

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: SHERIFF & COMMUNICATIONS

DATE: NOVEMBER 13, 2006

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BENTLEY
VANNESS
O'CONNOR
BELDEN
MASON
STEC

COMMITTEE MEMBER ABSENT:

SUPERVISOR HASKELL

OTHERS PRESENT:

LARRY CLEVELAND, SHERIFF
WILLIAM THOMAS, CHAIRMAN
JOAN PARSONS, COMMISSIONER OF ADMINISTRATIVE
AND FISCAL SERVICES
JOAN SADY, CLERK
SUPERVISORS:
GERAGHTY
KENNY
AMANDA ALLEN, LEGISLATIVE OFFICE SPECIALIST

Mr. Bentley called the meeting of the Sheriff & Communications Committee to order at 9:35 a.m.

Motion was made by Mr. Mason, seconded by Mr. Stec and carried unanimously to approve the minutes of the October 26th meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Larry Cleveland, Sheriff, who distributed copies of his agenda to the Committee members. A copy of the agenda is on file with the minutes.

Sheriff Cleveland began by stating that the special meeting had been called on the suggestion of Mr. Caimano, Budget Officer, to request an amendment to the proposed 2007 Budget to provide for unanticipated revenues and the need for additional police services to fulfill contractual obligations. He continued that when the Budget proposal was presented in August the details of proposed contractual services with the Village of Lake George and revenues from the placement of an investigator in the DSS (Department of Social Services) were unknown and could not be included. In light of this additional income, Sheriff Cleveland apprised, an amended request for manpower in 2007 was being presented.

Sheriff Cleveland advised that his request included the addition of three full time Patrol Officer positions; he noted that these positions could only be filled in January and July when academy training was available. Referring to the chart included in the agenda, Sheriff Cleveland explained that one of the positions would be filled in January upon academy completion and the remaining two in July during the second round of training. He added that a part-time reduction of \$29,500 would be applied as two of the three positions requested could not be filled until the second half of the year.

Also included in the request, Sheriff Cleveland apprised, were two upgrades in staff which required increases in salary. The first, he noted, was the promotion of a Patrol Officer to Patrol Sergeant, with a salary increase of \$6,000, and the second was the promotion of an Investigative Sergeant to an Investigative Lieutenant, including an increase in salary of \$9,850. Completing the review of the chart, Sheriff Cleveland explained that he anticipated revenue in the amount of \$105,000 for proposed contractual services with the Village of Lake George and DSS. He noted

that if approved, the request would result in a \$30,150 reduction in the 2007 Tentative Budget. Sheriff Cleveland said that although the figures listed for additional personnel did not include fringe benefits, the resulting amount of Budget reduction would be more than enough to cover those costs.

Sheriff Cleveland advised that his request would not only reduce the budget, it would lend the additional manpower needed to fulfill the contractual obligations with the Village of Lake George and the DSS. He noted that because the contractual services with the Village of Lake George only pertained to the summer months, those two Patrol Officers could be used to lessen the workload handled by the Sheriff's Department throughout the rest of the County during the remainder of the year.

Mr. Belden asked if the Investigative position for the DSS was already included in the 2007 Tentative Budget and Joan Parsons, Commissioner of Administrative and Fiscal Services, replied that although the appropriation had been included, the revenues had not. Mr. Belden asked Sheriff Cleveland if a proposed contract and terms had been developed with the Village of Lake George and Sheriff Cleveland replied that because the Village of Lake George utilized a different fiscal year, running from April to March, a contract had not been developed. However, he said, the monetary terms of the contract had been agreed upon.

Mr. Stec asked if payroll benefits and uniform costs were included in his request and Sheriff Cleveland replied that uniform costs would be covered under the current Budget allowance. He advised that fringe benefits had not been included and Mrs. Parsons noted that the revenues received for contractual services would be more than enough to offset those costs. She added that if the request were approved, the \$30,150 surplus would not be shown as a Budget reduction, instead it would be applied as an appropriation under the Federal, FICA, Health, and Retirement budgets.

Mr. Belden stated that it was unfair to appease Sheriff Cleveland's request when all requests for additional staff had been removed from the Tentative Budget and it had been clearly stated that there would be no new employees hired for 2007. He added that if an allowance were made for the Sheriff's Department, all other Departments would be seeking the same. Sheriff Cleveland noted that his Department differed from all others because the positions he was seeking would be funded by revenue generated from outside sources. In addition, Sheriff Cleveland apprised, he had met with Mr. Caimano, Budget Officer, and Mr. W. Thomas during the previous week to discuss the matter and Mr. Caimano had been in favor of his request, advising that the special meeting be called to address it.

Contrary to Sheriff Cleveland's statement, Mr. Stec advised that he had spoken with Mr. Caimano more recently and was advised that Mr. Caimano did not feel the request should be approved as it would be a bad precedent to set. Mr. Stec added that although he had attempted to persuade Mr. Caimano by reminding him that the cost of the positions would be offset by the revenues received, he was unable to change his opinion. Sheriff Cleveland noted that he was extremely unhappy that he had been misled by Mr. Caimano in regard to this matter.

Sheriff Cleveland apprised that if the Committee was not in favor of his request he would not be willing to supervise the DSS Investigator position as previously agreed to. He stated that it was

unfair to deny his requests for manpower to fulfill those obligations, but still expect the services to be provided by his already limited staff. Mrs. Parsons noted that if Sheriff Cleveland declined to supervise the program, the Investigator position would be remanded to the supervision of Robert Phelps, DSS Commissioner. Mr. Bentley added that would defeat the purpose of the position because under Mr. Phelps' supervision the Investigator would not have the authority to make arrests and would still have to gain the assistance of Sheriff Cleveland for this result.

Mr. VanNess noted that the DSS Investigator position was fully funded by New York State, and all related costs would be reimbursed. He stated that if Sheriff Cleveland declined to supervise the position, they would have no other option than to transfer supervisory responsibilities to Mr. Phelps, who would contact the Sheriff's Department each time an arrest was required.

Mr. VanNess asked if the Investigator position would be transferred between the Departments and Mrs. Parsons advised that the DSS Investigator was a new position that was left in the Sheriff's Department's Budget because Sheriff Cleveland was going to be overseeing the position. She added that if Sheriff Cleveland declined to supervise the position, it would be transferred to the DSS Budget. Mrs. Parsons noted that the \$60,000 in the DSS contract services revenue listed in Sheriff Cleveland's chart was not included in the Tentative Budget and Sheriff Cleveland clarified that he had intended to charge \$5,000 per month for the DSS Investigator services.

Mr. O'Connor advised he was very disappointed that the twelve additional Patrol Officers promised to Sheriff Cleveland in earlier negotiations had been removed from the Budget. He noted that he had voted to approve the Tentative Budget, which did not include the additional Officers, only because it accounted for several other necessary items. Mr. O'Connor stated that Lillian Hayes, the current DSS Investigator, was doing a wonderful job; however, she did not have the authority to make arrests as an Investigator from the Sheriff's Department would. He said that he felt the position was a necessity and was disappointed that it might not be included.

Mr. Stec stated that if the positions requested were authorized, there would be several Departments lining up to secure additional staff for themselves also. He asked why the request was not made prior to the adoption of the Tentative Budget, and Sheriff Cleveland replied that the specifics of the contractual services were unknown at the time the Budget was prepared. Sheriff Cleveland added that he had been initially advised by Mr. Caimano to wait until the Budget was approved and approach the Committee in January with the request. The problems caused by delaying the request, he noted, were that the Committee would then be forced to violate their own resolution not to hire additional staff in 2007, and it would be too late to take advantage of the January academy training.

Mr. Belden asked if the Patrol Officers hired to oblige contractual services with the Village of Lake George would be part-time positions and Sheriff Cleveland replied in the negative. The Village patrols would take place during the summer months and the Officers would be used to assist in handling the normal workload for the remainder of the year, Sheriff Cleveland advised. He clarified that the Village patrols would be 12 hour shifts, from 7 a.m. to 7 p.m., for Memorial Day through Labor Day.

Mr. VanNess asked what the term of the contract would be with the Village of Lake George and Sheriff Cleveland apprised that it would be an annual contract renewable for five years. Mr.

Belden asked if the Mayor of the Village of Lake George had already approved the contract and Sheriff Cleveland stated that he had not. He reiterated that the Village used a completely different Budget cycle that ran from April 1st to March 31st and, as such, the contract would not be formally approved until January of 2007. Sheriff Cleveland added that if the contract were not approved there would be no need to hire additional staff.

Sheriff Cleveland said he understood the Committee's feeling that the major issue caused by the approval of his request would not be the funding factor, but rather the precedent set by allowing his Department to add staff when it had been specifically refused to all other Departments. He noted that his Department was qualified to make these additions based on the fact that his was the only Department able to fund additional positions from an outside revenue source.

Mr. Mason stated that he agreed with Mr. O'Connor's feeling that an Investigator from the Sheriff's Department was needed for DSS. He noted that when grant funding was received to cover the costs of additional staff the Committee had no trouble approving the additions and he did not see why it should be any different in this instance. Mr. Belden advised that in cases of grant funding, positions were deleted if the funding ceased. He said that in this case if the outside revenue ended, the positions could not be deleted because they would have Union protection.

Mr. Geraghty stated that he did not understand Sheriff Cleveland's refusal to supervise the DSS Investigator position if he did not receive the additional manpower requested. Sheriff Cleveland countered that he found it unthinkable to assume an increased workload with the same limited staff. He added that the current staff, with whom he worked each day, would not understand the addition either. Mr. VanNess noted that the Committee had already agreed to allow Sheriff Cleveland to fill the Investigator position vacated by the transfer to DSS. Sheriff Cleveland stated that earlier in the year he had been willing to assume the supervision of this position because he was under the impression that the additional six patrol officers originally requested were going to be granted for 2007. Because they were not, he said, he was not willing to assume responsibility for a position that added work for his Department with no benefits.

Sheriff Cleveland stated that the additional staff he had requested was needed by his Department to get the work done. He said that even if someone were promoted to fill the vacated Investigator position he would still have no additional staff, yet would accumulate more work.

Mr. Belden suggested that part-time Patrol Officers be hired to fulfill the Village of Lake George contract rather than adding two full-time Officers.

Mr. Stec stated that the twelve positions requested by Sheriff Cleveland for 2007-2008 were removed from the Budget by the Budget Officer and not any specific Committee. He added, that was not to say it was not the right decision; however, he wanted to make it clear who was responsible for the removal of those positions. Mr. Stec said that he thought Sheriff Cleveland's request for a lesser amount of staff was valid, based on the fact that a much larger number had been approved earlier in the year.

Mr. VanNess stated that the Budget Officer was not the only one to blame for the reduction because prior to approving the 2007 Tentative Budget it had been made very clear that those twelve positions had been removed and the Budget was still approved.

Mr. Bentley apprised that the change did not affect the Budget and he could not understand why anyone would be against approving it.

Mr. Stec said that this issue mirrored the upcoming discussion on possibly increasing the sales tax in Warren County. He stated that the Committee controlled these decisions and if they approved Sheriff Cleveland's request they would have to advise any other Department questioning the decision of the contributing factors. Mr. Stec added that it was the Committee's responsibility to control these matters and make decisions as they see fit; he said if that meant approving Sheriff Cleveland's request and denying the request of other Departments, so be it.

Mr. Geraghty said that any Department could make a proposal that would be revenue neutral. He advised that each of these requests should be considered on an individual basis to see if the request was truly revenue neutral, prior to denying it, even though it would surely leave the Committee open for criticism. Mr. Geraghty reiterated that regardless of the decision, he did not understand why Sheriff Cleveland would not want to supervise the DSS Investigator position.

Mr. O'Connor said that he was unclear of the duties required of the DSS Investigator and he asked if the Investigator would be uniformed with the authority to make arrests or a plain clothes officer working for DSS without the authority to make arrests. Sheriff Cleveland replied that the only option he had was to offer a Police Officer, plain clothes or uniformed, who would have the authority to make arrests. Mr. O'Connor stated that he was under the impression that was what Mr. Phelps was requesting and Sheriff Cleveland agreed. He added that the Committee was not taking into consideration all of the additional costs and responsibilities that would be assumed such as training, vehicle costs and maintenance, clothing, weapons and such.

Mr. Kenny noted that the request included the addition of three new Patrol Officers and upgrading of two positions, he asked what affect these changes would have on the 2008 Budget. Sheriff Cleveland replied that the increase should be the standard 3% and Mr. Kenny countered that it would be at least \$125,000 for the three additional positions alone, accounting for salaries and fringe benefits.

Mr. VanNess stated that although he did not have a problem with the majority of Sheriff Cleveland's request, he did take issue with the upgrade of the Investigative Sergeant to Investigative Lieutenant. He apprised the Committee that the Investigative Division had been run for the past nine years with a Sergeant and he did not see the need for a change. Mr. VanNess noted that the upgrade of a Patrol Officer to a Patrol Sergeant was valid because it would allow the Patrol Sergeant to supervise the Patrol Officers on duty while the Shift Commander would oversee any situation coming into the Patrol Station. Mr. VanNess said that he agreed with Mr. Geraghty in the supervision aspect, adding that this position would require no more supervision than the two Officers sent to the Capital District Drug Force who supervised themselves and reported to an Officer at that location. Mr. VanNess suggested that a Junior Investigator be transferred for the DSS Investigator position leaving the current Investigative team intact.

Mr. O'Connor said that it looked as if Mr. Phelps would have to hire an Investigator with a decreased amount of authority and work with the situation as best as possible. Mr. O'Connor stated that he did not feel the position should lie dormant and although he could understand Sheriff Cleveland's dilemma, they would have to do the best they could with the resources available.

Mr. W. Thomas asked Mr. VanNess if he would agree to the request if the upgrade of the Investigative Sergeant were removed and Mr. VanNess replied that he would agree to the addition of two Patrol Officers and the upgrade of a Patrol Officer to Patrol Sergeant. Mr. VanNess stated that the position had been run successfully as it was for a number of years and he could not justify the upgrade and increased cost for the same work. He reiterated that although an Investigator would be lost to DSS, the Committee had already agreed to allow that position to be filled; he added that he did not take issue with the hiring of two Patrol Officers in July provided that the contract with the Village of Lake George was secured to offset those costs.

Mr. W. Thomas said that Sheriff Cleveland had made a valid point in stating that the revenue slated to offset these costs was to be received from an outside source and no other Department could make the same argument. He said that he assumed the revenue would continue for the following years justifying the additions. Mr. W. Thomas suggested that Sheriff Cleveland's request be amended to remove one Patrol Officer position and the Investigative upgrade in return for Sheriff Cleveland's supervision of the DSS Investigator and he asked Sheriff Cleveland if he was agreeable to that arrangement. Sheriff Cleveland reminded the Committee that earlier in the year he had agreed to give up five years of vehicle purchases in exchange for the addition of the twelve Patrol Officer positions; when those positions were denied, the funds for new car purchases were not given back, Sheriff Cleveland added. He said that he would agree to the arrangement if he could be assured that his request would not be denied in the future as his prior requests had been.

Mr. W. Thomas said that although the Committee recognized Sheriff Cleveland's complaint they had to work with the issue at hand regardless of the past.

Discussion ensued.

Mr. Kenny questioned the figures listed in Sheriff Cleveland's agenda, noting that by his calculations the request would cause a \$25,000 deficit, rather than a \$30,000 addition to the Budget. Sheriff Cleveland explained that the numbers shown were exactly what would be reflected in the Budget; he added that although the salary of the DSS Investigator position had been included in the Budget, the \$60,000 in anticipated revenue had not. Mr. Kenny said that if the \$60,000 revenue was reflected in the chart the salary of the position should be also. Mrs. Parsons clarified that although the salary of the position had been included in the Budget, the revenues had not because they were unsure as to whose jurisdiction the position was going to fall.

Mr. Belden advised Sheriff Cleveland that this was not the only Department to sustain heavy Budget reductions; however the steps had to be taken.

Mr. Stec asked if the request was now budget neutral or not according to Mr. Kenny's calculations. Mr. VanNess stated that if one of the Patrol Officer positions and the Investigative upgrade were removed, as per his suggestion, the request would be budget neutral.

Mr. O'Connor asked Sheriff Cleveland to confirm that he would supervise the DSS Investigator if the amended request as suggested by Mr. VanNess were approved and Sheriff Cleveland replied affirmatively.

Motion was made by Mr. VanNess, seconded by Mr. Stec and carried unanimously to approve

Sheriff Cleveland's amended request to hire two Patrol Officers, one in January and one in July, and upgrade a Patrol Officer to Patrol Sergeant and the necessary resolution was authorized for the November 17th Board meeting.

Discussion ensued.

Mr. Stec asked what the following steps were to approve the request and Mrs. Parsons advised that the request would go directly to the next Board meeting for approval with several other amendments to the Tentative Budget. Sheriff Cleveland asked if his request would be included with other issues and Mrs. Parsons noted that there were a few debt service amendments that would be included. Mr. VanNess suggested that the Sheriff's request be presented separately from the other Budget amendments so that if the other items were declined this one would not be included.

Motion was made by Mr. VanNess, seconded by Mr. Mason and carried unanimously to prepare a separate resolution for Sheriff Cleveland's request at the November 17th Board meeting.

As there was no further business to come before the Sheriff & Communications Committee, on motion made by Mr. VanNess and seconded by Mr. Stec, Mr. Bentley adjourned the meeting at 10:30 a.m.

Respectfully Submitted,
Amanda Allen, Legislative Office Specialist