



Sullivan County Charter Review Commission Meeting

January 20, 2016 at 6:00 PM

Present: Steve Altman, Paul Burckard, Sandra Johnson Fields, Bruce Ferguson, Dave Forshay, Fred Harding, Peg Harrison, Bill Liblick, Michael Levinson, Brian McPhillips, Larry Richardson, Norman Sutherland, Ken Walter

Absent: Peg Harrison

Others Present: Sheriff Michael Schiff, Undersheriff Eric Chaboty, Chief of Patrol Blake Muthig, Chief Administrator of the Jail Hal Smith

The Sullivan County Charter Review Commission Meeting was called to order by Co-Chairperson Larry Richardson at 6:00 pm.

APPROVAL OF NOVEMBER 18, 2015 MINUTES:

Mr. Walter made a motion to accept and approve the December 16, 2015 minutes, seconded by Mr. Altman, with one correction by Mr. Levinson where it states "Tri-State" on page 1, it should state "Village Board", with this correction accepted by the board, motion carried, 10-0 with Mr. Harding and Ms. Harrison absent.

OLD BUSINESS:

No old Business to discuss.

NEW BUSINESS:

Sullivan County Sheriff's Office:

Chairperson Richardson introduce Sheriff Michael Schiff and the Undersheriff Eric Chaboty.

Sheriff Schiff stated that he brought with him, Undersheriff Chaboty, Chief of Patrol Blake Muthig and Chief of the Jail Hal Smith. He stated that the Undersheriff has put together a power point presentation that they would like to start off with.

Undersheriff Chaboty gave an overview of the Sheriff's Office, **please see attached power point presentation.**

Mr. Harding joined the meeting at 5.07 minutes into the meeting.

Mr. McPhillips inquired what the anticipated number of additional deputies are if they go to the larger jail.

Undersheriff Chaboty stated that with the new jail they will actually experience a decrease in personnel. The new jail is so efficient that one deputy can stand at a podium in front of 48 cells and supervise 48 inmates, it is called direct supervision. Right now for those 48 inmates it takes 3-4 deputies to supervise, so they will actually save money, and they will lose personnel through attrition, they will not fire anyone. The Commission of Corrections has told them that typically with the older jail personnel when they get into the direct supervision environment they retire because they are used to working behind bars. There will be savings realized because they typical deputy with benefits and everything is about \$100,000.

Mr. Altman stated that the Undersheriff mentioned escorting prisoners to court, but that is not just Monticello courts.

Undersheriff stated no, that is the whole county. The reason the new jail is in Monticello is because that is where most of their court appearances are: County Court, Family Court, Monticello Court, and Town of Thompson Court. The next busiest courts are Liberty, Mamakating, and then Fallsburg and everything else. They had proposed to put the jail up in Fallsburg and the traveling would have been crazy and also the site was not suitable, it did have water and sewer but it had mold infested buildings that would had to have been knocked down anyway. It was a minimum security building and every jail in New York State has to be a maximum security because when you put someone in there it could be the lowest DWI guy or it could be a murderer.

The Undersheriff continued with the attached power point presentation at this time.

Sheriff Schiff asked Undersheriff Chaboty to talk about the BearCat.

Undersheriff Chaboty stated that in 2006 when they had a standoff Cyrus Barnes who was a Patrol Deputy at the time went to a domestic violence call and pulls into this house in Narrowsburg and a guy comes running out with a 4570 Buffalo gun and lobs a round at the patrol car right on the seal. The round goes low and it shatters the seat controls, instinctively he shines the spot light right in the guy's eyes, and he covers his eyes for a minute and Cyrus backs out of there. He goes up on the hill on Route 97 and another unit comes to back him up and they hear a second shot and they can hear the bullet whistling through the trees over their heads. Among the many things they learned from this situation, they talked about how they would get him out if they had to. At that time Brinks had a program, they would sell you a surplus armored car for \$10, so they went out and got one of these Brinks trucks. They realized with some issues with the Brinks truck and safety that they needed to come up with an alternative, they put together some Homeland Security grants and they were able to purchase a used but refurbished BearCat. It is an armored vehicle that can withstand up to a 50 caliber round and their plan is, if someone is ever injured or hurt they would be able to go in and rescue them with this vehicle. Their theoretical tactics came true in a town up in Webster, there was a guy that started a couple of fires in houses and when the firemen showed up to put out the fires, he shot them. There was a BearCat from Rochester that came in and rescued the firemen, out of the four, two of them died. That is the plan to get in between the shooter and the person who is injured and rescue them. Initially, they had some naysayers who said that they are buying military weapons and tanks, they have taken the BearCat to a lot of community events and the first thing the naysayers say are "where are all the guns." They tell them it is not a tank it is to rescue people. It has become more acceptable in this post 9/11 era.

Sheriff Schiff added not just is someone is shot and on the ground, whether it is a civilian, fireman or police officer, in a housing development, if they have people shooting they can pull up to a building and evacuate the building safely or an active shooting in a building like the Government Center or a school, they can pull up and load people in and take them to safety and go back and get another load. It is a protective shell. It a really good feeling to have that.

Mr. Liblick inquired how many other counties have one.

Sheriff Schiff stated that he did not know but that they agreed that if another county needed ours, we would respond to that regionally and that was why Homeland Security was so happy they were getting one. They want these out there, they get the usefulness of them. They chose the four door one when they got it because they should always have one direction to get in and out. They had an incident over in Bethel with a guy firing shots and they were able to use the BearCat to cut him off, put him into the guiderail, and get him out of the car safely and to do that protected.

Undersheriff Chaboty continued with the power point presentation.

Mr. Burckard inquired what the total amount of the Sheriff's budget was and what the percentage of the total County budget it is.

Undersheriff Chaboty stated that it is \$18 million and about 2.5% of the budget. It may be a little less now because the County budget is up to \$200 million now. Their number one cost is personnel services and the cost of health insurance has gone up.

Mr. Burckard inquired if they have outstanding requests with the Legislature for additional personnel at this time.

Sheriff Schiff stated that they do not, they were asked to lay back this year, they got some new personnel last year. Their big push this year was for a patrol building, a used building of some sort. They were trying to get the building by the Apollo mall which they framed out which is very important to their operation. Their building that they are in now was built in the 1800s, it is a wood frame building with no fire escapes because the modular is all wrapped around it and there are razor wires all around the windows. If someone was able to get around that and drop in behind the building, they would be between the modular and it is a fenced in area, if that were to catch fire the people upstairs are not getting out. It is a safety issue; they need to get into a different or a new building. He would like to get into a different one for right now because if they build a new building they are looking at a few years before they would be in it.

Mr. Walter stated that has been put into the new jail process hasn't it.

Sheriff Schiff stated that they are discussing that.

Undersheriff Chaboty stated that it is an alternate bid, not the main bid, if the Legislature chooses to add that on it would be as an alternate bid.

Sheriff Schiff stated that they had this discussion with the Legislature a few years back and explained that it could be a mouse chewing through a wire or a gang member throwing a Molotov cocktail and they questioned who would do that, and about six months later they threw one behind the Liberty Police Department.

Theirs is a brick building so it did not do any damage, it burned one of the civilian vehicles it wasn't very effective. For our building to go up it wouldn't need to be very effective. It is a very scary model to have their people in there. It is a house, it was not meant to be a police station it is not functional, it is very difficult for his people to be effective in that type of a building. It just does not flow, to do interviews, secure people and the type of equipment that they need, there is just no room.

Mr. Walter inquired if they have lockers there.

Undersheriff Chaboty responded yes, high school lockers, they are so small you cannot even put your hat in them.

Sheriff Schiff stated that the road patrol building is a problem and that is one of his priorities. His anticipation would be to work on this with the Legislature this year. What they are doing about the building, the safety issues, the road patrol people deserve better than what they are getting. It is not safe and it is not efficient. He is money conscious so he doesn't want to spend more than they have to which is why they looked at buildings like the Apollo. They are not looking for a brand new building if they can avoid it, right now they have a casino coming and they have not seen three cents. If they can get a used building that is adequate, they are fine with that. Just get them a safe building for their people to work, they are used to working under harsh conditions, but give them something safe and functional. Going into next year, they want to assess what their needs are, they do not want to over shoot the runway and say they need another 10 or 20 people and that does not pan out. He anticipates for 2017 they will be looking for more people. He wants to moderate it so they are taking it piece by piece as it happens, they are not going to see the effects of a casino overnight so they do not need the response to be overnight. They want to move forward in a cautious manner but keeping public safety in mind. They are here to protect and serve but someone has to be there to respond and they have to send enough to handle the problem.

Chairperson Richardson inquired how long it takes to bring a new officer on line.

Sheriff Schiff responded that if they cannot find someone that is already trained and that is difficult. A lot of times you find someone that is trained that may want to lateral from another PD in or out of county, usually, not always, there is a reason why they are leaving. Just because someone went through the academy as a police officer doesn't mean that it is someone that you want. If they decided today that they wanted to hire someone and put them through the academy the ballpark rule of thumb would be a year. You have to hire them and do the backgrounds and the academy is six months. Tuition for the academy is \$2,500 and they have to provide a car, gasoline, overtime, etc. The investment in an officer is \$20-30,000. The jail is a different animal, they hire someone and they go right to work, they have a year to get them to the academy and the academy is a six-week academy.

Mr. Liblick stated that it was absolutely irresponsible for this last Legislature to include the BOCES building in the Apollo sale. They had plans drawn out, it is right off of the highway, near the new casino which would give them the security presence. Instead what this county did was take that building to put it into a sale for a \$600,000 sale that included the Apollo and everything else with tax abatements and here we are today with the Sheriff saying they are in deplorable conditions with the road patrol and that is reprehensible.

Sheriff Schiff stated that he was taken back by that too. He is all about helping businesses but the county had a need for this building. If you own a building and you have a need for it, unless the price is so

overwhelming, you keep it and you use it. The cost for a new road patrol will be substantial. He would have rather gotten into a used building where they could operate safely and efficiently and then look from there. If gambling is successful and other venues come, that property becomes valuable, you make a deal then to move it on. Just to build a new road patrol when it is not necessarily the only way out, dollars are dear. Whether they are spent on the Sheriff's office, bridges or roads, social services, personnel, whatever it might be, they are not that flush with dollars.

Ms. Johnson Fields inquired when the Sheriff goes to the Legislature and asks them for something like the building, how long is the process for the Legislators to grant the request or not.

Sheriff Schiff stated that it depends, they can do it in one meeting so in one month they could vote yes or no. This got put off a couple of times, the Sheriff's office said they needed it and they did a little lobbying politically and it went the other way.

Ms. Johnson Fields inquired on average, what else has the Sheriff asked them for on average, she stated that she is just trying to get a feel for how the Legislature works with the Sheriff's Department.

Sheriff Schiff stated it has been a bit rough for the last four years, some people just did not seem to get the need for public safety. He is optimistic that this Legislature is going to be much better. Normally, if they put something in, it would go through the Public Safety committee, which is the first Thursday of the month, then it would go to the full board meeting which is the third Thursday of the month, they vote up or down and it is done. What happens is sometimes these things get postponed or adjourned for discussion and research and that got postponed for quite some time but he was pretty disappointed with the outcome.

Mr. Liblick stated that the last Charter Review ten years ago, added in the Sheriff Patrol, that was one of the big accomplishments of the last Charter Review Commission was putting the Sheriff's Patrol in the Charter.

Sheriff Schiff stated that prior to that, the County would always throw in the road patrol in negotiations, saying that they have no obligation to have a road patrol, they are obligated to have a jail and a civil division. That goes back 30-40 years with the county saying they have no obligation to have a road patrol so they would go to salaries. They got it included in the Charter last time that there will be a road patrol but there is no number.

Mr. Liblick inquired what the process was. He stated that they are looking at other items, staggered terms, term limits, possibly a County Executive. He inquired when the Sheriff met with the Charter Review Commission and asked for the patrol to be included in the Charter, what was the response from the Commission and how did it get from there to the Legislature and get the approval.

Undersheriff Chaboty stated that it was a report from the Commission to the Legislature and they voted to amend the Charter on that particular item only.

Mr. Burckard inquired if their salaries are competitive to the surrounding PDs. He remembers a problem with training them and then they leave to go to another PD.

Sheriff Schiff stated that is an ever changing scenario, they did bump the salaries up in 2007 because it wasn't competitive. They were training people and losing them and they couldn't keep up and becoming ineffective. They cover 1,000 square miles. The salaries came up pretty close in parity but the problem is there

are PDs that had a contract for two or three years and they start bumping up and you start falling behind. It is not always strictly salary sometimes its benefits, some of the PDs have incredible benefit packages, payoffs for sick leave and payoffs for health coverage and all kinds of things that at the end of the day add up to quite a substantial amount.

Undersheriff Chaboty stated that the patrol contract is up in 2017 and the Jail and Civil are four years in the hole.

Sheriff Schiff stated that the jail they need to look at, they were pretty close to the road patrol at one point. They settled their contract before the road patrol did and just didn't wait and the disparity has become quite wide between a jail deputy and a road patrol deputy. The road patrol has the PBA union and the Jail has the CSEA, two different unions and bargaining groups.

Mr. McPhillips inquired when the Sheriff presents the budget to the Legislature, if they are needing a new jail for 100 years are they pushing back on holding any type of capital.

Undersheriff Chaboty stated that the jail doesn't show up in their regular annual budget, it is in the capital budget and it is actually a DPW project. They only advise on that. They made that clear from day one.

Mr. McPhillips inquired if they are asking for capital on the patrol side going forward even if they know they are not going to get it this year. To establish some type of account so when they do get it, it is a lesser expense than going all in.

Sheriff Schiff stated that they just ask, it is not their role to tell them how to put money away or bond or finance, that is outside their parameters. They tell them what their needs are and discuss it with them. They start off with the Public Safety Committee which is the committee that they are in. That is where they would present their argument on any issue and then it is up to the Legislature to talk to the Treasurer or anyone else to figure out financing. Usually, the Legislatures first discussions would be with the County Manager to talk about the availability of money. Even a road patrol building, the Sheriff's Office doesn't build it, DPW does, they advise their needs for the building but as far as building it, DPW does that in conjunction with the Legislature. Even picking the company LaBella to oversee the architectural design, that was not a Sheriff's choice, it was a Legislative vote.

Mr. Harding inquired if they need something temporary for the road patrol, which obviously needs to be built out to be appropriate, is that so expensive that it wouldn't make sense to lease something out for 4 or 5 years.

Sheriff Schiff stated that when they start looking at that kind of square footage, to lay out a proper county road patrol they need a fairly large building. When they start looking at that size building and what people want to lease them for, it is a fairly large number and then they are going to have to do renovations to that building, that will not be cheap. A person could put a road patrol together for fairly cheap but the county has something called prevailing wage. He understands the good side of it by having employees get paid at a certain level but on the other hand, everything costs them more than double. So whatever the jail costs, if someone else were to build the jail it would probably cost less than half. Part of what stopped the Apollo from moving forward was the work on the heating and air conditioning. They told them that it was going to cost a half a million dollars. The Undersheriff and he spoke with a friend of theirs that said they would do the whole

building for under \$100,000, when he spoke with one of the engineers they told him no, they have to do prevailing wage, bidding and hiring personnel. When the local guy takes the job he has to pay all of his guys the union wages not what that local guy would be paying his employees before. It is a ton of money to put that kind of money into someone else's building.

Mr. Levinson stated that it is hard to believe that the county owned a building, the Sheriff had a need for it and sold it. What is the logic in that?

Mr. Liblick stated it was a campaign, they should have been at the meeting, they had Tony Cellini screaming and the Sheriff was screaming. There were people with posters it was a political campaign that this building had to go where it went.

Sheriff Schiff stated that to puzzle everyone more, a third of that building is where the voting machines are and when he asked where they are going to put the voting machines the reply was they don't know. They actually did a resolution that states that since the county has no need for this building. It is not just their needs but they have the voting machines that need to be kept in a climate controlled environment.

Mr. Levinson inquired if anyone has asked the owners Resnick if they wanted to sell the building back.

Sheriff Schiff stated that they had a very cordial discussion with the Resnicks and told them that they need the building. They wanted to let them have it until they needed it but it is going to be very expensive for them to fix and they could have it for a year and then what, then they are out on the street.

Mr. Sutherland inquired when someone calls 911 what is the division of which it goes to, the Sheriff, the State Police.

Sheriff Schiff stated that it is the closest car concept, they have meeting periodically to discuss that. If it is the Village of Liberty or the Village of Monticello, it automatically goes to their police department. When a call goes out looking for a car, they can see who the closest car is and they send them. The only preference would be the villages and the Town of Fallsburg.

Mr. Altman inquired if the Resnicks fixed the heating and air conditioning would that work.

Sheriff Schiff stated that they did ask them that, but for them to fix up the building when that part of the building that they would need to fix up is only an option for them, if they exercise the purchase it is an additional \$2 million.

Mr. Altman stated that when the Sheriff submits their budget to the Legislature, it includes salaries, he inquired who is left out.

Sheriff Schiff stated that it includes everyone's salaries, the issue with the Union and Management salaries is where they have lower ranking officers in the union making overtime and a management position does not get overtime no matter how many hours they work. He actually demoted one of his Lieutenants to a Sergeant because the base salary for a Sergeant was more than a Lieutenant. They went to the Legislature and they got it fixed for now but it is a problem countywide with Management Confidential. I think with the Sheriff's office is was a little more critical because they are a paramilitary organization. Other places will build it in that if the union people get a raise Management Confidential people are moved up accordingly.

Management Confidential people have no union so they have no ability to go negotiate. So, the people that are running the departments and have their hands on the controls are falling behind employees that are working for them. It would be helpful to have it built in that when these people are taking on more responsibilities they are not penalized for doing that. We have some very dedicated county employees that go above and beyond. This could be something that the Charter can address that he feels is lacking.

Mr. Burckard stated that next month Ed McAndrew the Commissioner of Public Works will be here so they may be following up on some of this stuff. He inquired since the Sheriff has had 11 years with working with this form of government, looking at his whole operation as a whole, does the Sheriff feel in his experience that the present form of the government, County Legislature and County Manager, is the appropriate form for this county at this point in time.

Sheriff Schiff stated that in his personal feeling and it may be a little flawed, he likes the Board of Supervisors. He finds that there is a disconnect from the towns to the county and to him that is important. If you talk to a Town Supervisor and he does, they know everything that is going on in their town. When you talk to a Legislature, they know county business, they all say that they are going to go to town board meetings, but they are so busy. He sees the disconnect to the community, they skip that town level and move onto the county level. Losing that direct connection to your town, and what is going on. If you go and ask Charlie Barbuti in Liberty what is going on, he knows everything that is going on in Liberty. His feeling is, bringing that connection to the county level they lost something. They lost that connection to the everyday citizen. I know it was waded voting and he know there were flaws, Liberty, Fallsburg and Monticello basically ran things. No plan is perfect but what he has found is a lack of connection.

Mr. Burckard stated that it is not practical to go back for a whole host of reasons, he inquired how the Sheriff would change the existing form to accommodate, would he make Legislators full-time, strengthen the Legislature or the County Manager.

Sheriff Schiff stated that his personal feeling would be to raise the salaries of the Legislators, whether they shrink how many or not and move to make it more of a full-time job. They have a \$200 million budget a casino coming, maybe some add-ons with a water park and a convention center of some sort, hopefully this is going to become a happening place. Running our government should not be part-time, it should be something where someone can come in and dig in and pay attention, and that is what you do for a living. He thinks by having part-time they lose a little of that.

Mr. Burckard stated that if they do what he is suggesting by making the Legislature a little bit smaller and give them full-time, he inquired if the Sheriff would keep the strength of the Legislature and the Manager the same.

Sheriff Schiff stated that what he would do with the County Manager at this point is empower him a little bit so that he has a little more security and a bit more say. He doesn't have a problem with the Chairman of the Legislature interacting with the County Manager as the employee who is doing the leg work and the county business. What the County Manager does is quite involved, it is a \$200 million business and it is so diverse and so complicated that just having someone come in and say, I ran a car dealership I can run it. He stated yes they can run it but they will not understand it, it takes quite a while, there are reimbursement and complicated scenarios back and forth with the State and Federal Governments, villages and towns, a normal

business would probably look like a cake walk to the county. So, when they elect a County Executive, he could run for County Executive, does he know how to run the books for this county or know how to run the county departments, having someone who has that specialty and that knowledge of numbers and funding and that kind of background, right now they have qualifications, he finds it to be very helpful. He would push more towards having the Chairman of the Legislature being what maybe might reflect a County Executive and pulling the Legislature together and working as a group. The County Manager is the bull, he is doing the work, a ton of work, he is not just the manager. He would lean a little more in that direction, but strengthening his position so that way we don't have what happened to one of our previous County Managers that was probably one of the best county employees we have, Dan Briggs. No matter what position they put him in, the guy is incredible.

Mr. Walters stated that there are some misunderstandings of the process, the Sheriff, the District Attorney, anyone who is an elected official and the heads of the departments, they don't go to the Legislature and propose the budget, the budget is worked through the County Manager. The County Manager puts together the budget and at some point the Legislature sits down and see individuals and if they have some additions they would like to add or so forth but it is pretty much set in stone by the time that comes. There is no give or take with the Legislature in the process besides at the end with the fine tuning. As long as they have the cap, that is going to be the elephant in the room.

Sheriff Schiff stated just to clarify, they do submit a budget to the County Manager, it doesn't mean that they get that but it does include what they would like to have. They have a comprehensive budget on every piece of equipment that they pay for, all their people but they don't always get that. The County Manager takes the first shot at it and then he puts out his Tentative Budget, sometimes they are close sometimes not, and then the Legislature votes on approving that budget or changes it.

Mr. Walters stated that he wanted to touch on the Apollo project, the IDA was involved in that and the Funding Corporation. It was mentioned back then, since they were going to have these tax breaks, why not let the County have access to that building either at very little cost or no cost at all and they blew that off too. He doesn't think that there is any real will at that point in time to be forthcoming and do something good for the Sheriff's Department, he doesn't know what this new Legislature is going to do. The people that own it have their own agenda and it is still a long time coming from when they first took over to anything coming there. There have been a couple of times that they thought they had some other investors involved and nothing has come to fruition there either. The Sheriff definitely needs a road patrol, every time a property has come up for auction, they look at the properties, DPW does to see if there is anything that will fit for that or even storage for records that we have to maintain. So, the County is always actively looking for buildings for other purposes.

Sheriff Schiff stated that Mr. Walters states what is good for the Sheriff's Office, he has to look for that for his people to have a safe place but they always look for what is best for Sullivan County too. For them if they can get a brand new building, that is great, he doesn't know that it is the best thing for Sullivan County though, if they have options that could be a lot less. Just because they say that we are getting a casino, he doesn't want to spend that money yet. There are people that are struggling to keep their homes and people that are in tough places and they should always be cognate of that. The end thing that they should all be looking at is what is best for Sullivan County.

Mr. Walters stated that when you listen about the casino money, it has already been spent 3 times already.

Mr. Liblick inquired if he thinks that the county would operate more efficiently if all the police units operate under one police department.

Sheriff Schiff stated that there is a lot that goes into that though and a lot of dollars. There are village police departments and towns and they are all extremely busy. The village may be only 3 to 4 square miles but it is like a can of condensed orange juice, they have this little condensed hot bed of a ton of work in a very small area. The question comes in if they were to disband a village or do away with the village PD, who picks up that work. If the village is disbanded, where do the dollars come from, that means that the county has to pick that up. If they have to add deputies to pick up that work, and there is no way to turn your head and pretend that the work isn't there, the work is there. These guys are working there tails off and they are effective but it comes down to dollars and how they fund things. The cost of adding the man power of Liberty, Monticello and Fallsburg to the county budget is substantial.

Mr. Levinson inquired why the village couldn't just transfer the money to the County.

Sheriff Schiff stated that sometimes in different times and places things make sense. A lot of municipalities want that personalized protection and people who are dedicated to just look out for them and he doesn't know where that line gets fuzzy. There are ways to streamline the cost because administratively they don't have to duplicate the management confidential, they already have people running the agency, there are advantages to that but they would need enough man power to be effective to have on duty officers in those municipalities.

Mr. Ferguson stated in regards to the new jail, he understands that it is hugely expensive, somewhere in the upward of \$60-80 million to build and you add the interest on the bonding and they are now in excess of \$120 million. The Legislature in past years have always been reluctant to bite the bullet, no one wants to be the one to actually obligate the County to these huge fees. He inquired if the plan that is actually on the books with the expansion possibly to 500 with the 325 to begin in inmates, what the Sheriff wants in terms of size.

Sheriff Schiff stated that the process to come up with what they are building and how they are building it involves the Correction Commission, the Sheriff's Office, and the Legislature puts a jail committee together and they all sit down. People went to other jails to see what the new modern facilities look like because they are so manpower efficient, that is where their savings is. The estimate was about \$2 million a year in personnel costs would be saved. They will keep this jail running as long as they have to, the COC comes down and they are very impressed with how the jail runs, Chief Smith runs an incredible operation, they take care of business. They have less problems than a lot of newer jails, they have incredible people that are dedicated and they work hard. The problem comes in, if the new commissioner who is in there right now comes down and he has been in there for five years, with the previous two commissioners they probably would have been shut down already. This commissioner takes a different stance, he is an ex sheriff and doesn't like to tell a sheriff what they are going to do, he has shut some cells and at some point he may change or he may get his back up against the wall. The one jail he had that was six months older than theirs, Greene County, they are building. A lot of other counties are on their 2nd building and are being forced to build again. They missed the whole rodeo there. The problem will come in and he believes it happened is Essex County, they went to the Supreme court and got an order and they put a padlock on the door. If that happens and they have to farm out all of their inmates, they are in serious trouble and they still have to build a new jail. Some people think, just send them out but cells aren't always available, it is an ever changing thing, they have had times where they had to send inmates to Cayuga

County which is in the finger lakes. They send out sentenced inmates, if they have to send out an inmate awaiting trial then they have to go back and forth to bring them to court. There are not always beds available to farm out inmates to. The new one, should accommodate us for the foreseeable future. The number is up to 256 but they built the core big enough that all they would need to do is add on a pod if they need the space. He thinks the size falls in the appropriate area.

Chief Smith stated that they are running pretty good lately. The last couple of years the population has gone down some. One area he is running into trouble with is his female population, it is through the roof. They are bringing in some drug and alcohol programs to try and reverse that sick cycle that they have going and trying to get people on the right track. They have had some limited success; they have been doing it for about a year now. He thinks that what they are looking to build, with the man power savings and the potential of being able to board people in for a few years they might be able to make this as least painful to the taxpayer as possible.

Mr. Ferguson stated that what seems to be a National trend, that the attitude towards drug incarcerations with drug abuse is changing very quickly in this country. If we are not incarcerating people for marijuana or this or that and set up treatment programs, he inquired if they see possibly in the not too many years a situation where we have a lot of empty jail cells.

Chief Smith stated that the problem they are running into are the crimes that are being committed in this country now are very violent crimes. You don't see people in the jails now for marijuana, it just doesn't happen, they have a severe heroin issue, he sees no end in sight for that. The problem is that their treatment model that everyone is going to now is a model that will fail. Their idea now is to leave these people in our community and try to do their treatment that way, which is a copout to get it done cheaper. If anyone knows anything about addiction, the first thing they need to do is remove these people from their environment because that is half of their problem is the people they are hanging around with.

Sheriff Schiff stated that he would add to that, he can't speak nationally but they do not have the jail filled with people for possession of marijuana or pills. Normally those things get some sort of bail and they move them out, the people that are in jail are the ones that are selling and other crimes other than possession of small amounts of drugs. So, he doesn't see a drastic change coming on that but unless they can turn this trend away with drugs, he doesn't see the problem going away. There are still going to be dealers and people getting arrested for trying to move this product and people committing robberies and burglaries to try and get the money to buy the drugs. He doesn't see that in the near future changing.

Co-Chairperson Richardson stated that in his study of the impact of casinos and he sees over and over again the increase in crime. He inquired if the Sheriff's department has done any kind of projections based on the population and the casino coming in.

Undersheriff Chaboty stated that they studied similar situated casinos, they looked at Connecticut and the Poconos. Poconos specifically is very similar to us demographically and they only needed a 25% increase in their road patrol. Really, crimes did not go up it was more of calls for service went up, car accidents and EMS calls that they usually back people up on. Crimes went up a little bit but wasn't directly up but calls for service went up, just general police service.

Sheriff Schiff stated that when he was a young trooper, the hotels were going pretty good here and just to go along with what the Undersheriff stated, the room burglaries, car accidents, larcenies from cars, vanishing cars, assaults at the bars, more people more police service. So a casino will bring the need for more of their services.

Undersheriff stated that it is just like Bethel Woods, you put 20,000 people in a field for a big concert and they get more calls.

Mr. Altman stated that when we farm out inmates, that county jail makes a profit and the Sheriff has built in a little bit of room in the new jail to accept inmates so there will be a profit.

Sheriff Schiff stated yes, it has been a rollercoaster ride. When he got elected in 2006 and took office, they were hot on building a new jail and then a year and a half later the population dropped and then it went up and it dropped again. The one year with farming out and transportation it was almost a million dollars just to farm out the inmates but this year it is way down. Those numbers fluctuate, if they are able to bring people in they can mitigate some of the costs on this new jail.

Mr. Walters stated that one of the things that helps the Sheriff run the jail is cooperation with Judges. If the Judges are more lenient on bail there is less pressure, if they are more concerned about locking the person up no matter what they did, it becomes a financial burden to the taxpayer because then they have to find room for them. There has been work in the background to get the Judges to think twice about what they are sentencing the potential lawbreaker to so they do not have that burden. It has been working.

Sheriff Schiff stated that yes the Judges have been very cooperative and from time to time they meet with the County Magistrates Association and just explain to them.

Mr. Liblick inquired what needs to be done to get this jail done, where did this old Legislature leave off on building the new jail.

Chief Smith stated that the plans are about 98% complete, they need probably 30 days to finalize everything. The plans need to go to the Commission of Corrections and they need about 45 days to approve it but in the meantime the Legislature could tomorrow raise their hand and we are going to bond that money and do it.

Mr. Harding inquired if it is a majority vote or a super majority vote.

Sheriff Schiff stated that it is a super majority vote, they have to have six.

Mr. Forshay stated that he thinks that they need to have a meeting with the Legislature and why their road patrol needs to be working in a fire trap, and why it is not on the top of their list.

Sheriff Schiff stated that he has high hopes for this new Legislature, now it is just finding out what is the move that they are going to make. He does not know if the Apollo building is recoupable because of contractual things, if it is not he doesn't really know of another building that would meet their needs. The Legislature seemed interested in getting them out of that situation.

Mr. Harding inquired if Monticello would be the best place geographically for them to stay.

Sheriff Schiff stated yes, a lot of people think they try and stay in Monticello because it is the county seat, that is not the case. They want to stay in Monticello because it is the busiest place for their jail, when they have to transport people to courts, there are four courts in Monticello, family court, county court, village court and town court and then they radiate out and jump on 17 to get there. The other courts are not a heavy burden. If the new jail is built they should ideally have the jail and road patrol together at some point in time. Where they are building the jail is ideally located to get to the entire county. He is a firm believer in bit the bullet and build it right the first time. When this project first came up, David Fanslau was the new County Manager and he said, we are not building a new jail, we are doing something, he did not know what they were doing but they were not building a new jail. He studied it upside down and sideways and when he got all done he came back and said, were building a new jail. It was the cheapest, best way to do it.

With there being no more questions for the Sheriff, Co-Chairperson Richardson thanked the Sheriff and his staff for coming.

2007 Charter Commission Minutes Review:

Co-Chairperson Richardson stated that the review of the 2007 Charter Commission Minutes will take a considerable amount of time. He suggested that they move onto the article that Mr. Burckard handed out and move the minute discussion to the February meeting.

There being a unanimous consensus of the Commission this discussion was tabled to the February agenda for discussion.

February Meeting Speakers:

Mr. Burckard stated that the Commissioner of Public Works will be at the February meeting and hopefully he will do something similar to the Sheriff's presentation because he covers all the roads and bridges, infrastructure, as well as talking about the inter-municipal agreements, CHIPS, and working with the Federal Government in regards to the Airport. We are one of the few counties that has a facility the size that we have and that is going to become increasing important as we go down the road.

Co-Chairperson Richardson stated that he sees it as a long discussion but he also thinks that they need to try to get him focused, there was a great discussion this evening but they have the tendency to get these discussions off in left field someplace. The focus needs to be on how this department interacts with the County Legislature as it is today or how could it be better.

“Sullivan County needs an Executive” Article (January 8, 2016, SC Democrat):

Mr. Burckard handed out an article in the Sullivan County Democrat on January 8, 2016, titled “Sullivan County needs an Executive” by Gary Greenwald, please see attached. He stated that he thinks that this is the very beginning of what they are going to start to see popping up all over the place, from various people. As they start to go around the county and get comments from people all around them they will get a lot more of this kind of thing.

Mr. Harding stated that this article was read very heavily in Mamakating, mainly because it was Gary Greenwald but he agrees with Mr. Burckard that there will be more of these kinds of things popping up and the ground roots conversations will start to develop.

Mr. Burckard stated that if everyone looks at the 2007 minutes, they were unanimous in making the Legislature smaller.

Mr. Altman stated that he agrees that they need to listen more and when the end of this comes, they have to really agree because if they don't they are not going to have the clout that they would if they all agree.

Co-Chairperson Richardson stated that he doesn't know that they will ever get this many people to agree but he does think that they need to set some housekeeping rules about what they want. Do they want a super majority before something is pushed forward?

Mr. Liblick stated that they need to know how they are going to approach the term limits and how they are going to approach the new Legislators. He met with Luis Alvarez last night and he stated that he will be here and he knows that he supports what they are doing. He wants to work with them.

Co-Chairperson Richardson stated that is a good point that they brought up at the last meeting that this commission needs to feel like the new Legislature is behind them and if they are not behind them, then they are probably wasting their time.

Mr. Liblick stated that a lot of them are new so they are reviewing the Charter and trying to understand what they are doing; they need to bring them to one of the meetings to meet them or go to one of their meetings to meet them.

Mr. Burckard stated that he got a phone call from someone on this commission that said that they changed their view on staggered terms because of something that Kathy LaBuda said in the 2007 minutes. Kathy LaBuda called him and said that she changed her position from what she said in 2007 and now she is very much in favor of staggered terms. In the 2007 minutes she was saying that it was a one in a billion shot to have a significant number defeated because generally in politics that does not happen but they have had the unique experience of having had that happen twice now with 6 new Legislators and they can't continue to have this happen.

Mr. Altman stated that he is the kind of person if they negotiate and there is a give and a take, he will support it even if he doesn't 100% agree with it.

Mr. Burckard stated that this commission is different than the other two he served on in that they are going to go out to the public that they never had before. If they have a significant majority that are in agreement on a very important issue, he thinks that they can use the petition root to do it themselves.

Mr. Ferguson stated that they may want to put some of these issues such as County Executive and staggered terms out in peace mail rather than dump it all on them at once.

Mr. Burckard stated that they wanted to put the staggered terms out there soon, they all agree on that so they need to get that done.

Mr. Liblick stated that he feels that they need to meet them first. This is a very bright group and they really want to try, they understand the pressure they are getting on a lot of different issues but he thinks that they should reach out to them.

Co-Chairperson Richardson stated that it takes a while to begin to even get a feel for how the government works. He doesn't think it would be fair to bring them in at this point in time.

Mr. Liblick stated that he thinks that they need to understand they are reviewing the Charter, and what exactly they are looking at.

Co-Chairperson Richardson stated that he would encourage them to come in and listen to some of these discussions.

Mr. Liblick stated that he thinks that they would but they should send them an invitation to do that.

Mr. Harding stated that he thinks the first meeting should be on a more social occasion so there is less tension and then come back at another time.

Mr. Walters stated that if there is more than 5 Legislators in a room it is an open meeting.

Mr. Harding stated point taken.

OTHER COMMITTEE BUSINESS:

Mr. Liblick inquired who we have lined up in the future.

Co-Chairperson Richardson stated that he doesn't know who Ms. Harrison has lined up. Mike Hein, Ulster County Executive, said to him personally that he would come.

Mr. Altman stated that he doesn't want them to forget George Cooke.

Co-Chairperson Richardson stated they would not forget him. He is thinking of reaching out to Mike Hein sooner rather than later. He stated that he would take that initiative.

Mr. Burckard stated that another person would be Ed Diana.

PUBLIC COMMENT:


None

NEXT MEETING ANNOUNCEMENT:

February 17, 2016 at 6:00 PM *Legislative Committee Room*

ADJOURNMENT:

Mr. Walter made a motion to adjourn the meeting, seconded by Mr. Burckard, meeting adjourned at 8:02 pm.



Michelle Huck, Secretary

Sullivan County Sheriff's Office



Charter Review Commission

January 20, 2016

HISTORY OF THE OFFICE OF SHERIFF

- The Office of Sheriff traces its roots back 1000 years to the time of the Magna Carta
- Around that time Geo-Political subdivisions were beginning to form.
- In England 10 families would form a “Tun” (Town)
- 10 “Tuns” (Towns) would form a Shire (County).
- The Reeve was the “King’s Man” (Protector and Tax Collector)
- The Reeve would be responsible for a Shire, hence the term Shire-Reeve or later pronounced “Sheriff”

The Concept of the Office of Sheriff comes with settlers to the New World

- The first sheriff in America is believed to be **Captain William Stone**, appointed in 1634 for the Shire of Northampton in the colony of Virginia. The first elected sheriff was **William Waters** in 1652 in the same shire (shire was used in many of the colonies, before the word county replaced it.)
- Had the office of sheriff not moved to the New World, as a pre-established governmental form of enforcement, it may have perished in England. In America, the office found a new and revitalized life in government. It prompted Thomas Jefferson to write in his *The Value of Constitutions*, "the office of sheriff is the most important of all the executive offices of the county".
- The Office of Sheriff becomes entwined in American Culture as the American frontier pushes west.

New York State

- NYS Constitution - Article XIII § 13 (a) Lists the Sheriff as a Public Officer
- Office of Sheriff – NYS County Law - Article 17 § 650 – 662 Lists duties and responsibilities of the Sheriff.
- General Municipal Law - §209-f Lists emergency powers of the Sheriff
- With the exception of Nassau, Westchester and the 5 boroughs of NYC, all County Sheriffs in New York are elected.

The Office of Sheriff in Sullivan County

- SULLIVAN COUNTY CHARTER - ARTICLE VII
- § C7.00 - There shall be a Sheriff elected from the County at large for a term of four years.
- § C7.01 - The powers and duties of the Sheriff shall be those, both criminal and civil, now or hereafter conferred or imposed upon a County Sheriff by law, including but not limited to the following:
 - A. Act as chief police and law enforcement officer for, and have jurisdiction throughout, the County.
 - B. Be the keeper of the County Jail.
 - C. Provide a road patrol for the County. (Added in last Charter Revision)

The Sullivan County Sheriff's Office

- Founded 1809 when Sullivan County was formed.
- First Sheriff – Uriah Lockwood – Appointed June 1, 1809
- There have been 46 Sheriffs since the County was established.
- Michael A. Schiff is the current Sheriff – elected Nov. 2005
- Unlike other law enforcement agencies the Sheriff answers directly to the people.

SULLIVAN COUNTY SHERIFF'S OFFICE

- Jail Division
- Civil Division
- Patrol Division
- Security Division

Sullivan County Jail



Sullivan County Jail Condemned.

MONTICELLO, N. Y., May 24.—The Supreme Court Grand Jury, which is in session at Monticello this week, condemned the Sullivan County Jail to-day as unsafe and a nuisance. This is the same jail from which the noted Newburg Bridge bandits escaped April 30.

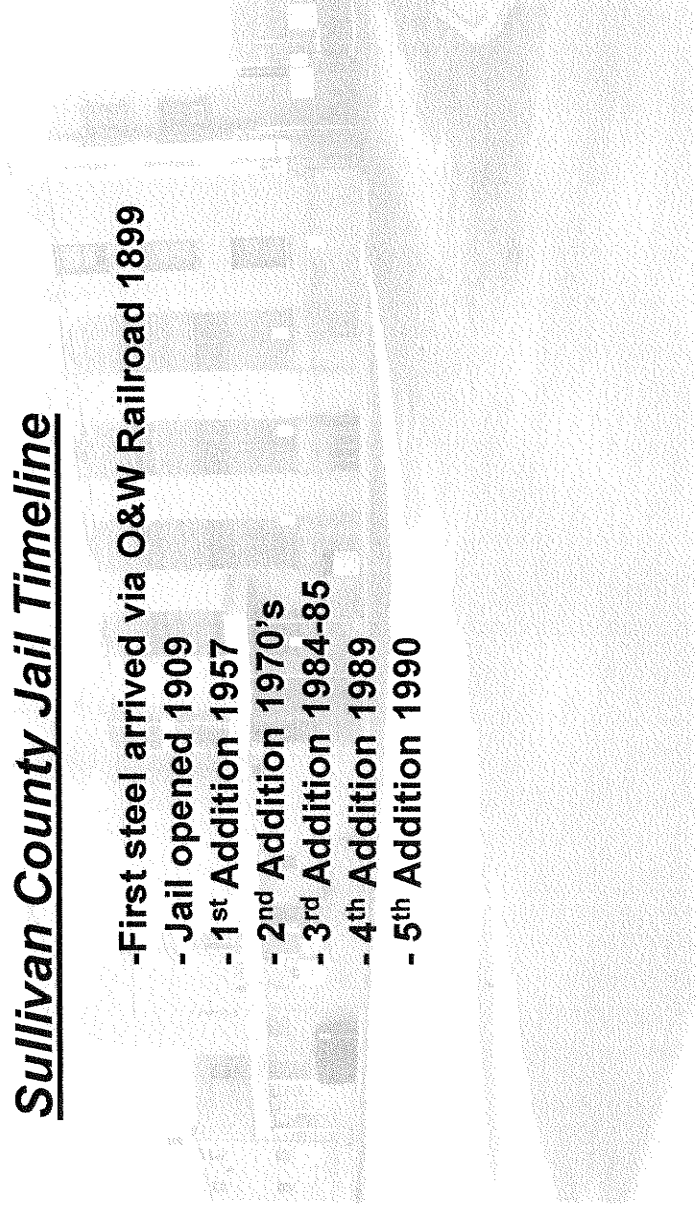
The jail was presented in 1884 and has been condemned by the State Board of Charities and Corrections as one from which any prisoner could escape. It has also been repeatedly condemned by the Judges of the Supreme Court when holding sessions here. The Board of Supervisors of the county met twelve years ago, intending to authorize the county to build a new jail, but on account of political aspirations, which would have been somewhat dampened, they refused to act. It is thought now that the jail will be thoroughly renovated or a new one built.

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Sullivan County Jail Timeline

- First steel arrived via O&W Railroad 1899
- Jail opened 1909
- 1st Addition 1957
- 2nd Addition 1970's
- 3rd Addition 1984-85
- 4th Addition 1989
- 5th Addition 1990



Jail Division

- **Authorized strength is 101 Deputy Sheriffs/Corrections**
- **Maximum Facility Capacity – Currently 185**
- **75% of inmates are awaiting trial**

Site of the Future Jail – Exit 104



CIVIL DIVISION

- 2 Sworn Officers – Civil Deputies
- 5 Civilian Support Staff
- Responsible for:

Evictions

Income Executions

Property Executions

Civil Warrants

Patrol Division

- Established by Sheriff Lou Ratner in 1968
- Current Authorized Strength – 44 Deputies
- Uniform Division - General Police Services
- Detective Division – Felonies, White Collar Crimes, Gangs and Narcotics
- Youth Division – School Resource Officers – D.A.R.E.
- Marine Patrol
- Emergency Services Unit

Security Division

- Provides Security at Government Center in Monticello and Liberty Campus.
- Authorized Strength – 6 Officers
- Phasing out civilian security guards and replacing with peace officers.

QUESTIONS?



Thank You



Sullivan County needs an Executive

The County Board of Legislators of Sullivan County is controlled six to three, Republicans. Sullivan County is a strong Democratic county and yet, the Republicans control it. In addition, the State Senator and Sheriff are both Republicans. Despite that, the five largest townships in the county are all headed by Democrats. How this occurred is left to others to interpret.

At the moment, it appears to me that the five largest township supervisors do not really have much to risk in two years. They are all strong candidates and very likely, in the absence of some major issue or scandal, would be reelected.

If that is the case, it would not be irrational to consider some of them who may run for County Legislator on the Democratic line.

During this coming term of four years, the casino should be opened and a lot of the power will go to the present County Board. The Democrats have lost an enormous amount by not succeeding in keeping the County Board. Very likely Senator Bonacic will become even more powerful and as a rule, he has generally used his power appropriate for the County, regardless of politics. Since I have known John for the better part of almost 40 years, I know him to be reasonable, intelligent and quite fair. He is not a diehard partisan political person. He will help a person regardless of their political party. Sullivan County is very lucky to have him as its Senator.

In addition, in Orange County Sen-

THE VERDICT

GARY GREENWALD

"I repeatedly said that a county manager system simply does not work. I also have stated that I do not believe nine Legislators are sufficient to run the County."

ator William Larkin is the primary Senator representing that area, and he has previously represented Sullivan County. He was very well liked, when he did. He was an Assemblyman before he was a State Senator, as was Mr. Bonacic. Together having both of these individuals supporting Sullivan County, will only make the county much stronger.

I think one of the top priorities of this Board, is to have a truly viable commission that knows what they are talking about with the end being the creation of a County Executive. I repeatedly said that a county manager system simply does not work. I also have stated that I do not believe nine Legislators are sufficient to run the County. As an example, I believe

in Ulster County they have 15 Legislators; nine simply is not enough to do a thorough job. A County Legislator is a part-time job. Despite this, it is common for many of the people to work as if it was a full-time job.

The county needs a County Executive who has a vision of what he/she wants to do. If he/she is successful, they will be reelected; if not, someone else will be allowed to put forth their vision. There is not a monstrous difference in this fashion between Sullivan County and Orange County.

There are very many viable candidates in both parties who could be considered. Thinking of two off the top of my head, I would think that Republican Dan Briggs, the county clerk, as well as Democratic Bill Rieber, Thompson supervisor, both would be excellent candidates for this position. Dan Briggs has worked in almost every aspect of our Sullivan County government, and he has been excellent at his work. Bill Rieber, after succeeding Tony Cellini, has had to run the largest budget of any township in the county and he is well equipped to do that work, having been a councilman as well.

We should all get off the couch and do what is right. Create a county executive system with more legislators. Our government will then be much better to deal with all the issues, especially the casino.

A partner in Gary Greenwald & Partners, P.C., **GARY GREENWALD** was the Mayor of Wurtsboro for 15 years and has extensive criminal and civil law experience.