legislator Oliverio. She stated that now time is closing in.

Legislator Oliverio stated that he wants it pursued that Legal Aid move into 34 Gleneida.

Legislator LoBue stated that the Committee Members needs to address whether they will vote to reinstate the \$22,517.

Chair Albano stated that anyone could have come before the Legislature to discuss this matter.

Legislator Oliverio stated that Legal Aid followed protocol by contacting the County Executive. He stated that the County Executive should have informed the Legislature of this matter.

Commissioner Carlin stated he would like to remind the Legislature that a couple of years back an extensive presentation was done on 34 Gleneida. He stated the recommendation of the County Executive was to sell the property. He stated that with the Legislature's approval a Capital Projects line was set up in the amount of \$800,000 to be funded by the proceeds of the sale. He stated that it is not a big secret that the Administration's recommendation is to sell 34 Gleneida.

Legislator Oliverio stated that the Legislature did not agree with the recommendation to sell 34 Gleneida.

Legislator Wright questioned instead of the current situation where the rent at the White House is a "wash" as presented by Commissioner Carlin, does Legal Aid anticipate being able to cover an additional rent amount for a larger space.

Chief Attorney Legal Aid Patrick Brophy stated that Legal Aid would make application to the State to assist in covering the additional rental costs. He stated however if the \$22,517.00 is not put in Legal Aid budget they will be faced with the supplanting issue.

Legislator Wright made a motion to reinstate the \$22,517.00 in to the Legal Aid Society Budget Line; Seconded by Legislator LoBue. All in favor.

Legislator LoBue stated for clarification on the record. She stated that the Legislature voted against the proposal to sell 34 Gleneida (*April 2012*).

Legislator Oliverio stated that is correct. He stated that there has been much discussion on the possible options for the location such as putting Veterans Affairs there; he stated in his opinion Legal Aid would make a lot of sense to be in that location.

Legislator Albano stated that he was never in favor of selling 34 Gleneida. He stated that he is not sure that Legal Aid should be there. He stated that he would be concerned with additional parking and the traffic that would be generated.

Legislator Oliverio stated that Legal Aid currently uses the County Parking lots.

Chair Gross stated he is mentioning this tonight, however he is aware that it will be discussed at the Personnel Budget Committee. He stated that Chief Coroner Nesheiwat has stated that the Coroner salary is underfunded. He stated the feedback from Chief Coroner Nesheiwat is that there are no candidates interested in applying for the Coroner positions because of the demand on their time at the current

salary. He stated that he will bring that up for discussion at the October 9, 2014 Personnel Committee Meeting.

Chair Gross stated that he would like to begin the review of the Sheriff's Department. He stated that there was a request for \$60,000 for Motor Vehicles, page 38; \$30,000 was funded. He questioned if that is a problem.

Undersheriff Convery stated that they get approximately ten (10) years out of a car used by an investigator. He stated that the Sheriff's Department is coming to the end of the ten (10) year cycle for some of the cars. He stated that they are trying to stay ahead of it by purchasing two (2) cars a year.

Legislator LoBue questioned if this request is being associated with the additional man power in Cold Spring.

Undersheriff Convery stated not only that, but also some of the Chevrolets are 2005 and after ten (10) years the age of the vehicle becomes a concern. He stated the Sheriff's Vehicle Fleet Maintenance is top notch.

Legislator Wright questioned if the request is specific to an Investigators Vehicle.

Undersheriff Convery stated that it was in the admin line; that would be an Investigator.

Legislator Wright stated that an Investigator would put less mileage on a vehicle versus a vehicle used by Road Patrol Officers. He questioned if the ten (10) year turnover is applicable to reference across the board.

Undersheriff Convery stated that is not applicable when speaking of road patrol cars.

Captain Velotti stated that a Road Patrol car gets more like four (4) years. He stated that a Road Patrol car is recycled and used as a vehicle used by School Resource Officers.

Legislator Oliverio stated that the Sheriff's Department, he believes, is very fiscally responsible. He stated that if they have requested funding for two (2) cars, he believes the need is there. He stated that he requests restoring the request to the two (2) cars.

Legislator Nacerino stated that she recalled that there were cars purchased a few months back.

Undersheriff Convery stated that yes they did. He stated that they have also had to take five (5) vehicles out of service.

Legislator LoBue questioned what car will the new one replace.

Undersheriff Convery stated he believes it is the Dodge Charger, it has approximately 186,000 miles on it.

Legislator LoBue requested that Undersheriff Convery please provide that information to the Legislature for their records.

Legislator Nacerino requested that Undersheriff Convery also provide the information on the vehicles that, she believes it was two (2), that were purchased earlier this year. She stated that she understands and supports the practice of bringing new vehicles into the fleet gradually to avoid all of the vehicles going bad at the same time.

Undersheriff Convery confirmed that he would get the information to the Legislature.

Legislator Wright questioned Auditor Sharkey if the fixed asset report, which these vehicles would be on, is digitized and is it real time.

Auditor Sharkey stated that she will check with the Purchasing Department and get back to him on that.

Legislator Tartaro requested also that a breakdown of how many vehicles are in each Department at the Sheriffs.

Undersheriff Convery stated that they will provide the requested information.

Chair Gross made a motion to restore \$30,000(3110-52650) Motor Vehicles to the Sheriff's Department Budget, subject to the review of the information requested; Seconded LoBue. All in favor.

Legislator LoBue questioned what the rationale was for the Administration not funding the requested \$60,000 for the vehicles.

Commissioner Carlin stated it was basically the rational of "you cannot fund everything".

Legislator Oliveiro questioned the status on the matter of needing an expansion to the jail.

Captain O'Malley stated it is necessary. He stated at this time it is being researched.

Undersheriff Convery stated that Captain O'Malley is very innovative in terms of the use of space. He stated since February 2014 they have not had to board –out. He stated that there is a female inmate who will give birth to her child while in jail. He stated that they are working to meet the New York State requirements that they must meet to prepare for this matter.

Legislator Wright questioned how does the Bedford Correctional Facility for Women handle such matters.

Captain O'Malley stated that they are a State Facility. He stated that they have an impressive day care facility. He stated that the baby is allowed to live at the jail up to one (1) year old.

Legislator LoBue stated that she has noticed an increase in the requested amount for the food for the jail. She requested an explanation for the increase.

Captain O'Malley stated that it is a reflection of the increase in food prices.

Legislator Oliveiro questioned how the use of the Video Appearance Program is going.

Undersheriff Convery stated that Town of Carmel Court used it in a case with Attorney Tock. He stated that it went well.

Probation Director Gene Funicelli stated a Position is being requested to be restored. He stated at the end of 2013 the Probation Department's Account Clerk retired, via the incentive package. He stated the position had to be removed from the Department for a year. He stated for 2014 the way they got the job done, is that they had a Part-Time Account Clerk and the retired Account Clerk working out of the Probation Department's Temporary Line. He stated that he would like this critical position put back into his department now that the year period has past. He stated that he knows this is an item that would be reviewed by the Personnel Committee, he just wanted to mention it this evening. The request was granted by the Administration and included in the 2015 Tentative Budget.

Legislator Wright requested an explanation for the decrease in STOP DWI Fines.

Probation Director Funicelli provided that in summary the numbers of DWI charges have gone down and the actual designation of the fine amount is at the discrepancy of the Judge. He stated that there is a mandatory New York State surcharge. He stated that total amount of the surcharge goes to the State of New York.

Chair Gross stated that there is a recording change that needs to be approved in the Bureau of Emergency Services Budget. He stated that it was reported to him that these changes result in a zero fiscal impact and are needed in order to properly allocate the E911 surcharges under the 911 Center org. instead of the Emergency Services org.

Legislator Wright made a motion to approve the following;

- 1) 10398900 411401 E911 Telephone Surcharge from \$180,000 to 0
- 2) 10398900 411402 E911 Cellular Surcharge from \$255,000 to 0
- 3) 13390900 400401 E911 Telephone Surcharge from 0 to \$180,000
- 4) 13398900 411402 E911 Cellular Surcharge from 0 to \$255,000

Seconded by Legislator LoBue. All in favor.

Legislator Oliverio questioned if there are any necessary changes to the Fire Training buildings.

Commissioner Stiebeling stated that over the past few years they have conducted in-house upgrades with the County Highway Department. He provided an overview of work that has been done. He stated that the only request that he put through on the Capital Projects List is a replacement of the Flashover Simulator. He stated that a Flashover Simulator is used in training.

Legislator Wright questioned who maintains the scheduling of the Auditorium and the Classrooms at the Bureau of Emergency Services.

Commissioner Stiebeling stated that the Calendar is scheduled and maintained by a member of the Bureau of Emergency Services Department. He stated in reference to the 911 Dispatch Department he wanted to point out that at the time the budget was submitted there were two part-time employees. He stated that there is a vacant position he would like restored. He stated the original plan was to utilize the

position with a part-time employee and half way through the year have the employee become full-time. He stated that is not the case now; they would like to have the position restored to full-time.

Chair Gross stated that is a matter that would be discussed at the October 9, 2014 Budget Personnel Meeting.

Item #4) Other Business - None

Item #5) Adjournment

There being no further business at 7:15P.M., Legislator Wright made a motion to adjourn; Seconded by Legislator LoBue. All in favor.

Respectfully submitted by, Deputy Clerk of the Legislature Diane Trabulsy.