

**2017 TENTATIVE BUDGET
PERSONNEL COMMITTEE MEETING
PUTNAM COUNTY OFFICE BUILDING
ROOM #318
CARMEL, NEW YORK 10512**

Members: Chairwoman Nacerino, Legislators Castellano and Wright

Monday

October 17, 2016

The meeting was called to order at 6:05p.m. by Chairwoman Nacerino who led in the Pledge of Allegiance. Upon roll call, Chairwoman Nacerino and Legislators Castellano and Wright were present.

Item #3 – 2017 Budget Review

Chairwoman Nacerino stated that the Committee will begin the budget review by addressing an item that came to this committee from the 2017 Budget Protective Meeting. She stated there were outstanding questions raised pertaining to the Legal Aid Budget for 2017. She stated representatives from the Legal Aid Office are present to address those questions: Attorneys Patrick Brophy, David Squirrel and Liz Hudak.

Legislator Wright stated that the Legislators wanted confirmation that there has been a change to the funding formula and the give and take back and forth that occurred during the review of the Legal Aid 2017 Budget at the meeting with the Administration. He stated that he understands there was some discussion at the meeting with the Administration regarding putting the funds into a contingency, or sub-contingency account. He stated also he believes a Legislator requested the number of cases that Legal Aid handled in 2016.

Chairwoman Nacerino stated it appears that there has been a reduction in the State Aid funding. She questioned how that impacts the working of the Legal aid Office.

Legal Aid Attorney Patrick Brophy stated when the 2017 Budget was submitted they did put a request for additional funding to be put in sub-contingency. He stated at the meeting with the Administration it was indicated in the agreement that the additional monies would reasonably go into sub-contingency. He stated Legal Aid would come to the Legislature and make the application for additional funding from sub- contingency when it was needed. He stated they found out that the same funding amount as 2016 was put in for 2017 and there was no additional funding placed in sub-contingency. He stated that there is a two (2) prong approach as far as the increased cost. He stated the most significant is the new guidelines that have come from the New York State Office of Indigent Legal Services. He stated there is a new State Standard for Eligibility to receive indigent representation. He stated the new form has come out. He stated that he would like to present a copy of the new form to the Legislature.

Chairwoman Nacerino made a motion to waive the rules and accept the additional; Seconded by Legislator Castellano. All in favor.

Legal Aid Attorney Patrick Brophy stated the impact of the new standard for eligibility is very simple. He stated the new Federal Poverty Guideline Income Chart (FPG), which became effective October 1, 2016, has been revised in ways that will make more people eligible for Legal Aid Service. He stated applicants that were denied in the past, would now be eligible under the new FPG, therefore the number of clients will go up. He stated that was the reason they requested the additional funding be placed in sub-contingency in the 2017 budget. He stated the other part for the request for additional funding has to do with the Competitive Grant. He stated through the New York State Office of Indigent Legal Services there are annual distributions. He stated over and above that there is an occasional competitive grant. He stated Putnam applied and was awarded \$299,000 spread over 3 years. He stated that grant funding covered 2014, 2015, and 2016, it will expire this year. He stated that there has been no announcement that another such grant will be made available. He stated if it is, they will certainly make application for it. He stated however at this time the Putnam County Legal Aid Office is losing approximately \$99,000 of funding. He stated with this two (2) prong approach that is why they requested additional funding be placed in sub-contingency.

Chairwoman Nacerino questioned if it is fair to say that the drop in State Aid encumbers the Counties and municipalities to have another unfunded mandate for them to carry the financial burden.

Legal Aid Attorney Patrick Brophy stated unfortunately, yes.

Legal Aid Attorney David Squirrell stated that in the past part of the evaluation to determine if an individual was ineligible included if the individual had assets such as equity in their home or had a retirement account that could be drawn upon. He stated those are the two most common scenarios for this area. He stated not only do the new guidelines have a strict application but the standard to be utilized is not one of severe hardship, but one closer to inconvenience. He stated that in Albany in May when the discussion began, the other representatives from Legal Aid Agencies were not happy about this because there was the anticipation of the increased workload and something would have to give. He stated it is a constitutional right that when a person is arrested they cannot be denied counsel. He stated we can disagree with the changes, however that is the reality, and the reality that must be dealt with. He stated the implementation began in October. He stated there is already a 10% increase in the number of cases compared to the total number of cases for the entire month of October in 2015. He stated all of this was taken into account when creating the 2017 Budget request submission. He stated also the fact that the competitive grant funding will be expiring in December 2016. He stated when they submitted their 2017 Budget there was a flat out request for an increase. He stated as a result of the discussion and the give and take of that meeting with the Administration the contingency was suggested. He stated, again they may not need the funding in contingency, but if there is a need for it. It is extremely important that they get it.

Legal Aid Attorney Liz Hudak stated the Legal Aid Office represents criminal cases and family court. She stated the family court is important to many of the residents in Putnam County.

Legal Aid Attorney David Squirrell stated the request is that the funds be earmarked specifically for Legal Aid in a contingency account, this would assure that there would be no dip in services.

Legal Aid Attorney Patrick Brophy stated it should be noted that the Putnam County Legal Aid and the Administration did participate in the State wide public hearings survey to establish the guidelines. He stated it goes without saying our recommendations were not in line with the final results. He stated regardless, the new guidelines are what need to be adhered to.

Legal Aid Attorney David Squirrell stated that there is pending legislation that has been passed that the Governor has not signed that may address this, but there is no deadline for him to sign it. He stated it is too important of a cost to leave in an exposed state. He stated as Attorney Hudak stated, specific to the Family Court cases, these are our neighbors. He stated if there is need and there is a constitutional mandate hopefully the money will be there to address the need.

Legislator Castellano stated looking at the numbers for 2016 the State Aid amount was roughly \$328,000. He stated the Actual amount received as of October 31, 2016 is \$157,726.01. He questioned if the balance will be received over the next couple of months.

Legal Aid Attorney Patrick Brophy stated that has to do with the timing of the distribution. He elaborated on the explanation.

Legislator Castellano questioned how much is being requested to be put in contingency.

Legal Aid Attorney David Squirrell stated \$150,000 is being requested.

Legal Aid Attorney Patrick Brophy stated they understand the fiscal crisis but they are working to be prepared to be able to represent the clients of the Legal Aid office.

Chairwoman Nacerino requested confirmation that putting the \$150,000 in contingency would cause the County's 2017 budget to go over the tax cap from Legal Counsel Clem VanRoss and Legislative Auditor Michele Sharkey.

Legal Counsel VanRoss and Legislative Auditor Sharkey confirmed it would.

Legislator LoBue stated there is enough sales tax to cover that.

Legislator Wright stated that he believes the funding needs to be put set aside as the representatives from Legal Aid are requesting.

Legal Aid Attorney David Squirrell stated in 2015 the total number of cases in the Legal Aid Office were 1,130. He stated, year to date for 2016 the number of cases is 1,220. He stated as he stated earlier, there is approximately a 10% increase. He stated due to the more relaxed standards he projects that the differential will increase.

Legislator LoBue stated that there is still the chance that the Grant may come through, in which case the money in sub-contingency would not be used.

Chairwoman Nacerino stated she believe this matter speaks for itself. She stated it is a right of the citizen to have legal representation. She stated there are many driving factors that need to be considered. She stated she agrees that the funding should be set aside in the event that it is needed.

Legislator Albano stated he disagrees. He stated that he believes a message needs to be sent to the State Government. He stated to put the money in sub-contingency is letting the State off the hook. He believes the State needs to take the responsibility. He stated if the Legal Aid Office came to the Legislature and they needed the money, the money would be provided.

Chairwoman Nacerino questioned Commissioner Carlin if he believes it would send a message to the State. She stated the money would always be able to be taken out of contingency, if it is not in sub-contingency.

Commissioner Carlin stated that needs to be decided by each individual Legislator. He stated that you need to decide if you want to be the backstop for the State mandate or not. He stated that the Administration made the decision not to be. He elaborated on the thinking behind the Administration's decision related to what they have submitted in the tentative budget. He stated if the Legislature does decide to place the \$150,000 in sub-contingency, then that will impact the tax cap by that amount, since right now the County budget is at the tax cap ceiling right now.

Legal Aid Attorney Hudak stated that she understands the statements made regarding the frustration with New York State, however this is a discussion about real people. She stated that she doubts New York State will be impressed by Putnam County deciding not to provide \$150,000 in sub-contingency.

Chairwoman Nacerino stated that the Legislature acknowledges all the importance of what is in front of us, there is still the fiscal challenge before the Legislature.

Legal Aid Attorney Hudak stated she understands that. However this is an essential right of people to have representation, which at this point in time could very possibly be aggregated. She stated this is not a request to have \$150,000 added to the Legal Aid budget, it is a request to have the funds placed in sub-contingency.

Legislator Castellano questioned if the funds are not placed in sub-contingency, how will it affect the Legal Aid office come next September.

Legal Aid Attorney David Squirrell stated they do not know. That is why they are requesting the funds be placed in sub-contingency. He stated that the Legal Aid office delivers and meets the needs in accordance with a constitutional right.

Legal Aid Attorney Patrick Brophy stated putting the money in sub-contingency will assure that the funding will be available if needed.

Legislator Wright questioned Commissioner Carlin as to if there is anything unreasonable in pushing the revenue side of the budget, it is a guesstimate at best to begin with. He stated that

there are few departments in the County that require that certainty for outcome. He stated he seriously doubts that the minutia of Putnam County's budget makes the front page of the Albany news. He stated that he understands the Administration's spirit in saying no and deciding to deal with it later. However, it is not a good agency to try to deal with later. He stated for that reason he will make a motion to put \$150,000 in sub-contingency.

Legislator Wright made a motion to put \$150,000 in sub-contingency, there was no second.

Legislator Albano stated that he would support a compromise of \$75,000 in sub-contingency.

Chairwoman Nacerino facilitated further discussion.

Legislator Wright made a motion to put \$75,000 in sub-contingency; Seconded by Legislator Castellano. All in favor.

Legislator Wright requested an explanation for the nearly doubling funding for 10143000 54640 from the "2015 Actuals" to the 2017 requested amount of \$42,500 for Education and Training on page 29.

Personnel Director Eldridge stated it does vary, he stated the actuals for 2013 was roughly \$40,000.

Chairwoman Nacerino facilitated discussion regarding Unemployment Insurance, page 211.

Chairwoman Nacerino facilitated discussion regarding the Coroner's Office on Page 3 of the Personnel section.

Legislator Wright questioned Coroner Coordinator Nesheiwat if he would inform the Legislature at a future date as to if Putnam County, based on its population, is in alliance with all of the other Counties. He stated based on some very broad and rough calculations, the Legislature calculated that it costs approximately \$45,000-\$50,000 per case that comes through the County Morgue.

Coroner Coordinator Nesheiwat stated that the Putnam County Coroner's office is running on a narrow budget. He stated if the County had a morgue that would save on subcontracting costs. He stated that he has been working on this proposal, and will be bringing it forward for consideration. He stated in the long run, having a County Morgue will be a cost savings.

Chairwoman Nacerino stated in the County Clerk's Personnel budget for 2017 there are two (2) positions being reclassified. She stated the reclassifications are coming forward as a result of a long time County employee's retirement.

County Clerk Bartolotti stated that a County employee who worked for the County for 50 years did recently retire. He stated that had a significant impact to the County Clerk's Office. He stated that he has been working on a reorganizational plan, in order for the Clerk's Office to move forward efficiently. He gave an overview of the recommendations he made and that were approved by the Administration. He stated that the reorganization will result in a cost savings to

the County in the 2017 budget. He stated also, in the Records Center he requested an additional position. He stated the position will be responsible for scanning documents. He stated the Records Management office has taken on a very large scanning project involving three (3) of the six (6) Towns. He stated that the Records Management office assisted the Probation Department in scanning documents, since they were struggling with space. He stated this new position would be moved from the temporary line. He stated the position is needed.

Chairwoman Nacerino stated the new position is a CSEA Clerk at a salary of \$35,778.

Legislator Wright questioned if the goal is to digitize the Records Center.

County Clerk Bartolotti stated he would like to digitize as much as the County can. He stated the benefits are astronomical. He stated just to mention one, paper breaks down after years of handling.

Chairwoman Nacerino facilitated further discussion regarding the Records Management Center and the process and procedure of digitizing records currently and into the future.

Chairwoman Nacerino reviewed the rest of the proposed Personnel matters in the tentative 2017 budget, Personnel Department, Probation Department, Health Department, Office for Senior Resources,

Chairwoman Nacerino spoke after Personnel Director Eldridge provided the reasons which he supports the request for an \$8,180.00 increase for a Confidential Secretary in the Office for Senior Resources. She stated that she cannot support this proposal for an increase. She stated that in her opinion there are other individuals throughout the County that are deserving of an increase as well. She stated however the Department Heads did not put the requests in, due to the fiscal constraints.

Personnel Director Eldridge stated for clarification, the amount \$8,180 was not proposed by him. He stated he would not support that amount, he would support some bump up for the two (2) lowest paid positions in the Office for Senior Resources. He stated that he will provide the Legislature with an expanded list of County employees who fall into this category.

Chairwoman Nacerino stated based on forthcoming information from Personnel Director Eldridge, this matter will be re-visited at the Budget & Finance meeting.

Legislator LoBue questioned approximately, how many employees fall into this category.

Personnel Director Eldridge stated he believes two (2). He did offer clarification regarding the guidelines for overtime. He stated the Fair Labor Standards Act changed the eligibility requirements to receive overtime. He stated there was an exception if an employee earned under \$23,660 and met other criteria the employee was eligible for overtime. He stated in May the U.S. Department of Labor announced they were doubling that number after a couple of years of evaluation, which started in 2014. He stated the revision has an effective date of December 1, 2016. He stated so the new salary amount has been bumped up to approximately \$47,000. He

stated a complete analysis was done of the county employees and there are less than ten (10) who would be impacted. He stated part of this is that in the CSEA Agreement employees get over time after 35 hours as opposed to 40 hours. He stated he recommends a nominal increase for both of the employees.

Commissioner Carlin brought forward changes that have occurred in the Sheriff's Department after the submission of the budget. He stated that there is no fiscal impact. (documented in memo from: Commissioner Carlin To Chairwoman Nacerino Dated Oct. 14, 2016 Re: Proposed Changes to 2017 Tentative Budget.)

Auditor Sharkey stated the item needs to be voted on because the books will need to be adjusted.

Commissioner Carlin agreed.

Chairwoman Nacerino made a motion to accept the changes to the Sheriff's Department Budget Lines; Seconded by Legislator Castellano. All in favor.

Commissioner Carlin stated also in his memo (memo from: Commissioner Carlin To Chairwoman Nacerino Dated Oct. 14, 2016 Re: Proposed Changes to 2017 Tentative Budget.) there is reference to OSR. He stated that he was just recently notified of an impending retirement. He stated the adjustments made to the budget will bring the position back to an entry level.

Chairwoman Nacerino made a motion to accept the changes to the Office for Senior Resources Budget Lines; Seconded by Legislator Castellano. All in favor.

Chairwoman Nacerino stated upon recommendation of Legislative Counsel and in conjunction with County Law 3-59 she requested the opinion of the County Attorney in regards to the Legislature's submission of a 2% increase for each Legislator, in conjunction with the County Executive's proposed budget for a 2% increase for all elected officials and management in the county.

County Attorney Bumgarner made no comment.

Chairwoman Nacerino stated the next item is a request to reclassify hours to the Payroll Administrator.

Commissioner Carlin stated that payroll now involves recordings and human resources. He stated the person in this position will take over ACA 1095. He stated the County currently pays \$20,000 a year to get that done. He stated that the Payroll Administrator works closely with Personnel Director Eldridge. He stated the Administration believes this is the right thing to do for the County.

Legislator Lobue questioned if the employee would be receiving the 2% increase proposed by the Administration.

Commissioner Carlin stated no, add to that the reclass. (11/30/2016 Commissioner Carlin stated that he misspoke, the employee did receive the 2% increase plus \$12,000)

Chairwoman Nacerino stated to reiterate what Commissioner Carlin stated, currently there are services being outsourced. She stated the cost is \$20,000. She stated this reclass of the position will result in a cost savings.

Personnel Director Eldridge stated that he advocated for the \$4,566.00 increase for the Director of IT/GIS. He stated the individual is very valuable to the County and is deserving based on that value, his flexibility and commitment to the County.

Chairwoman Nacerino facilitated further discussion regarding the Historian Position and the department. There was a request made by District Attorney Robert Tendy for the Legislature to consider salary increases for four (4) members of his staff. He stated the Administration did not approve his request.

Legislator Wright made a motion to approve the increase, in half of the amount that was requested by District Attorney Tendy, for each of the four (4) staff members; there was no second, motion failed.

There were no changes made to the tentative budget in the Historian's or District Attorney's Offices.

Commissioner Carlin stated that the proposed upgrade to Lieutenant in the Sheriff's Department for position 311017936 is being done in anticipation of reducing overtime.

Legislator Castellano questioned if this is a promotion from a Sergeant to a Lieutenant.

Commissioner Carlin stated that he believes it is changing a Deputy Sheriff position to a Lieutenant.

Item #4) Other Business - None

8:15p.m.

Chairwoman Nacerino made a motion to go into Executive Session to discuss salaries of certain individuals; Seconded by Legislator Castellano. All in favor.

9:55p.m.

Chairwoman Nacerino made a motion to come out of Executive Session; Seconded by legislator Castellano. All in favor.

Item #9) Adjournment

There being no further business, at 9:55P.M. Chairwoman Nacerino made a motion to adjourn; Seconded by Legislator Castellano. All in favor.

Respectfully submitted by Deputy Clerk of the Legislature Diane Trabulsy.