



Onondaga County Legislature

JAMIE McNAMARA
Clerk

JAMES J. ROWLEY
Chairman

TAMMY BARBER
Deputy Clerk

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WAYS & MEANS COMMITTEE MINUTES – JANUARY 31, 2023 BRIAN F. MAY, CHAIR

MEMBERS PRESENT: Mr. Ryan, Mr. Burtis, Ms. Abbott, Mr. Knapp, Mrs. Ervin, Mr. Kinne
ALSO ATTENDING: Chairman Rowley, Ms. Cody, Ms. Kuhn, Dr. Chase, Mr. Bush, Mr. Garland; also see attached

Chair May called the meeting to order at 11:41 a.m. *The minutes of the previous meeting had been distributed, and there were no objections to waiving the reading. There were no corrections to the minutes, and the minutes were approved.*

1. APPOINTMENTS:

- a. **Confirming Appointment to the Syracuse/Onondaga County Planning Board (Donald Radke)**
(Sponsored by Mr. Burtis)

A motion was made by Mr. Burtis, seconded by Mrs. Ervin, to approve this item. Passed unanimously; MOTION CARRIED.

- b. **Confirming Reappointments to the Onondaga County Soil and Water Conservation District Board (Craig S. Dennis, David Coburn)** (Sponsored by Ms. Abbott)

A motion was made by Ms. Abbott, seconded by Mr. Knapp, to approve this item. Passed unanimously; MOTION CARRIED.

Questions from the committee to Mr. Morgan:

- Is everything listed (bond resolutions) in the CIP?
 - Correct
- Can the county use cash for any of these items should the county find they can down the road?
 - Yes, assuming they are approved today
 - As Finance closes out 2022, they will evaluate funding smaller projects with cash
 - That decision will be made before closing out 2022; it can be done at any time during the year
 - Expectation is that they will use cash for any projects under \$1M; cannot commit, but most likely it will be the case
- Where will the county be with fund balance?
 - Do not know yet; working with Mr. Masterpole and Comptroller's Office to close books
 - All expenditure accruals are posted, then will work on ensuring everything looks good
 - Revenues still need to be posted
 - Also waiting on 2 sales tax payments; initial idea of where the county is ending the year will be another 2-3 weeks
- Is the county on track budget vs actuals?
 - Forecast brought over during budget projected \$50M surplus; expect to be in that range
- If surplus were at \$50M, what would the ballpark for fund balance be?
 - Legislature appropriated \$70M of fund balance in 2022, which brought it down to \$130M
 - Theoretically adding another \$50M would make it upwards of \$180M

- What if the county pays cash for some projects instead of bonding?
 - It would come off the top if those decisions are made before closing the books
 - Most likely will look to use cash for smaller capital projects; amount of money would not move the needle much
 - Legislature requested the language be inserted to all bond resolutions allowing the CFO and County Executive to make the decision (on whether to use cash) based on assessment of the finances
 - County will be well over 15% mark (for fund balance)
 - Comfortable recommending to County Executive to use cash for projects that are within the \$1M or less range
- If there are issues with this process, the committee can reevaluate at a later date
- All items in CIP, have been discussed a few times and have gone through respective program committees
- Committees job to approve these with terms and conditions, allowing finance to use cash when possible

2. **EMERGENCY COMMUNICATIONS (E911)**: Kevin Spraker, Deputy Commissioner

a. **BOND: A Resolution Authorizing E911 Tower Site Shelter Rehabilitation in and for the County of Onondaga, New York, at a Maximum Estimated Cost of \$1,091,000, and Authorizing the Issuance of \$1,091,000 Bonds of Said County to Pay Costs Thereof (\$1,091,000)** (*Sponsored by Mr. Olson*)

- Funding to replace AC units, doors and other items at tower shelters
- 16 tower shelters that provide radio system service and antennas for public safety radio for police and EMS
- In place since 2006; have seen issues with AC units; working with Facilities to keep up and running
- Doors – weather not helping with rotting or keeping rodents and mice out of shelters; would like to replace
- Have used grant money to fund some items; other items will be funded through capital project

A motion was made by Mr. Knapp, seconded by Mr. Burtis, to approve this item. Passed unanimously; MOTION CARRIED.

3. **SHERIFF**: Chief Melissa Berlinski

a. **BOND: A Resolution Authorizing the Purchase and Installation of Security Operation and Inmate Information Systems at the Justice Center in and for the County of Onondaga, New York, at a Maximum Estimated Cost of \$7,513,000, and Authorizing the Issuance of \$7,513,000 Bonds of Said County to Pay Costs Thereof (\$7,513,000)** (*Sponsored by Mr. Olson*)

- Upgrade BlackCreek system, running on Windows 7 (not supported); if fails, would be back to key and lock system
- Install and upgrade detainee monitoring system – bracelets for incarcerated to be integrated into system
- Replace SallyPort Jail System with new system
- Lot of cameras are analog and antiquated; trying to move to digital
- About 1 year to complete process

A motion was made by Mr. Kinne, seconded by Mrs. Ervin, to approve this item. Passed unanimously; MOTION CARRIED.

Mr. Wixson took the Facilities Management agenda items out of order.

4. **FACILITIES MANAGEMENT**: Archie Wixson, Commissioner

c. **BOND: A Resolution Authorizing the Center for Forensic Science Building Rehabilitation in and for the County of Onondaga, New York, at a Maximum Estimated Cost of \$2,615,000, and Authorizing the Issuance of \$2,615,000 Bonds of Said County to Pay Costs Thereof (\$2,615,000)** (*Sponsored by Ms. Cody*)

- Improvements to technology - fingerprinting, identification, ballistics, and other processes where technologies have improved and program needs to change; full renovation of 3rd floor including all technologies
- 2 years ago had design done; Director of Laboratories, Ms. Ho and her team confirmed design is satisfactory

A motion was made by Mrs. Ervin, seconded by Ms. Abbott, to approve this item. Passed unanimously;

MOTION CARRIED.

- b. BOND: A Resolution Authorizing Rehabilitation/Construction of Improvements at the OnCenter Facility in and for the County of Onondaga, New York, at a Maximum Estimated Cost of \$500,000, and Authorizing the Issuance of \$500,000 Bonds of Said County to Pay Costs Thereof (\$500,000)**
(Sponsored by Ms. Cody)

- Annual request for maintaining and improvements to OnCenter complex
- Good portion dedicated to improvements at theaters including seating arrangements, ADA and concessions

A motion was made by Mr. Knapp, seconded by Ms. Abbott, to approve this item.

Comment from Committee:

- In favor of improvements, but do not see a need to bond

A vote was taken on the motion. *Ayes: 4 (May, Burtis, Abbott, Knapp) Noes: 3 (Ryan, Kinne, Ervin);*
MOTION CARRIED.

- a. BOND: A Resolution Authorizing Improvements at Various Facilities in and for the County of Onondaga, New York, at a Maximum Estimated Cost of \$2,115,000, and Authorizing the Issuance of \$2,115,000 Bonds of Said County to Pay Costs Thereof (\$2,115,000)** (Sponsored by Ms. Cody)

- Civic Center – 8th floor, Children and Family Services and DSS-ES renovations to expand for JobsPlus program
- Army Reserve Center has grant funding and requires capital bonding; project started; bids from prime contractors due Thursday; begun some demolition, removals and accomplished abatement
- Remainder is going to various projects listed in the CIP

A motion was made by Mrs. Ervin, seconded by Mr. Knapp, to approve this item. Passed unanimously;
MOTION CARRIED.

5. PARKS AND RECREATION: Brian Kelly, Commissioner

- a. BOND: A Resolution Authorizing the Oneida Shores Park Shoreline Rehabilitation in and for the County of Onondaga, New York, at a Maximum Estimated Cost of \$240,000, and Authorizing the Issuance of \$240,000 Bonds of Said County to Pay Costs Thereof (\$240,000)** (Sponsored by Ms. Cody)

- Final phase of project; last year redid boat launch and fixed retaining wall
- This year would like to install pay gate and fish weigh station
- Pay gate
 - Allows to catch revenue in offseason
 - Only staff booth Memorial Day to 3rd week in August; will get revenue in April, September and October
- Fish weigh station
 - Area for fisherman nationally and regionally to weigh fish
 - Shelter structure with water and electric
- Pay gate will not affect flow of walkers; will have ticket booth staffed
- It will be predominately for boat launch; gates will be up when it is not boat launch season

A motion was made by Mr. Burtis to approve this item.

Comment from Committee:

- Will not vote for this, as the county should be paying for this in cash

Mr. Knapp seconded the motion.

- Legislature added language to bonds to say the county should use cash when possible, however, depending on the financial situation of the county, the CFO and County Executive can bond if need be, but preference is cash
- Share concerns when bonding for small amounts
- Process to look at Capital plan and investments; keep perspective – borrowing \$76M; items are broken down appropriately for purpose and use

A vote was taken on the motion. *Ayes: 4 (May, Burtis, Abbott, Knapp) Noes: 3 (Ryan, Kinne, Ervin); MOTION CARRIED.*

b. BOND: A Resolution Authorizing the Oneida Shores Park Facility Upgrades in and for the County of Onondaga, New York, at a Maximum Estimated Cost of \$330,000, and Authorizing the Issuance of \$330,000 Bonds of Said County to Pay Costs Thereof (\$330,000) (Sponsored by Ms. Cody)

- Beginning of multiphase project of putting in new sewer system at camp ground
 - RVs currently drive to central location where there are 2 pits in the ground; they empty their waste into the pits, which then goes into a holding tank
 - WEP empties tank every 10 days in peak season
 - New plan to still use central location, but get rid of holding tank
 - RVs would dump into pits, but the waste would go into sewer system directly
 - More aesthetically pleasing, would not have smells with tank, and lucrative to campers
- Shoreline stabilization in Muskrat Bay
 - Popular onshore fishing area, but losing shoreline due to erosion
 - Want to do shore stabilization to allow fishing and picnicking in the area

Questions from Committee:

- Will the flow go into the main system, and are they positive the main system can handle it?
 - Flow will go into main sewer system; main system can handle
 - Project started 3-4 years ago by consulting with WEP; confident in that, but will look at it again with WEP
- Does the county charge people for emptying waste?
 - No; only charge to use the sites
 - Always been paid per site and waste service has been offered
 - Will pay for itself over few years

A motion was made by Mr. Burtis, seconded by Mr. Knapp. Ayes: 4 (May, Burtis, Abbott, Knapp) Noes: 3 (Ryan, Kinne, Ervin); MOTION CARRIED.

c. BOND: A Resolution Authorizing Mechanical Improvements at the Rosamond Gifford Zoo in and for the County of Onondaga, New York, at a Maximum Estimated Cost of \$2,000,000, and Authorizing the Issuance of \$2,000,000 Bonds of Said County to Pay Costs Thereof (\$2,000,000) (Sponsored by Ms. Cody)

- Roof replacements approved last year well underway
- Did engineering study, and requesting \$2M to replace mechanical systems in most need
- Mostly HVAC related and directly related to animal care

Request: Financial breakdown for the Zoo to be presented to County Facilities Committee to understand debt and investments.

A motion was made by Mrs. Ervin, seconded by Mr. Knapp, to approve this item. Passed unanimously; MOTION CARRIED.

- d. **BOND: A Resolution Authorizing Improvements to Various Parks in and for the County of Onondaga, New York, at a Maximum Estimated Cost of \$2,961,000, and Authorizing the Issuance of \$2,961,000 Bonds of Said County to Pay Costs Thereof (\$2,961,000)** (*Sponsored by Ms. Cody*)

A motion was made by Mr. Kinne, seconded by Mrs. Ervin, to approve this item. Passed unanimously; MOTION CARRIED.

6. **TRANSPORTATION:** Marty Voss, Commissioner

- a. **Authorizing the County Executive to Amend a Five Year Agreement with the State of New York for Snow and Ice Control on State Highways for the 2019-2024 Seasons to Increase the 2022-2023 Season Estimate and Amending the 2023 County Budget Accordingly (\$797,129)** (*Sponsored by Ms. Cody*)

- Modify contract with NYS DOT for snow and ice control on state highways
- Amount will go up because of modifications in budget due to new labor rate; need to have contract reflect new rates

A motion was made by Mr. Kinne, seconded by Mr. Knapp, to approve this item. Passed unanimously; MOTION CARRIED.

7. **WATER ENVIRONMENT PROTECTION:** Shannon Harty, Commissioner

- a. **BOND: A Resolution Approving Improvements for the Onondaga County Sanitary District in and for the County of Onondaga, New York** (*Sponsored by Ms. Abbott*)
- b. **BOND: A Resolution Authorizing the Issuance of \$53,204,000 Bonds of the County of Onondaga, New York, to Pay Costs of Certain Improvements for the Onondaga County Sanitary District in and for Said County (\$53,204,000)** (*Sponsored by Ms. Abbott*)

- \$53.2M in borrowing for various investments – 6 WWTPs, 170 pump stations, 1,000s of miles of sewers
 - \$16M at Baldwinsville-Seneca Knolls WWTP - Lysander
 - \$8.9M Davis Road Pump Station – main facility pumping wastewater to Oak Orchard WWTP; additional construction to upgrade facility and force mains
 - \$8.6M – various electrical and mechanical equipment in all facilities
 - \$5.9M – building administration and infrastructure improvements including roofing, building improvements, cranes, fire suppression, worker health and safety HVAC, as well as emergency repair fund
 - \$11.7M – conveyance engineering and construction
 - \$4M for pump stations
 - \$6M for trunk sewers
 - \$2M on large wet weather facilities located in CSO service area in city
 - \$2M emergency repair for work on conveyance infrastructure
- Some items inclusive in this year’s plan related to 2022 budget
- Typically have 960s cash for capital at \$500,000, which was zeroed out to offset increases for energy and utilities
- Would typically pay cash for engineering

A motion was made by Ms. Abbott, seconded by Mr. Knapp, to approve items 7a and 7b. Passed unanimously; MOTION CARRIED.

- c. **BOND: A Resolution Approving Proposed Improvements for the Harbor Brook Drainage District in and for the County of Onondaga, New York** (*Sponsored by Ms. Abbott*)
- d. **BOND: A Resolution Authorizing the Issuance of \$290,000 Bonds of the County of Onondaga, New York, to Pay Costs of Improvements for the Harbor Brook Drainage District (\$290,000)** (*Sponsored by Ms. Abbott*)

- Standalone special district outside of general fund
- \$290,000 for improvements to drainage infrastructure; dam and associated stream bank improvements in city
- WEP fund balance – closed out 2021 with ~\$32M; anticipate using \$3-\$4M to close out 2022; leaving just under \$30M

- \$5M or \$6M of fund balance appropriated for 2023
- Finance Department
 - Fund balance is its own taxing fund; no fund balance in Harbor Brook Drainage District
 - If Legislators vote no, than project does not move forward; no cash to be used
 - Same with general fund projects, if there is not a 2/3 vote, the projects do not happen
 - Will not have authority to do them

Questions/Comments from the committee:

- If it is voted down, then the administration could come back and ask for a transfer out of fund balance to do them
- Is it correct that only the residents within the Harbor Brook drainage district are taxed for that district?
 - Yes, each drainage district has a district based fee; only those in that district pay for that district
 - Residents affected are by or adjacent to the creek

A motion was made by Mr. Knapp, seconded by Mr. Ryan, to approve items 7c and 7d. Passed unanimously; MOTION CARRIED.

8. BOARD OF ELECTIONS:

- a. BOND: A Resolution Authorizing the Replacement of Voting Machines in and for the County of Onondaga, New York, at a Maximum Estimated Cost of \$3,350,000, and Authorizing the Issuance of \$2,900,000 Bonds of Said County to Pay Costs Thereof (\$2,900,000)**

A motion was made by Mr. Kinne, seconded by Mrs. Ervin, to approve this item. Passed unanimously; MOTION CARRIED.

9. COUNTY LEGISLATURE:

- a. Providing Continuous Individual and Family Dental and Health Insurance Benefits through December 31, 2023, at County Expense for Those County Officers and Employees During their Active Military Duty**

A motion was made by Mr. Kinne, seconded by Mr. Knapp, to approve this item. Passed unanimously; MOTION CARRIED.

- b. Authorizing Onondaga County to Pay the Difference in Pay Between Military Base Pay and Base County Salary to County Officers and Employees while Performing Ordered Military Duty**

A motion was made by Mr. Knapp, seconded by Mr. Kinne, to approve this item. Passed unanimously; MOTION CARRIED.

- Above resolutions allow county to continue to pay those in active military service that work for the county

10. FINANCE: Mary Beth Togni, Assistant Director, Real Property Tax Services; Steve Morgan, Chief Financial Officer

- a. Approving and Directing the Correction of Certain Errors on Tax Bills**

A motion was made by Mr. Knapp, seconded by Mr. Burtis, to approve this item. Passed unanimously; MOTION CARRIED.

- b. Providing a Tax Exemption on Real Property Owned by an Enrolled Volunteer Firefighter or Volunteer Ambulance Worker Residing in Onondaga County Pursuant to Section 466-a of the Real Property Tax Law**

- Statewide exemption for volunteer Firefighters and Ambulance workers
- Taxing jurisdictions that offer it currently are required to transition to new statewide exemption within 3 years, per state law passed in 2022

- Program in operation at local level for years; handful of counties got permission to implement program back to 2005
- Recognize benefit to population that needs to grow
- Want to move as fast as possible to ensure it is effective with taxable status for properties taxed in 2024
- Difference between Homegrown program and the new program:
 - Not a cap on the amount that can be exempt; current program capped at \$3,000
 - 10% exemption with qualifications laid out in resolution
- Expectation that exemption value will grow and lure folks to volunteer

Questions/Comments from Committee:

- More meaningful benefit for first responders
- Legislators should help make sure towns and villages are adopting this and implore school boards to adopt this as well
- Each municipality has to do this

A motion was made by Mr. Burtis, seconded by Mr. Knapp, to approve this item. Passed unanimously; MOTION CARRIED.

11. ONONDAGA COUNTY CORRECTIONAL FACILITY:

- INFORMATIONAL: Providing for Various Personnel Changes** (*Sponsored by Mr. Rowley*)
- INFORMATIONAL: A Local Law Amending the Onondaga County Charter and Administrative Code Regarding the Onondaga County Sheriff** (*Sponsored by Mr. Rowley*)

Chair May stated there would be no vote on the resolution or local law.

Ms. Rooney, Deputy County Executive of Human Services, and Mr. Hummel, Commissioner of Personnel, presented the following information:

- Discussion of Jamesville and Justice Center goes back to 2019/2020
- Series of law changes and other regulation changes that precipitously (over 5-7 yrs) reduced population at Jamesville and the Justice Center
- Previously, combined capacity was 1,140 incarcerated individuals; as of November 2022, there was 533
- Justice Center can house 665 people
- Over last decade, there were times when the administration had come to Legislature about issues with overcrowding
- Not in that situation - different law changes overtime significantly reduced the number of those held in Sheriff's custody
- March 2015
 - Hurrell-Harring Settlement - Onondaga County party to settlement
 - Agreed to make it possible that all those arrested would have counsel at first appearance
 - Directly relates to staffing numbers, where the county does not enough transport deputies to get individuals to their first court appearance
- April 2015
 - Action between Legislature and administration – decision made that there would be no sentence or unsentenced 16 or 17 year olds housed at Jamesville
 - Programming at Jamesville Correctional was lacking compared to Justice Center, especially with education and relationship with Syracuse City School District
- February 2017
 - Raise the Age - No 16 or 17 year olds can be housed at Justice Center; took significant population out of mix
 - If Judge remanded 16 or 17 year old to custody, no matter what the crime, they are housed at Hillbrook
 - They will not be housed downtown or at Jamesville
- December 2017
 - Criminal Justice Advisory Board
 - Members include: Public Safety Chair; members of the Bar and Judicial system; members from towns, village and city police; Sheriff
 - In conjunction with District Attorney and judiciary came the establishment of Centralized Arraignment Part
 - Those accused of a crime are arraigned on the same day, no matter where they were arrested
 - Significant decrease on those detained at Justice Center

- For example:
 - Person arrested in town of Skaneateles for crime requiring to be held at Justice Center
 - No longer being held until the next time Skaneateles has town court
 - The individual would be arraigned that night and decision made for release or detainment
- Started seeing downward trend in those held at the Justice Center
- 2018
 - By referendum, the voters gave authority for oversight of Jamesville to Sheriff
- 2020
 - Bail reform - eliminated cash bail and pretrial detention for nearly all misdemeanors and nonviolent felony cases
 - There have been adjustments to Bail Reform, but only to judicial discretion for who can be held
 - Numbers at Justice Center down, because fewer people are subject to bail
- Currently have 85 Correction Officers with 50 people sentenced to 1 year (max sentence)
- March 2021
 - NYS Legislature decriminalized possession of marijuana for anyone possessing up to 3oz
 - That made up a significant number of cases of those sentenced to Jamesville
- December 2021
 - 522 incarcerated individuals at both facilities
- November 2022
 - What sped up Sheriff Conway’s decision to move this forward was letter from NYS Legal Indigent Services
 - Letter threatened to reopen Hurrell-Harring settlement
 - County subject to liability because of individuals not being able to make their first appearance
- Looking at solutions over last 3 years; administrative solutions attempted over last 2 years with unsuccessful results
- Fortunate to have 2 facilities, while many other counties have staff shortages with no safety valve; Onondaga County has safety valve with 2 facilities
- Combining facilities will allow for appropriate staffing levels
- All inmates will have rights they are entitled to including:
 - 7 hours out of cell time every day
 - Religious services
 - Family can put money on commissary account
- Solution that make senses for the county, and pipeline closed for those wanting to go into this line of work
 - 2018 – 2 tests administered for deputy through County Sheriff with 454 test takers
 - 2022 – 2 tests administered with 71 test takers
 - Historically see about 10% success rate for those taking the test
 - Last year had 12 retirees and 6 deputies hired; not promising for staffing solution
 - Solution is a combination of 2 facilities

Sheriff Shelley and Undersheriff Passino presented the following information:

Onondaga County Sheriff’s Office

Tobias Shelley
 Sheriff
 Jeffrey T. Passino
 Undersheriff



Matthew Fischer	Chief Deputy Police Department
John S. Drapikowski	Chief Deputy Custody Department
Richard Miori	Chief Deputy Correction Department
Melissa J. Berlinski	Chief Deputy Civil Department
Maureen Murphy	Chief Deputy Administration

Sheriff’s Office	315-435-3044
Police Department	435-3036
Human Resources	435-1767
Civil Department	435-3060
Correction Department	435-5581
Custody Department	435-1717
Criminal Investigations	435-3081
Police Records	435-3010
Custody Records	435-1782

January 31, 2023

Ways and Means Committee, Onondaga County Legislators:

Ladies and Gentlemen:

I present this letter as a matter of record to this process on the topic of the closure of the Sheriffs Office Jamesville Correctional facility.

In response to the proposed Local Law Amending the Onondaga County Charter and Administrative Code Regarding the Onondaga County Sheriff, allow me to say: I was duly elected by the voters of this County and took an oath to ensure the Public Safety of all the citizens of Onondaga County including the incarcerated individuals and this proposed action circumvents my ability to honor my oath of office.

Section 1: The findings as presented are false; in that there has been no independent verification of the claims made. As Sheriff, I have not been involved, included, or invited to participate in any discussions with the County on this matter. The Sheriff is tasked with delivering these services in the Charter, to change the Charter and Administrative code you will be diminishing and effectively stripping me of my power as Sheriff.

I want to go on record stating that I am willing to fully participate in a feasibility study conducted by the New York State department of Corrections as to this plan. I will fully support the findings regardless of the outcome of this due process. To enter such an action without this study is reckless and irresponsible and could ultimately result in multiple courses of legal action against the County of Onondaga.

The budget for the year 2023 has been approved by this body including the staffing and maintenance of Jamesville for the remainder of the fiscal year which should allow ample time for a complete and unbiased study. Despite the statements you have been presented by the County officials that this has been "in the works" for over three years, it was not addressed during the budget process and again no documentation has been presented as such.

I do not understand the urgency of this matter now, nor why you decided to pursue this so expeditiously. I have the following questions that I am sure the public and this body will also need answers to:

-Why hasn't the County or the previous administration contacted the Commission of Corrections in the past two years to advise or alert, or ask for assistance if this has been the plan?

-Why hasn't a single person in County Government approached me or included me in any of these discussions?

-Why was I asked to support this plan 3 weeks prior to being in office, again with no information or factual evidence of need.

-Why do we have people not associated with my office or charged with providing these services and public safety making decisions on how to provide these services absent my input and agreement.

-Why is the County as a "co-employer" moving to abolish positions within my agency that this body has approved and funded when they have refused to speak with me or consult in any way on this matter.

The action before you has done nothing other than create a hostile work environment boarding on obstructing the governmental administration of the Office I have been elected and sworn to uphold.

I respectfully request you to vote no on all matters contained within this amendment and allow me to properly have this matter evaluated by independent professionals. This will protect us all in any future cases that may be brought forth if it is done with approval of proper authority.

Sincerely,



Sheriff Tobias Shelley

Mr. Yaus, First Chief Deputy County Attorney, presented the following information on the Local Law:

- Personnel Resolution is straightforward; accomplishes the consolidation
- Local Law affects the Charter and Code
 - In 2018, Correction Department was a County Executive department and was moved over to Sheriff, verbiage in Charter and Code was cut and pasted
 - Reference of penitentiary and jail (not plural) – cleaning up and housekeeping to read the way things will be
 - This will not happen if Personnel Resolution is not adopted
 - Charter – amended to strike 1003 in entirety
 - What was Chief Deputy of Corrections will now Chief Deputy of Custody – name change only
 - There is still a Chief Deputy of Corrections
 - In Charter, Sheriff can and always had ability to hire an Undersheriff and as many Deputy Sheriffs as wanted
 - Charter had 1 chartered Chief Deputy position – kept that, so there was no change in power
 - Sheriff still has ability to make one charter appointment
 - Copy and paste of language – only change is with term of Chief Administrative office of County Jail – term used in correction law
 - Section 3 – 10.03 of Administrative Code was cut and paste of 10.04; no language changes
 - Section 5 – carryover of word Corrections; should have been deleted in 2018; cleanup item from years past

Questions/Comments from Committee:

- Section 1003 – “On and after January 1, 2018, there shall be a Corrections Division under the supervision of the Office of the Sheriff,” – Has that language changed?
 - Law Department:
 - Sheriff can still create, and there currently exists, a Corrections Division; Sheriff can keep the division
 - The Sheriff has all powers currently (and will continue to have power) to create as many divisions as he wants
- If the Legislature will still allow the Sheriff to have a Corrections Division, why take out that language?
 - Law Department:
 - Sheriff has always been able to create
 - This was a carryover from when it was an Executive division – language was moved over
 - Sheriff has the ability, as an elected official, to create as many internal divisions within his office
 - Sheriff could keep a Correction Division (currently has one and can have one)
 - If the Sheriff would like to create a dichotomy within the Justice Center – division for presentence and post sentence detainees to be called custody and corrections, he can; no restriction on that
- If it will still allow the Sheriff to have Corrections Division, then why change 103 to reflect that?
- Where is it in the Code or Charter that the Sheriff is allowed to keep a Corrections Division?
 - Law Department:
 - Currently the Sheriff must keep a Corrections Division, but now he can have a Corrections Division
 - This is expanding powers
 - Sheriff was forced to have the division, because of the Charter, now he may have multiple divisions
- How can the Charter be changed without public referendum?
 - Law Department
 - It is not altering the power; it is in Municipal Home Rule
- Please clarify that the Law Department aligned this with administrative requirements should this pass, but what they did not do is infringe upon any power the Sheriff has today (or moving forward)
 - Law Department:
 - Yes; 100% goal of this law
 - Expands the power and removed a mandate to create one department
 - The Sheriff administers his agency – can have a Corrections Division, but not mandated
 - Did not want to take away chartered Chief position
 - Admin Code 10.03a – “The Sheriff may, within appropriations therefor, create such divisions or units within the Office as may be deemed appropriate from time to time” – this language is not changing
 - Sheriff can appoint Chief Deputies and Undersheriff
 - Chartered Chief Deputy position – did not want to remove

- If this were passed, Chief of Custody would be doing what Correction Deputy would; custody is corrections/pre and post sentence
 - Nothing has changed in power or duties
- Nowhere in the local law does it minimize the Sheriff's power in any way?
 - Law Department: There is more flexibility (expands power)
- In 2018, when the Corrections Division was taken from the County Executive and given to the Sheriff, it had to be done by mandatory referendum; but this does not have to go to mandatory referendum, because it does not minimize the Sheriff's power in any way?
 - Law Department: Yes, 100%
- What does mandatory referendum mean (and not mean) in terms of responsibilities of various branches or stakeholders in this decision making process (executive branch, legislative branch and Sheriff have responsibility in this process)?
- What happened when the referendum took place?
 - Law Department:
 - Not tied to the ownership of the land or building
 - Charter and Code uses jail and penitentiary, and they were used singularly; never updated to reflect 2 facilities
 - In 2018, Dept. of Corrections in charge of operating and running Jamesville facility
 - Corrections Department was moved under auspices of the Sheriff
 - All buildings are owned by the county; everything bought in the name of the county
 - Sheriff is the operator of jail; operator was County Executive by virtue of the Dept. of Corrections, and that was moved over to the Sheriff
 - Under auspices meaning management, authority and power of the Sheriff – employees report to Sheriff
 - Administration:
 - Prior to 2018 – County Executive oversaw sentenced individuals
 - What changed, was Sheriff, after referendum, had power to oversee sentenced individuals
 - Nothing proposed today changes that; Sheriff will still oversee sentenced and unsentenced
 - Status of the inmate was the difference prior to 2018
 - Sheriff's Office:
 - Not being part of these conversations is a diminishment of power
 - Sheriff should have been part of the conversation from the beginning
 - How can the Sheriff's office prepare a defense in 30 days, or argue a resolution without proper counsel
 - Why does this have to be rushed? If this is valid, it will pass the test of time
- Section 4, Administrative Code – striking 10.04 in entirety; striking division and abolishing sentence
 - Law Department:
 - Same thing, same language; this is Charter versus the Code
 - Sheriff has, and always had, the power to create, can still create, and currently does still exist, and will still exist, a Corrections Division
 - 100% under management, control and decision of the Sheriff, who can create as many, less or more, divisions within his department as he can, per the existing Charter and Code; not being amended
 - Words are out, but the ability is there
 - No power has changed; every single word was carried over in new version, but in more logical place and manner to be in line with what is being proposed
 - Power has always been there
- By removing the word penitentiary, is that assuming this will happen?
 - Law Department:
 - It is only replaced if this local law is voted in and it happens; if not, language in the Charter remains the same
 - Charter says jail, penitentiary, or facility – never in the plural
 - It is a guess to what facility they are talking about when reading those sections
 - It was clearer in 2018 when Corrections was under the Executive
 - Clear dichotomy based on who runs what facility
- Committee is dealing with a local law and personnel resolution; not talking about closing Jamesville, but the convergence of 2 workforces to enable the county to meet statutory needs in regard to incarcerated individuals

- What in Section 7 is relative?
 - Law Department: No relevance
- Section 8 states that it, “shall take effect immediately and shall be filed consistent with the provisions of New York State Municipal Home Rule Law”
 - Law Department: That is in every law
- Not every law diminishes or infringes upon the powers of the Sheriff or elected official to administer a jail
 - Law Department:
 - That is opinion
 - It is Law Department’s opinion that it is not
 - If it were, it would have had a referendum piece – (i.e.) subject to permissive or mandatory referendum
- Is it legal’s opinion that this does not infringe upon NYS law and the Sheriff’s powers, and it does not need to go to public referendum?
 - Law Department:
 - Yes; under NY law or County law
 - In 2018, as part of Governor’s incentive to consolidate and save money, the decision was made to consolidate the two facilities and put it under the auspices of the Sheriff
 - That diminished the power of the Executive, who had the power previously
 - That is why that had to be by referendum
 - This does not diminish in any way the power of the Sheriff; will not be put to referendum
- Sheriff’s Office: Is it true, that under the new law, it is getting rid of a Correction’s Division Chief?
 - Law Department:
 - No; it is up to the Sheriff to keep a Corrections Division, or create a new division, or rename a division
 - This law only changes the name of the chartered Chief Deputy position
 - If it passes, this acknowledges that there is one jail facility; only one person needed to be in charge of Custody
 - It is one chartered Chief
- Sheriff’s Office: There are 2 Chiefs currently now, and under this law, they are making it one, correct?
 - Law Department:
 - Only 1 chartered Chief now; there will be only 1
 - Currently Chief of Custody and Chief of Correction; Chief Deputy of Custody not chartered now, but it will be
 - 2 Chiefs existing now, with one per the charter; the other Chief is the Sheriff’s purview
 - Sheriff can have as many Deputy Chiefs as he would like, per section 10.03a of the Administrative Code
 - Personnel Department:
 - Chief of Corrections remains on the roster; to remove that would be an abolishment on a Personnel Resolution
 - The position is not being abolished; it remains in Sheriff’s Office to assign duties as they see fit
 - One chartered Chief now, and one under the new Local Law; no effect on the roster at all

Carl Hummel presented the following information on the Personnel Resolution:

- Personnel Resolution first resolve is a series of abolishments and creates
- Abolish – primarily Correction positions: Correction Officer, Senior Correction Officer, Sergeant, Captain, etc.
- Creates – combination of creates and current vacancies in Justice Center creates enough positions so every one of the abolishes have a place to go
- Civil Service process
 - Abolishment is technically a layoff notification accompanied with a job offer notification
 - Moves employees in their rank
 - Employees have immediate permanency; no probation period
 - Keep original employment date and salary date – move to grade and step to correspond with rank and service
- Chief Deputy and Assistant Chief Deputy are not on abolishment list – will stay with Sheriff
- Positions in Jamesville related to programs (Case Worker Supervisor and Correctional Counselor) are not being abolished; will stay with Sheriff to administer programs in Justice Center
- Schedule B – transfer of couple staff to Facilities to do facilities work; Civil Service function 70.2

Questions/Comments from the committee:

- One thing in considering this is the labor problem
- How many test takers are there, and how many are interested?
- What are the Sheriff's ideas for getting people interested in these positions?
- What about incentivizing people?
 - Sheriff's Office:
 - People in Jamesville are in high demand; they can go anywhere in NYS and get job
 - Best way to recruit people is improving morale
 - What is being proposed is ruining moral; believe Sheriff's will lose 20-40 people
 - Bringing people from Jamesville to downtown will not work; people will leave to go to surrounding counties
- Talk about people going to take the test and those interested
 - Sheriff's Office:
 - Younger generation not taking tests for NYS Police to Sheriff to Jails
 - If they improve morale, current employees will tell their friends to take the test and that it is a good job
 - Starts at \$55K
 - Personnel Department:
 - People are already leaving - had 6 people in last class with 12 retirements
 - Have more retirements than hires for a number of years
 - Status quo will not fix this; it will be a slow bleed
- Difference in seniority – (i.e.) person working at Jamesville for 18 years will now come down to Justice Center and lose scheduling seniority
- Is there a resolution for that?
 - Personnel Department:
 - Provision in DSBA contract predating everyone here in regard to seniority
 - Provides seniority for bid selection and assignments
 - Have been involved in negotiation for many years and working on this problem for a while
 - Previous Sheriff tried to address seniority issue with unions if workforces were merged - DSBA unresponsive
 - Can continue to try to negotiate going forward
 - With the amount of turnover that happens, the amount of time it takes to go from bottom of shift selection to more desirable shifts may be a year or two; not decades
 - Technical limitations – union has to agree; there is nothing the administration or Legislature can do unilaterally
- Are the positions of Boiler Operator, Maintenance Worker, Employee Relations Officer, Food Service Manager, and Personnel Aide all being transferred over?
 - Personnel Department: they are all vacant unfunded, abolishes
- What about Superintendent of Maintenance and Administrative Assistant?
 - Personnel Department:
 - Vacant unfunded
 - Will use authority to make administrative corrections, as there is constant personnel transactions going on
 - Sheriff's Office hired someone into the Administrative Assistant position on the list; that will not be abolished
- They are not creating all of the positions, only Corrections Officers, correct?
 - Personnel Department:
 - Correct
 - Functions are already being done at the Justice Center

Request: Send Schedule A and B with tags of vacant funded and vacant unfunded.

- A promise is made that everyone gainfully employed will continue to be employed
- If there are more abolishes than creates, than make sure the abolishes are vacant funded or unfunded
- Requested breakdown of how inmate populations would be handled under this scenario using points in time in 2022

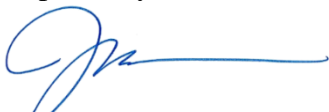
- Will transporting be resolved with these changes? Will people be able to be transported to court dates better?
 - Sheriff's Office:
 - Since taken office, 2 people missed court date; some cannot be avoided due to a medical issue
 - December had 26 people who missed their court date
 - Identified problem, found a solution – no one will be missing their court date unless extenuating circumstance
- Is this change needed to fix the transport problem?
 - Sheriff's Office:
 - Already identified problem and came up with the cure; this does not do anything to fix that
 - Cannot avoid the Commission of Corrections in this discussion; they will be here tomorrow
- Point by point status on initial letter from Commission of Correction included in the packet
 - Administration:
 - Ms. Rooney has been overseeing Corrections and been a liaison to Sheriff since 2008
 - In 2012, an inquiry was put in to Commission of Correction to do a staffing analysis; has not been done
 - Commission is as challenged as anyone with staffing; do not want to get lost in discussion on waiting for them
 - This is not a new issue for Legislature, or who oversees Justice Center
 - Commission of Correction serves in advisory capacity – never had a sanction from them, and they never opened a lawsuit about the Justice Center
 - Onondaga County one of less than 100 jails that established accreditation - does not come if there were issues with the state's Commission of Correction
 - Acknowledge the timing for the Sheriff is not the best, but it does not change the fact there is not enough staff
 - Have rational solution to the issue that could be implemented quickly
 - In 2013, the Mahoney Administration challenged whether inmates from the Justice Center could be moved up to Jamesville because of overcrowding; won the lawsuit
 - That is the only reason inmates can be moved from Justice Center to Jamesville
 - Idea that the administration has not taken any measures, or are not knowledgeable about the situation
 - Cannot be lost that they are going to rely on Commission of Correction
- How long does the Legislature have before putting the county at risk with multimillion-dollar lawsuits?
- How can the Sheriff take someone in a short-staffed jail and move him or her to transport?
- How are they filling transport?
- If they take someone, does it impact another part of the jail?
- Are there still lockdowns and families not being able to visit?
 - Sheriff's Office:
 - Transport – do not need only jail transport; can use Police or Corrections; better management of program
 - Everyone is invited to go to both jails and see what is happening
 - Commission of Correction very responsive
 - Not sure about accreditation
 - Law Department:
 - (Lawsuit) In negotiation for many months
 - Trying to avoid being part of the lawsuit; been very reasonable
 - They have filed a lawsuit against state of New York; 5 counties not in compliance
 - Can expect to be brought into the lawsuit if there is no resolution
 - Acknowledged that the county has been in violation in regard to Hurrell-Harring settlement
 - At any point in time, someone could go to federal court to get a compliance order; county would not be able to comply; would subject county to financial sanctions in addition to noncompliance of Hurrell-Harring in court
- Is anyone that moves from Jamesville getting a pay cut?
 - Personnel Department:
 - (i.e.) Correction Officer at grade 9 being abolished and hired as Deputy Sheriff Custody at grade 4
 - Assumption that going from grade 9 to grade 4 is reduction in pay, but it is not
 - Grade 9 on CSEA Correction contract pay schedule; grade 4 on DSBA pay schedule
 - Assuming top step, which is almost everyone in Correction (at least 7 years of service)
 - Correction grade 9 top step is \$61,367; Custody top step on schedule is \$72,752
 - Looked at every employee, everyone moving over in rank and top step will see pay increase; no pay decreases

- The county bargained with DSBA unit, agreed on the contract, and it was ratified with the seniority clause in it, correct?
 - Personnel Department:
 - It is in there from the last DSBA contract
 - County agreed to the contract with those provisions in there
- Believe there is not a staffing issue, but a pay issue; CSEA Correction Officers at Jamesville are underfunded and paid less than those at the Justice Center; need to start paying them more money; would not have as many vacancies
- Start paying union members the same as the raises for Management Confidential (MC) employees
 - Personnel Department:
 - For a very long time, MC's were not getting pay raises, only steps; unions were getting pay raises
 - Only in past couple years has that been catching up
 - If Correction Officers are making less than employees at Justice Center, why is there a shortage of Custody Deputies at Justice Center
- The Hurrell-Harring case and whether or not the county will be sued, is being used as rationale to close Jamesville; it is a solution in search of problem; people are not missing court appointments
- Has the County Executive responded to the December 13th letter from the Commission of Correction?
 - Administration:
 - Response is in the packet
 - Hurrell-Harring is only one piece of this
 - Cannot ignore the fact that people are not taking law enforcement civil service tests ; pipeline not there
 - Fortunate to have solution, where others do not know how to accommodate the rights people are entitled to, as well as keeping officers safe inside the jails because of staffing shortages
 - County has solution that can work; whole point is to keep incarcerated individuals safe and employees safe
 - Personnel Department:
 - Correction Officers and Custody Deputies take the same exam
 - When signing up for an exam, test takers know they can make more in Custody than a Correction Officer
 - Potential test takers are basing decision on the higher number, not lower number; more earning potential
 - Cannot simply say raising Correction salaries (whether appropriate) is going to increase test takers
 - 20 people took the most recent exam; will result in 2 qualified people based on historical numbers
 - There will be more than 2 retirements this year
- Populations have gone down due to bail reform and centralized arraignment
- 665 beds – take all inmates today, 564; ~85% capacity; 85% can have additional problems with inmate classifications
- Governor talking about changes to bail reform that could affect the population
- Would the county build a 4th tower?
 - Administration:
 - Staffing issues – no solution; idea would be more financially prudent
 - More prudent to have a 4th tower for staffing issues, versus 2 facilities miles away from each other
 - At 80%-85% capacity, no different than in years past, but with a smooth operating facility
- In the past, the county has taken in federal inmates for millions per year
- Sheriff's Office – it was said the Correction Officer and Deputy Custody test are the same test, correct?
 - Personnel Department: Yes
- Sheriff's Office – Did Personnel look into the Correction Officer Sergeant Lieutenant and Deputy Sheriff Sergeant Lieutenant test to see whether they are compatible?
 - Personnel Department:
 - They are separate exams
 - They are not compatible with NYS Civil Service; would talk to state Civil Service about making changes
- Sheriff's Office – this was tested in 1993 in Onondaga County between Correction Sergeant Lieutenant and Jailer, or Custody Sergeant Lieutenant; court upheld they were not the same and not compatible; asking everyone to slow down
 - Personnel Department:
 - Once they are above entry level, they are not

- Overturning that would take some work
- If they create and abolish, they are moved into current rank; can move in rank; checked with Civil Service
- Speaking to layoff in 1993; not here for that
- Administration:
 - Correction Officer test would not be viable in county, because the position would not exist
- Sheriff’s Office – talking about Correction Officer Sergeant Lieutenant; concerned that members of the other bargaining unit will say the tests are not compatible meaning a current DSBA would not be promoted
 - Personnel Department: Will go back and double check
- Oversimplifying by saying they have to add more money; county wants to be competitive; there are unions at play
- Please verify that nothing can happen with real property (purchasing or selling) in the county unless the County Legislature approves
 - Law Department: That is correct
- Impression from Legislators that there is no appetite to do anything with the facility including decertifying
- Is the county obligated to decertify the Jamesville facility? What is the process?
 - Administration: believe the county can “mothball” it, and they will look into decertification
- Final disposition of Jamesville is in control of the Legislature; may need to take legislative action to ensure Jamesville is an option for everyone; do not have vision on Justice Reform or societal aspects with people not taking the exam
- Will explore legislative action to do more than “mothballing”
- This is not a discussion of closing Jamesville, but merging two workforces; but also need to protect asset
- Sheriff’s Office – Commission of Correction can certify or decertify the jail; Article 20 Section 501c of Corrections Law; they are the regulatory body to say what can or cannot be done; they can get a judge to enforce their decision
- Are Corrections personnel moving to Justice Center are subject to a probationary period?
 - Personnel Department: No; according to Civil Service Law, when someone is coming off a preferred eligible list, they are immediately permanent in the new position
- If the Sheriff is using road patrol for transport, are they pulling them off road patrol or using overtime?
- How is it being managed?
 - Sheriff’s Office:
 - Been done in past with road patrol doing arraignments
 - Back in discussion about bringing in retired people part-time to do it; working with union to do resolution
- If Jamesville is “mothballed”, what does that look like?
 - Administration:
 - Similar to Carnegie Library – will maintain it and kept it ready for occupancy
 - Facilities would take control and maintain the building
 - Sheriff’s Office:
 - Lot of grandfather clauses at Jamesville; if turn off lights, cannot turn them back on
 - If there is overcrowding at Justice Center, cannot go back to Jamesville and turn on lights
 - Have current numbers and contracts for federal inmates; been in touch with US Marshalls

The meeting was adjourned at 1:58 p.m.

Respectfully submitted,



JAMIE McNAMARA, Clerk
Onondaga County Legislature

ATTENDANCE

COMMITTEE: WAYS & MEANS COMMITTEE

DATE: JANUARY 31, 2023

NAME (Please Print)	DEPARTMENT/AGENCY
Matthew Wedgwood	Onondaga County Corrections
Chris Mychynlonka	Corrections
Don EMM	Corrections
William Hansen	Corrections
Brendan Blanche	Corrections
Tric Kelly	Paul's
Carl Hummel	Personnel
MaryBeth Togni	Real Prop. Tax
Shawn Fountain	Corrections
Brad Benton	Corrections
Justin Soue	Corrections
Michael Muthu Tri	OCSO
John-Paul Moltz	Dept. of Corrections
Jason Whitney	OCSO Corrections Dept.
Christopher Muelo	Onondaga County Corrections
Timothy Tackno	Onondaga County Corrections
Marcus DeBottis Sr	Onondaga County Sheriff's Correction
Berkhan LAKA/OS	Onondaga County Sheriff's Corrections
Jason Eibert	Sheriff's corrections
Jessica Panetta	Sheriff's Corrections
J. PASINO	under Sheriff
Maureen Murphy	Chief Admin Sheriff

NAME (Please Print)	DEPARTMENT/AGENCY
Matt Fischer	Sheriff's office
TOBY SHELLEY	SHERIFF
MELISSA BERLINSKI	SHERIFF
Tom Newton	Sheriff
John S DRADIKOWSKI	Sheriff's office
Nathan Hawker	Sheriff's Office
RICHARD MORI JR.	SHERIFF'S OFFICE
Kristi SMILEY	FinOP
Zachary Martens	Finops
Michele Sardo	BOE
Brittany Panetta	Sheriff's office
Christopher James	Sheriff's office
MICHAEL ROMANO	SHERIFF'S OFFICE
Kenneth Hyden	Sheriff's office
Patrick Quinn	Sheriff's office
KRISTINA GUSTAFSON	SHERIFFS CORRECTIONS
CHRIS MATHIAS	SHERIFFS CORR.
Joseph Lee	DSBA
Marten Voss	DOT
Penny Donahue	DOT / Fin OPS
Kerry Spraker	911
Sean Sparks	911
MARK Nicotra	PARKS
SHANNON HARTY	OCDWEP
Josh Schrygh	CSEA
Jeffrey Colman	CSEA
Dorota Czarna	OCBOK
LISA Dell	County Clerk