

January 27, 2010 at 6 p.m.

Jonathan Rouis called the Special Legislative Committee meeting to order.

Pledge of Allegiance.

Roll call.

Ron Hiatt was absent and Alan Sorensen and David Sager were not present at roll call.

Reading of legal notice by Annmarie Martin, Clerk to the County Legislature.

Mr. Rouis thanked everyone for taking time to come out tonight. He also thanked Chairman Beilein for coming to the County and joining us tonight. Mr. Rouis goes on to thank and introduce various guests and officials for attending tonight, namely: Supervisor from the Town of Thompson, Tony Cellini, Supervisor from the Town of Mamakating, Harold Baird, Sharon Jankiewicz from the Town of Thompson and John Galligan from the Town of Forestburgh. Mr. Rouis said I thought that we would use this as an opportunity to hear from staff to get some factual background on the current structure of the existing facility that we have. I will ask the financial staff to do a brief presentation on where we stand with the project and the estimated costs and some of the costs of the alternatives. The Sheriff has asked for a few minutes to talk about the operations of the current facility. The Chairman of the Commission will address the group. Then we will take the written questions that you all have submitted. We have allotted an hour and a half tonight so we will try to stick to the time schedule and wrap up around 7:30 p.m. So with that, I will ask Bob Meyer, Commissioner of Public Works if he would like to come forward.

Commissioner Bob Meyer said I thought it would be helpful to go through the history of the jail and some of the operational issues that we deal with on a daily basis. The 1909 section of the jail consist of 37 cells, booking, holding, photo lab, boiler room and medical storage. This is what was actually built initially and was considered the jail back in 1909. In 1957, there were 52 cells added, kitchen, mechanical room, offices and storage. In 1958, additional office area was added. In 1982, it was office area and storage added. In 1985, 36 cells were added, a 46 man dorm, recreation area and storage were added. In 1989, 36 modular cells were added and a visitation modular was added. Currently, the jail contains a total of 207 cells inclusive of the 46 man dormitory. So, essentially, from 1909 to 1989 the jail was put together piecemeal. As I have it set up in the Public Works Department, I get a call anytime that we have personnel out after hours. Last Friday morning, at 4:15 am I received a call that our jail maintenance person had been dispatched. The heat was completely off in the jail. At that time, where I live it was 19 degrees. I don't think it was any warmer here in Monticello but these are the types of things that we deal with pretty much on a daily basis. During the past six months, DPW has responded to thirty seven overtime call outs on various infrastructure issues such as that. The 2008 maintenance budget costs for the jail were on the order of about \$400,000, which is the most recent completed year. This does not include labor costs for DPW personnel during normal work hours. The infrastructure issues that we deal with at the jail, cell doors and locking systems, in the 1909 and the 1957 sections are out dated. Replacement parts are becoming difficult to obtain and will like require complete replacement. Cast iron sewer lines throughout the facility are becoming paper thin, most of which are

embedded in concrete and will need to be jack hammered out. Electrical wiring is outdated with conduits embedded in concrete and will need to be jack hammered out to be replaced. The retaining wall on Hamilton Avenue is in need of replacement as well as several fence sections. Air circulation and cooling in the building are inadequate. Stairway treads are worn to the point of tripping hazards and need replacement. Continual sewer backups and overflows experience require continual maintenance. Fire alarm and repression system are outdated, need to be replaced. Educational facilities are inadequate in size, the size of the medical facilities are inadequate, and the size of the kitchen facilities are inadequate. The modular units were installed considering a five year useful life span in 1989. There are currently 21 years old and far exceeded their useful life span. Size of the outside recreation area does not meet minimum New York State COC defined area requirements. Backed up power is minimal, a new generator is needed. The boiler is in excess of 18 years old and will require replacement. Phone system is outdated and needs replacement. The elevator is outdated, currently does not go to all floors. Replacement parts are unavailable, needs to be replaced. Kitchen freezers and coolers are outdated and undersized, constant maintenance requirements need to be replaced. Metal cell walls from the 1957 section are rusting through patches, need to be welded into place. Lead paint in the structure, if disturbed needs to be addressed. Recreation yard is in need of resurfacing and walls need to have block or need to be replaced. That is just a sampling of what we are dealing with on pretty much a daily basis trying to keep this facility operating.

Mr. Rouis thanked Commissioner Meyer and introduce David Fanslau, County Manager.

County Manager Fanslau gave his presentation, a copy of which is attached and made a part of these minutes. During Mr. Fanslau's presentation Mr. Sorensen joined the meeting.

Sheriff Michael Schiff said I would like to bring up also, in addition to the numbers, we have County employees work in these buildings and their welfare is our concern. We have places in that building that I would consider it unsafe. Correcting these things would be very difficult as Commissioner Meyer said. The heating, air conditioning, the ventilation, not of these issues will be easily corrected. We get mold in the showers and we clean that up on a daily basis but as the ventilation is not good these things do lie in there. We have employees and we also have people that are put into our care to pay for it. I know nobody wants to hear about the poor inmates but the reality is many of inmates are not convinced of anything and they are just being put there until there is a decision whether they are guilty or innocent. We have a lot of people in these facilities and it is our responsibility to make sure that they are in a safe environment and the facility that we have now does not come up to those standards. There are hidden costs that were just brought up. We are paying out of one pocket that you don't see that is in the normal budget for maintenance, heating. There are a lot of costs that we have now that we might not have to have in the new facility. Some places, we have to have a deputy watching five to ten people, where a new system one deputy would watch forty-eight people. Every post is a very expensive proposition. A new post costs us in the ballpark of a half million dollars. It involves five employees when you take into consideration vacation, three tours, and when we start talking about man power those are issues that stay with us always. You don't pay those off and as salaries go up, those costs go up. It is to our advantage to enter into a facility that is run smoothly, economically, and in the long run, shapes up a considerable amount of the cost. The one thing that we can't ignore here is the welfare of

our employees. I see them going in the summer to this building (jail) and after about twenty minutes, you can just look under their arms and they are full of sweat. In the winter, there are parts of the building that are freezing cold and with the infrastructure as it is, it is very difficult to stay on top of and I don't think that there is anybody in this room that would want to work under those conditions. I have to say, for our employees, they go in there and they don't complain. They do it day in and day out, holidays, weekends, and they do it without complaint. Sometimes, mandated, they work double shifts and they don't complain but I think it is our responsibility to make sure that they are in an environment that is safe and acceptable with the type of employee that they are. Thank you.

Mr. Rouis thanked Sheriff Schiff and he said I want to thank the Chairman of the Commission for accepting the invitation to come down. He was down earlier today and toured our facility with the Sheriff and a representative from the Governor's office, as well, joined that tour. He comes with hands on experience to the commission, as someone that is an ex sheriff who ran a jail. He knows this stuff inside and out. We thank you for coming. I will turn over the floor to you for your statement and then we will entertain the questions.

Thomas A. Beilein, Chairman, New York State Commission of Correction said thank you very much, Jonathan. I would like to thank everybody associated with, not only with the Sheriff's Department, but also with the County for the hospitality they have shown me, the openness with which they have allowed us to look at this facility and the honest way in which they have approached this whole issue. I know going back to my own days as a sheriff and going through a building project back in 1993 that this building, a jail is not something that the public wants to do. Nobody wants to build a jail. I understand that rational. I also understand the fact that a County jail is as much a part of the infrastructure of your county as your roads, bridges, your water systems are. It is a very basic part of the infrastructure of your County. I arrived here today just about noon and started to tour the jail. I want to make this very clear to you. You have some very excellent employees working for the Sheriff and working in that jail. I say that because of the conditions that I saw when I went into the jail. When I went into the booking area, which was part of the old building, the 1909 building, the things that I saw. I saw exposed wires, things that cannot be readily repaired and secured, things that inmates may also have access to. I don't know how many of you have been in there, as guests, I hope and not as residents. But with that being said, you get inmates who are not cooperative and the opportunity or the chance of either the inmate or the officer becoming injured, seriously, because of the antiquated building, are really tremendous. It is just not a good structure. It is a structure that is deteriorating. I go back and look at our staff reports and a 1989 assessment of the Sullivan County Jail identified 96 violations of the New York State minimum standards back in 1989 that was twenty-one years ago. I don't see where things have changed since that time, in the last twenty years. I know what has changed. The cost of construction has changed in that last twenty years. What I have not seen in the County jail is any changes that would make this, and I will go back, what the Commission of Corrections, does is, we look at the secured safety and security, the health, safety and security of a facility. We are in charge of well over, if you can take Rikers Island into consideration, well over sixty jails. Housing 16,000, over 16,000 inmates in New York State and we go out and we inspect the jails. Not only do we site jails for violations, but we offer technical assistance to say how do we fix this. We do offer technical assistance to the jail. As I walk through the building and

observe the structure and the layout of this building, in parts of that building it would have to be close to 85 degrees inside because there is a steam boiler. Steam pipes are exposed. You have to step away from them with clothing on because they were so hot. Yet the windows are open to even out the temperature in the building. You have areas that I could best describe to you as some areas look like a dungeon to me. It was built at the beginning of the 20th century and that is the way that it was built and that is still being utilized to house inmates in, which is virtually unacceptable. As you move through the building and you get to the 1950's area where you have linear jail cells, it becomes a little bit better. Something that we would approve on a short term basis, it still needs to be corrected, it still needs to be fixed. Then as you move to your housing areas and into your modular buildings, which was set down in 1989 that had a five year life span. It is modular building. The ceilings are sinking in the building. They have been braced up with pieces of angle iron. The bars in the linear section of the jail, the horizontal parts are starting to sway because of the pressure of the building and the foundation on those bars, are starting to sway. What you have here, you have a building, I can honestly tell you this that under your old section, you got your money's worth out of that building. With that being said, we made a decision today that I believe the third floor of the 1909 section, we are going to order closed. It is not fit for people, not only to be housed there but to have people working in that area of the building.

At this point in the meeting, Mr. Sager joined the meeting.

Chairman Beilein goes on to say one of the questions, I have looked at, and I will try to answer the questions as best that I can. One of my responsibilities, I don't have a magic wand, I can't fix this problem. I can tell you what I won't do. I won't walk into a situation and see violations and see sub-standard housing and see health, safety and security of an inmate or a correction officer, I won't turn my back on it and walk away from it. Otherwise, what I am telling you is I will not let this condition exist as is. From what I see and from what I have discovered, I have only been on the Commission for two years, this jail project has been going on for at least fifteen years. It probably should have been going on for twenty-five or thirty years, and steps should have been taken before January 2010 to address this situation. This situation is not going to go away. You don't face trouble by saying we will keep doing what we are doing because trouble doesn't go away. So, as we go through this, you develop a committee. I believe that committee has been in existence for about five years to study the problem and make recommendations. During those five years, the Commission has seen progress to resolving the problem. The County has stepped forward and made instrumental progress in solving this problem. During those five years, this building has not gotten any younger or better. It is not going to get any better. If in fact, today, this very day a shovel was going in the ground to start construction of a new building, you would not be occupying that building until three and a half or four years down the road. So now you have the initial five year planning. You have another three and a half, four years for construction, during that time that building isn't getting any better. I can only tell you this, during that time there is a very likely that more housing units in that building are going to be closed down. Our job is again to maintain the health, safety and security of not only an inmate, like the Sheriff said, you have to remember that 85 to 90% of the people in that jail have not been convicted of anything. That is the difference between a jail and a prison. You go to a prison, an inmate doesn't have certain rights because he is a convicted felon. At a jail, they are in jail in lieu of bail and they have not been found guilty in a

court of law yet. The Sheriff's responsibility is to hold an inmate. The County's responsibility is to finance the Sheriff's office that can maintain a jail that is safe and that is secure and that jail is just as much a part of your infrastructure as your court room, it is more expensive than your bridges, highways, water system and your sewer system is. I do not know where you want to go from here. Jonathan, anything else that you think I need to cover? Mr. Rouis said I think we can start with questions from the members of the board and then we will move to the questions from the public.

Mrs. Goodman said I know it was quoted, the price, if we have to send our prisoners to a neighboring county. But I question, on paper we might have a certain price, but I would believe there would be an avenue between negotiating a better price. If we entered into a contract with them for a limited amount of time and look to mend or repair, would you be a little bit more lenient to us for that?

Chairman Beilein responded by saying an empty jail cell is like an empty motel room. If I am a Sheriff and I have an empty jail cell, I am going to get the very best price I can get for it. There is no limit to the availability of an inmate out there. So, what has happened with empty jail cells is, they become market driven. The Hudson Valley, the price of a Hudson Valley jail cell, is higher than the price of a jail cell up in St. Lawrence or out in Niagara County. I do not believe that the building there, you would ever get your cell space back. Otherwise, if you renovated that building, you emptied that building and renovated it, now you are looking at the difference of standards than what was built in 1958 or 1909. Cells have to be sixty square feet. You are going to lose cell space almost immediately. I don't see that as your best option.

Mrs. Goodman said I know that a lot of people feel that we could negotiate with Ed Diana to get our cell price in Orange County and that we are not looking at comparing what exist, which we feel would be cheaper than building new. I believe that might be a lot of the questions.

Mr. Rouis asked you can also follow up and address the Commission's role in the out boarding process. I think that people are under the misguided notion that we can just pick and choose where we send and if we send and I believe there is a role that the Commission does play in that process.

Chairman Beilein said it has been practiced at the Commission. You have to have a substitute jail order for each inmate that goes to another facility. I think what is unique about Sullivan County is that there is other counties that are boarding out a lot of prisoners. What is unique about Sullivan County is that your jail is falling down. Its physical infrastructure is deteriorating, falling down. The other counties out there that are boarding out prisoners have a very good facility and they are either boarding them out looking for time to expand their facility or they have chosen to board out inmates in order to relief their overcrowding problem not their infrastructure problem, not their structural problems. I come from county government. I have only been a state employee for two years. I know the pressures put on county government. I understand the stress that is exerted on your budget every year and that is a direct result of property taxes. But I also understand that most counties, Sullivan including, if they look at their total tax bill, their county taxes and what they pay in county tax, it is probably the lesser percentage of what they paid when they compare it with school taxes.

Mrs. Binder said thank you for your openness. I sit on the NYSAC Public Safety Committee. You have always been generous with your time, honest with your opinions, and we have discussed some of these. I am glad that you are here to tell the folks directly. One of the discussions that we have had and I saw Dr. Benjamin and I know Patterns for Progress is here, I saw Jonathan Drapkin come in, they did a paper awhile ago, I think Dr. Benjamin was the main author of it and it had to do with regional jails. We can't quite go regional because Ulster and Orange have already built their jails. They weren't filled to what might have been regional specs, probably because New York State does not really have an allowance for regionally. However, looking at the financial problems that we are facing and looking at the fact that Ulster and Orange might be amenable to some arrangements, in some sort of regionality, if we were able to work a long term for those that might be serving the longer end, I know I did speak to you about the possibility of the state prisons, who are losing prisoners, taking anybody with more than a six month sentence, I thought that would make everybody happy to explain that the laws would have to change, state laws. So we were exploring other options. But if we could work out with a neighboring county where the distance wasn't so great so that the legality of bringing a prisoner back where they don't opt for video conferencing and we renovated part of our jail to an acceptable standard so that very short term people, but at a lower number, could be there, is this in any way a scenario that is considerable?

Chairman Beilein said let me address it this way. I have looked at Dr. Benjamin's paper. I have met with Dr. Benjamin and I do not have objections to a regional jail. The concept is great. The practicality is something else. Finding a partner to region, I believe that just the transportation issue, if you are going to find a partner for the region for a regional jail, are you going to have a regional District Attorney's office? Are you going to have a regional judge, a regional court, where these people are close to that jail? Will that court have jurisdiction? Mrs. Binder said maybe we should talk about it. Chairman Beilein said the thing is we have been talking about this jail for twenty years. The Commission of Corrections is concerned about the safety, health and security of an inmate but we also want to make sure that the County's do the fiscal prudent thing. I don't know but how many courts do you transport to? The Undersheriff Chaboty said 22. Chairman Beilein said I don't have a problem with regionalization. I am not going to stop it. I would not say to you that you can't regionalize, you can't put your inmates in a regional jail. The difficulty that I see is finding a partner for you. Mr. Rouis said in the current statue we are required to maintain a facility. Chairman Beilein said New York State has regions and they are called counties. Mr. Rouis said and as far as the sizing of the facility that would have to be located in the county that would have to be worked out with the Commission as well, right? Chairman Beilein said that is right. Mrs. Binder said excuse me, but I do remember you saying that if we build less, your only issue would be that we would have to face our constituents. Chairman Beilein said if you have projections sitting out there, and in 2020, and these are hypothetical numbers, in 2020 we are sitting here today, and you have advice not only from the Commission of Corrections but I would take it that you would get an independent second opinion. If you are going enter into construction of something that size and the advice says that in 2020 you can expect to have 350 inmates and you build a jail and say we are going to disregard that advice, we are going to build a jail for 180 inmates. If that space for 180 was safe and secure, the Commission of Corrections is not going to stop your construction. You are going to have to face the taxpayers in ten years when you have to add on to the place. My philosophy is the size of the facility, we are going to give you the very best information that we have available about

the size of the facility that we think you should build. I would take it that you would get a second opinion about the size of the facility. I think if you were talking \$50 or \$60 million dollar project, you would want a second opinion. If you choose to reject either one of those opinions and go with a smaller size, it is your jail.

Mr. Sager said I don't want to jump on anyone too heavily. I came late from my office and I apologize for being late. So, perhaps I missed something, however, as we talk about some of this regionalization and what Jodi is talking about, you are talking about the second, third and fourth poorest County in New York State, Sullivan County. We are talking about an economic climate that even despite the decline, of my thirty-eight years of existence here in Sullivan County, I have never seen before, and we are all dealing with budgets that we are having a hard time with tax increases and layoffs and everything else to swallow. The recommendations to build an \$80 million dollar jail, until we can possibly retire some other debt service, it is hard for any of us, as Legislators or members of the general public that are also taxpayers to swallow. So, I agree with you this should have been addressed a long time ago. It wasn't. Unfortunately, I am here two years and I get this quagmire to deal with as many of us do and we are doing the best that we can. What we can honestly do is look our constituents in the face and say if we can look to board out some, we have not just Orange County, and people want to get top dollar for the motel but when it isn't Disney World and there is nobody coming to the area, you are going to start to drop your rates and it becomes a two for one night, almost. So, I think you have competing facilities that have space. You have Ulster and Orange, as well as, some others that do have space in there jails that we could board some of our prisoners out, possibly in the short run spend some money to modify our existing facilities, until we can get to a point where we retire some serious debt service and can afford to bond such proposals. I just hope you will keep an open mind because if it was shoved down our throats, we do what we have to do ultimately, but I don't see how any of us can afford that right now. I don't care if I get re-elected or not, so it is not a matter of that. We are at the tipping point here and to be able to bond that, a seventeen percent tax increase for how many years to bond an \$80 million dollar project, I beg of you to understand our financial circumstances in this and we will continue. We have great administrators there. If we could possibly put in the short run, some money, some money into bad isn't a bad thing when a band aid and some fix up isn't terrible to get through a period of time. We need to be able to retire some of our larger debt service to be able to say to the taxpayer, ok, we get through one thing, we paid our mortgage, now we are on to the next thing, lets tackle that but I don't see how we can do such a large project now. I hope you will take that into consideration. Thank you.

Chairman Beilein said I would like to comment, I understand. I come from a county where we had huge auto plants that employed ten to twelve thousand that are now employing fifteen hundred at a whole different wage structure. As far as boarding out is concerned to solve your problem, debt service is going to go away, boarding isn't going to go away. We don't see less inmates coming. So boarding out and comparing that to debt service, one is going to go away at some point whether it is 20 years down the road or so forth. In 1993, the county that I came from, Niagara County built a 256 cell jail with the whole thing, the kitchen, the pads everything for \$24 million dollars. You are looking at virtually the same size jail now for \$60 million dollars. What is it going to be in 2020? Mr. Sager said I understand

what you are talking about, the inflationary costs of things, but we are a County that over the years, because of the financial situations that we have been in, we have basically stolen from Peter to pay Paul. Now, Peter is near dead on the ground and he has nothing left and there is nobody else standing around. It is not like there is no room to wiggle, not a lot of wiggle room. It becomes a tough scenario. Chairman Beilein said we have gotten a directive from the Governor that any mandate, any reform that we can make to lessen the costs of operating a jail, in a county, we have stepped forward. There has been, I think with the inmate count alone, a former standard with the inmate count alone saved Westchester County \$500,000 a year in operating costs. We have a committee where jail administrators and sheriffs sit and I say look at it. Some of this stuff when I was sheriff that is coming down from the Commission of Corrections was not cost effective, it did not make sense. We need to look at these standards and change them. We have changed eight standards so far and we continue in that direction. I am glad that you realize that your facility is crumbled.

Mrs. Goodman said I just want to add many of us have toured the site more than once and I believe you are being gentle. It is truly a horrific work environment and it took my breath away. I am thankful that I did not have any one in my family that worked there, it is shocking. If I could tag on to what David said. I am sure you know about our County. But we have an incredible high unemployment rate. We have a very credible low economic development rate. If we were a private industry we would go bankrupt and I believe there are a lot of people in this audience who would say bankrupt our County because there is nothing left financially. So, if we had to go into a bankrupt mode, I think many people in the audience would celebrate that because there is no more to give but if I could just say, I probably won't make many fans here but I will just say it. If we could do collective networking and you could get to the Governor and bring gaming to us, we could afford this jail. So, I think we need help on that avenue.

Mr. Sorensen said I am wondering what the immediate fiscal impact is of closing the third floor? Do we know how many cells? Mr. Fanslau said initially it is going to require an out boarding of 18 prisoners but it could also involve the second floor that is going to be 36. So, just doing the math from the Orange County scenario, it is \$1.6 million, the cost of operating, it does not include medical expenses or transportation or overtime. Mr. Sorensen said which we would have if we would have a new facility or not. Mr. Fanslau said you would not have the transportation cost or the overtime but you would have the medical. Mr. Sorensen said the one thing that has always troubled me, if the whole concept of this new jail, what seems to be an astronomical cost per cell of constructing these facilities, are you aware of any examples in New York State where counties have reached out to the private sector to actually construct these facilities at a lower cost and then lease it to the counties? It seems in government if there is a more expensive way to build something we can find a way to do it. If there have been partnerships where the private sector has come and actually built the facility and leased it at a lower cost, if you are aware of anything like that. The statements about our fiscal conditions are very sincere from my fellow Legislators. We are second or third in terms of the highest debt per capita in New York State. We have a very high unemployment rate, very high poverty rate here in Sullivan County. We went through a very significant recent tax increase at the County level and people are at the breaking point. I don't know there are a lot of families that are on the edge and if there is a ten percent increase in the County tax rate it could be the straw that breaks the camel's back. If there are other counties that

have partnered with the private sector to build a facility that is something that we would be interested in, also, the ability to take an incremental or phased approach to upgrading our facility. Maybe if not building 200 cells but finding a smaller location and perhaps doing 25% of that, knowing that as time goes on and we pay down our other debt we could expand the facility. I am asking a lot of questions all at once but if you could start with the private sector whether that has occurred or you are aware whether that has occurred anyway in the state. Chairman Beilein said I haven't seen it in jail buildings, security buildings, I have seen it in school districts, where school have been built and leased back to the school district. Mrs. Binder said we had that offer a number of years ago and it was declined by the Legislature at that point. They didn't want to deal with it and then I believe the law changed a little. Mr. Sorensen said if it is legally permissible, I think it is something we should definitely explore because for whatever reason the private sector seems to build things less expensively. Chairman Beilein said there would be nothing coming from the Commission of Corrections that would stop something like that.

Mr. Sager asked can we get clarification in terms of building a site within reasonable proximity to our existing Landfill. My thought process being that there is a fifteen to twenty year supply of methane that could be used to heat and cool any proposed jail facility. I know when you talk to certain people it was well they said no, there is no way you can build on a landfill. I can get that. I can grasp that, no problem. But in proximity where it can be easily piped and you are still close to existing infrastructure of municipal water and sewer. You are taking a very expensive portion of your building in terms of heating and cooling. You are able to take millions of dollars off of the long term costs because they can have access to that kind of supply. Mr. Rouis said just to piggyback because there is a whole host of questions here that are going to evolve around that same thing.

Mr. Rouis said if you could, perhaps, take us through the Commission's role in the sighting of a facility, specifically with the sites and our process that we have been through. In that area a lot of these questions all relate to why that site, how did we get to that site and kind of related to that, there is a couple of questions. Can we use some of the state prison sites that are in the County, if you could address the classifications, if it is doable?

Chairman Beilein said it is my understanding that the commission was involved with looking at nine separate sites in Sullivan County for the jail. Of these nine separate sites, five initial sites were approved. At that point, it turned back to the jail staff to select the site of the jail. The site selection was a local selection. Now I think there were issues with building near the Landfill, issues regarding what happens if you build an \$80 million dollar facility and ten years down the road it has to be shut down because of leaching? What happens if the air quality, something happens with the air quality of the Landfill? It just seems to me that a common sensible approach to say why would I put this investment close to something that could adversely affect the structure that being said we approve five sites and then approve it back to the County that anyone of these sites is acceptable.

Mr. Rouis said the Landfill site was not on the list of the five that were approved.

Someone said there was a sixth site that was approved since the initial approval, in total there was six.

Chairman Beilein goes on to say a state prison is build differently than a county jail. Every county jail is a maximum security facility. The difference being is in many ways state prisons are lucky in the type of inmate they get because before they get them, they come through a county jail and the county jail gets them when it has to detox the individual, has to medicate the individual, has to stabilize the medical individual, houses the individual, classifies the individual and very likely a stay in a county jail, I know the average stay in some county jails is less than twenty days. The turnover in the population of the jail is less than twenty days. You always have 200 inmates and a lot of the inmates are the same people but they are not in there all of the time. They come and they go. So going to a state prison system, first of all the question was asked in a budget meeting last year, if the state prison could take the overflow from the county jails, budgetary wise the state was not interested in doing that. We can put people in state prisons under very specific guidelines and emergencies. If you had a fire in your jail, we are allowed to do that but it is not a long term solution.

Mr. Rouis said I would like to recognize Aileen Gunther our Assemblywoman has arrived as well as Allison Epstein, the Governor's Regional Representative. Thank you for joining us.

Mr. Rouis asked are there any questions from the board? No questions.

Mr. Rouis goes on to say there are a couple of questions regarding the mandate to build the new jail, we kind of touched on it but I think it is worthy of repeating it. There are a couple of questions here.

1. Are we under a mandate?
2. Do we have to have a jail?
3. If so, the size of the scope?

Chairman Beilein said the definition of regionalism right now is the County. The County has to have a jail. The Sheriff is required to keep inmates. That being said you have to have a jail that meets certain standards and your current jail is not meeting those standards.

Mr. Rouis said we talked, touched on, about closing some of the size of our facility, cutting that back, how does that deal with as you cut back, maybe you could talk through that so people can understand the other side of that coin so to speak. The inmates don't go away, we just have to deal with it in a different manner. How does the process, as you start to reduce our size, how does that process work. Do you come in and say you no longer have the space available to you. Chairman Beilein said that process is we look at a facility, we see a facility or sections of a facility that we deem are unsafe that you have to meet the very basic standards, which I would have to say the 1909 section of the jail does not meet the very basic standards for a jail cell. Then the commission can close that section. They can close the whole jail but they can also go in and select sections of the jail that we see are unfit and close those sections.

Mr. Rouis said the Sheriff and I think you might touch on operationally, how would you envision handling the scenario by which if they start reducing our size, it is probably not the Chairman's responsibility but how do you envision operating under those circumstances? Are we in a position to transport these inmates? How is that going to effect the operation and the finances of what you have to do? Sheriff Schiff said I am not sure at this point. I will have to look at what they are closing down. Colonel Smith could probably give a better answer. Depending upon what the classification of those

inmates is, some of them we might be able to absorb in other places if we have space. Some of them will have to be shipped out and then you have that cost. We ship out some to Orange County, many times they do not have room for us. Ulster County is not on line yet. I don't believe they take any inmates yet that we can board out to. So at this point, a lot of our inmates have to get shipped up to Chenango County or Delaware Counties where we have to look for beds. Until I look at what the classification is on those, unless the Colonel would know off of the top of his head. Colonel Smith said some of the folks are living in the areas that he is talking about closing down. The property will be able to absorb into the current facility. Right now, our count is abnormally low for what it has been for the past five years. Where the problem is going to come in is, as they continue to close down areas in the facility, we are going to run into a major issue with sentence verses un-sentenced. Typically, twenty to twenty-five percent of our population is a sentence population. I know back a year ago when we were shipping out, we were starting to run out of sentenced people to board out. What is going to come in, we might be able to get a cheaper price in a county like Chenango or Delaware County. But if we have to start shipping out un-sentenced prisoners to these areas, you are talking about Delaware County being 60 miles away and it is all secondary roads to get there, if their attorney demands to speak with the client it is our responsibility to bring that prisoner back to Sullivan County. It is not the attorney's responsibility to drive to Delaware or to Chenango or any other area in New York State to visit these clients because it is the Sheriff's responsibility to maintain these prisoners. The fact that we cannot accommodate that, it does not fall on the attorneys to address. So in the short term, most of them, we could probably absorb, but in the long term as this progresses the number is going to get to the point where the boarding out bill is going to become astronomical it could potentially end up increasing your taxes. Mr. Rouis asked do you have, currently, the staff to transport any group of prisoners? Sheriff Schiff said our staff is pretty much to the bone. Our staffing is by post, when we have to do a transport that is not figured in. Much of that has to be done on overtime, so the cost is a little higher. One of my fears and we have not got a definitive answer, if we do have to start farming out the inmates, who are not sentenced, I don't know what they are going to do about visitations. I know we have to make them available to court. We have to make them available for the attorneys. I am not sure if we can inconvenience their families and that will be a decision that we will make down the road. If we have to bring those people back for visitation it could be quite costly especially going to Chenango or Delaware Counties.

Mr. Rouis said there are some questions regarding if we were to construct, operationally, what does that mean, as far as what efficiencies are we going to garner out if we do go with a new facility that is more of a horizontal pod designed facility, if you will, than a vertical one that we have. Sheriff Schiff said the linear system is manpower intensive depending upon the classification of the prisoner, again, how often you have to have the corrections officer make the rounds. They are not in his line of vision at all times. When you have a pod system, you have one deputy that would be watching approximately 48 inmates. You don't get that efficiency with a linear system. You could be having one CO watching eight to ten people or it can be up to, in the dorm where it is, 48 people, but everything in between that depending on where in the facility they are with classification, it is manpower intensive. Every post that you have to pass, basically comes up to, in the ballpark, of a half million dollars per year for that post. Mr. Rouis said there are some questions, are there any safety issues that could lead to a potential law suit? What is the potential liability of operating a facility? Sheriff Schiff said there are many and they are varied. The way that the facility is set up now, the plan, a lot of them just are not correctible and to go to a new facility it would be built with safety in mind, it would be much better for everyone involved. Chairman Beilein said even your dorm area, which houses 46 inmates, the site lines are atrocious. What

I mean by site lines is, if you are the officer in charge of that dorm, take a look down the road too because I think very shortly the US Attorney General is going to authorize the Prison Rate Elimination Act, which will require almost constant observation or at least the ability for the Sheriff's office to see what is going on in that building all of the time. What you have now, you have an area in the dormitory that you could have a three man fight, a wrestling match going on in back of it, the officer would never be able to see it. This increases your liability. It is understandable. The building was built in 1909 and 1950 and these are the way things were done then and it just isn't working out now. Colonel Smith said I just want to add a little to that. You are talking about the liability and the current issues in the facility. I did a little research. I only went back to 2007, and from 2007 until the end of 2009, we had three officers injured that can be contributed directly to the plan and the fact is that the plan is wiring out. One of those conditions was a slip and fall. The fact is our concrete steps have been walked on for so many years that they are smooth. DPW has tried their best to correct that. We used paint with sand in it. We are putting down glue on abrasive strips to try to keep the slip and falls down. We also have an area in the facility that you must leave the main jail to go to the modular unit. That is a wooden boardwalk. It is not enclosed because it can't be enclosed. It runs around our outdoor rec yard. In the winter, ice forms on that, fallen trees. In summertime, the rain gets in there. Two officers were injured in that area and what people need to keep in mind is that is a jail facility. It is not like being at home where you have the luxury of walking up and down your stairs at leisure. When a code is called, officers must respond and you can't respond by saying I will get there in five minutes. There is an emergency going on, somebody is being hurt or about to be hurt, we have to get there to stop the action. Now, from 2007 until 2009, the cost of the medical treatment for these officers, as well as the overtime incurred because officers were not here was over \$676,000. Now, from the human side of it, one of those officers will be able to work again the rest of their life. Two of those officers will never be able to work again. They are that disabled. One officer had enough time that he stayed on that he could retire but the bottom line is these people now have permanent injuries just because they decided to be a correction officer at the Sullivan County Jail.

Mr. Rouis said there is a couple of questions relating to what would the COC's reaction be if we decided to not move forward with building a new facility, kind of as a caveat that maybe we can speak of the experiences of a couple of the other counties that have chosen that option. Chairman Beilein said I think in my opening statement, I made it very clear that the problem isn't going to go away. This facility isn't going to get better. This facility is crumbling. What I see happening, like I said before in the beginning that if you put a shovel in the ground today it would be three and a half, four years before you would move an inmate, if that, it could be longer than that. During that time, this building is going to continue to deteriorate. What I see happening, like I told the Sheriff and the Jail Superintendent, there may be some things they can do on the second floor that we could postpone closing that. My initial reaction, right now, is to close it but like I said I come from county government and I want to look at that and see what you can do. You know even those small things that you could do to keep the next eighteen cells open isn't going to last forever. It is going to be very short term.

Mr. Rouis said there was a question about the population. Colonel Smith said the question is what is the average population of inmates? I can give you numbers from 2009. I am not sure what average you are looking for. Last year, we processed through the jail over 1600 inmates that worked out to an average daily population of 159.37 or something along that line. They also want to know how many were

sentenced. They don't have an exact figure on how many were sentenced but it typically runs your 20 to 25 percent. So, 160 inmates at 20 to 25 percent are typically are sentenced.

Mr. Rouis said one question that came in recently, is the third floor closed permanently or is it just pending on repairs. Chairman Beilein said I don't think there is anything you can do to the third floor to repair, it is just the general layout. You have steam pipes that you would blister your hand on that are exposed but without the heat coming out of the steam pipes, you would not be able to heat the building. The amount of light in that section, it is like a dungeon.

Mr. Rouis said a question that was sent in, is there any grant money, funding, or low interest loans or the like that the commission knows of or has to assist in the financing of the facility? Chairman Beilein said I don't know of any other county that went through a construction project that received grant money. I am not an expert on low interest financing. I did mention a program from the US Marshall Service and if you are willing to take federal inmates that they will pay you up front, a little bit for construction and then per diem but my understanding now is that program is defunct. They will still take you per diem, the policy makes it per diem. I know of none.

Mr. Rouis said there is a waiting period once our facility would open before the commission would allow us to entertain any in boarding for revenue purposes that is up to your discretion? Rich Kinnie, a staff member from the Commission of Corrections said typically what we do in the case of a new jail, when they open is we typically would give it about six months of operations to make sure that the policies, procedures and the physical plan itself is sound and that the operation is running as it should. Then after six months the county and the Sheriff is then able to appeal to the commission in requesting the ability to board in county inmates or federal inmates. If the operation is going smoothly and staffing is up to where it should be and so forth, the commission views that favorably.

Mr. Rouis asked are there any other questions from my colleagues? I believe I got through most of the questions in general that we received from the public. If not, I would entertain a motion to adjourn and thank everybody for coming out tonight. Mrs. Binder moved to adjourn. Mr. Rouis said I hope you found it informative. Thank you to the Commissioner for taking his time to come visit us today. Have a good night.

Meeting adjourned at 7:15 p.m.


Terri Waverla, Deputy Clerk to the County Legislature

SULLIVAN COUNTY JAIL

Sullivan County is in the process of addressing the future of its correctional operations. The County Jail, located in the Village of Monticello, was constructed over 100 years ago and is one of New York State's oldest correctional facilities still in use. Due to its age, many features of the building do not meet minimum standards as defined by the New York State Commission of Corrections (COC), and the State is requiring Sullivan County to bring its correctional system into compliance.

Existing Facility

The existing Jail is in poor condition and fails to meet the minimum requirements of the NYS COC on several items. Of the 207 cells, 60 do not meet the State's minimum standard of 60 square feet. The existing recreational yard does not meet the minimum requirement of 1500 square feet. Classroom capacity is not adequate to meet NYS Department of Education requirements. Furthermore, the existing Jail facility requires significant repairs and infrastructure upgrades, including cell doors and locking systems of the main jail, sewer pipes and electrical conduits, the fire alarm and repression system, and air circulation and cooling systems. In addition to the renovations, a complete structural evaluation and appropriate testing is warranted due to the age of the facility. These renovations and repairs come with a high cost and fail to address the need for additional capacity. The building's location provides no room for expansion, and as such, additional space will not be provided at this site.

Boarding-Out Inmates

Boarding-out inmates comes with the added cost of transportation and overtime. Currently, annual transportation costs associated with boarding out prisoners to the Orange County Jail are estimated at \$80,000.00. To meet State guidelines of 80% capacity, the County would have a daily out-boarded population of 73, with a projected cost of \$125.00/inmate/day in the current fiscal year (not including medical costs). Annual boarding-out costs would total \$3,348,145.00 for 73 inmates. This cost would be in addition to operating costs associated with the County Jail, which has a total budget of \$10,719,293.00 for FY 2010.

In 2014, the estimated annual cost of boarding-out is \$4,495,306.00, exclusive of transportation, medical expenses and overtime; the annual operating costs of the County's facility are projected at \$12,064,659.00; and, the County will be responsible for debt payments related to the repair and renovations of its existing facility. It is projected that there will be an initial increase in the property tax levy of 10.20%, and in subsequent years the property tax levy would increase as the out-boarded population increased. Please note, this figure does NOT take into consideration payments on the debt service associated with renovating and repairing the existing facility, as this figure is unknown at this time. The increase in the property tax levy reflects the cost of out-boarding and transportation costs only.

Construction of a New Jail

The estimated total for construction of a new County Jail is approximately \$70 million. Annual debt service payments based on a 30 year period amount to roughly \$4,500,000.00/year. The new facility would begin to operate in 2014 at the earliest. Total operating costs for fiscal year 2014 are estimated at \$12,064,659.00. With Debt Service and operating costs accounted for, the annual cost of a new county jail in 2014 would be \$16,618,259.00. There would be a one-time increase in the property tax levy of approximately 10%.

Comparison & Conclusion

When all costs are taken into consideration, including operating costs and debt service payments, it is determined that building a new jail will prove to be a more long term, cost effective option. As the table below demonstrates, in the case that boarding-out inmates was an acceptable solution to the NYS COC, constructing a new facility proves more cost effective, as transportation and boarding costs are anticipated to rise on an annual basis.

MODEL	2014	2017	2020	2023	2026	2029
Board Out	\$222	\$238	\$255	\$274	\$294	\$316
Build	\$222	\$224	\$227	\$230	\$234	\$238