

MEMORANDUM

TO: MEMBERS OF THE GREENE COUNTY LEGISLATURE
RE: GREENE COUNTY JAIL PROJECT: NEXT STEPS
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NEXT STEPS: REVISIT THE JAIL ISSUE WITH UPDATED INFORMATION AND NEW EXPERTISE.

Insofar as the proposed jail bond issue would have been the largest single debt ever undertaken by Greene County; would certainly have increased county debt from \$13.3 million to nearly \$70 million; and, would have a significant tax consequence for decades, the Finance Committee of the County Legislature took review jurisdiction on the matter. It was the right move to make. Legislator Charles Martinez, Chair of the Committee, sponsored the resolution to "table" the bond issue. Along with those who voted in the affirmative – Legislators Larry Gardner, Kevin Lewis, Aidan O'Connor, Tom Hobart, Harry Lennon, and Linda Overbaugh, Chairman Martinez and the others deserve credit and thanks for their action. That vote may very well prove to be the turning point in this debate. Still, this issue isn't over and the need for a new plan to house detainees remains.

The Catskill facility is closed and our detainees are presently being housed out-of-county - in Columbia and Ulster Counties. And, with a recent report to the Legislature on the substantial cost of even modest repairs to that facility for very small benefit, investing a considerable sum into the Catskill jail is throwing good money after bad and would not solve the issue in the long term. Further, you can bet that the proponents of the Coxsackie plan will make an effort to take the motion "from the table" or to sponsor motions for reconsideration in an attempt to get the bond over the goal line. Thankfully, the Finance Committee recognized that the current jail design plan and the resultant costs are far too high and need to be re-visited. But, now that the opposing team has fumbled the ball on the goal line, it's time to seize the initiative in a re-direction of the debate regarding a viable and taxpayer-sensitive solution to housing our detainees, regardless of the option finally selected.

For what it may be worth, my suggestion is that several steps can be taken to advance the alternative to massive debt and substantial spending on an over-sized and unnecessary facility.

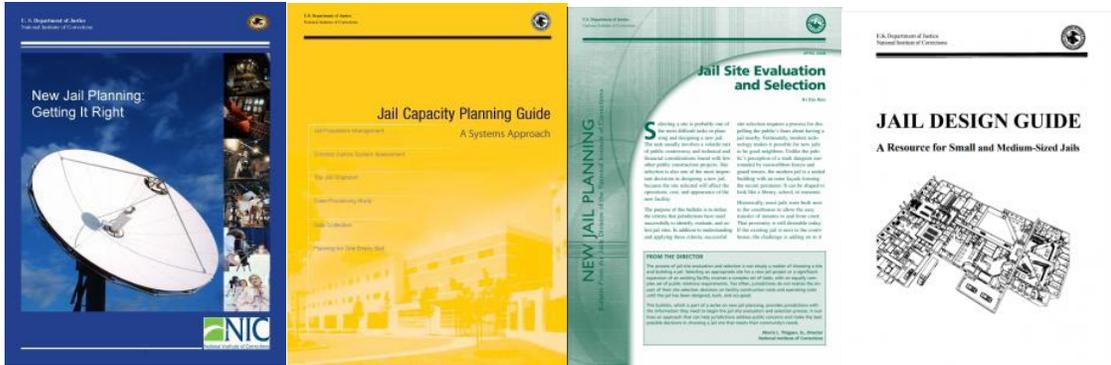
1. REVISIT AND REVIEW THE "ALTERNATIVES TO INCARCERATION COMMITTEE REPORT" AND DEVELOP ACCURATE ESTIMATES OF BED NEEDS.

The Legislature has already received information that strongly indicates that the current jail plan is considerably over-sized. As suggested by Chairman Martinez and several members of the Finance Committee, the current plan is far too expensive. One example

cited during the Finance Committee meeting was that Herkimer County is building a 130-bed jail for \$31.9 million – more beds, less money. The Legislature should review this information, update the data, and adjust our projected housing needs for detainees in the future. Aside from determining where detainees would be housed in a facility – either in-county or through a shared facility with Columbia County or someone else - the threshold question really is the projected number of over-night detainees that would need to be secured. That will determine our needs – and costs – going forward and the amount of taxpayer resources that will need to be dedicated to addressing the closure of the Catskill facility.

In reviewing the number of beds necessary for our future needs, the Legislature should take two steps: First, activate the ATI Committee once again to re-visit the estimated capacity needs for a facility to house our detainees - both county sentenced as well as pre-trial detainees. The changing regulatory and legal environment that had not been previously taken into account should be evaluated and integrated into the study to estimate bed needs going forward. These include the changes already adopted for youth detention procedures, pre-bail legal counsel availability, bail reform currently in process, the proposed monitoring by the Probation Department in lieu of bail, and the changing marijuana laws to mention a few evolving elements. Taken together, these measures will certainly reduce the numbers that will be detained on the taxpayer's dime and, consequently, shrink the size and space needs for our detainee population. Athens Legislator Lee Palmateer commented that the proposed jail is "too small." Compared to the trends of the last decade and the bail reform efforts currently underway, that is complete nonsense. Future projections are for a shrinking detainee population, not an increase, and our current detainees number well below the current jail plan size. And, Mr. Palmateer charged that the Committee members tabled the bond vote "because you don't trust your professionals that designed a reasonable jail." It is really about a responsible local government performing due diligence in pursuit of a reasoned plan that protects the taxpayers of Greene County and a full exploration of each and every option that holds the possibility of saving tax dollars AND achieving the goal of satisfying our detention needs. Enough with "alternative facts." What the Legislature needs – and the public demands – are REAL FACTS. A review and update of this data will more accurately estimate the size and the related cost-basis of this project, regardless of whether we build on our own or share a facility with another jurisdiction.

Second, engage the US Department of Justice which stands at the ready to assist in developing accurate estimates and jail designs through the 'NATIONAL INSTITUTE FOR CORRECTIONS.' This DOJ Institute exists for the express purpose of working with states and localities that are in the process of assessing their needs and designing new correctional facilities that are compliant with existing federal and state regulations. You can visit their website at: nicic.gov. The Institute offers guidance and on-site technical assistance to local governments planning for a new jail without charge. Publications and DVD training videos are also available.



Re-examining our correctional needs through the established ATI Committee working with NIC will give both accuracy and legitimacy to the final projected needs analysis. And, that will become the basis of either construction of a new county-based facility or the data necessary to calculate our portion of a shared facility with a willing partner.

2. **DO THE FEASIBILITY STUDY:** At the Finance Committee meeting, Legislator Kevin Lennon said that questions about the proposed shared jail with Columbia County “need to be answered.” Mr. Lennon is absolutely right. A motion to reconsider the previous failed vote by the Public Safety Committee on the feasibility study of a 2-county shared facility with Columbia County should be considered and adopted. This modest \$5000 net investment along with Columbia County will address the underlying feasibility of this proposed joint project. The Legislature should adopt this resolution and settle the questions of feasibility at the Columbia County site. If the Greene County Legislature so chooses, it can opt to hire its own engineering firm – or use NIC to assist in making the evaluation. In either case, NIC can again serve as an appropriate and above reproach certifier of the feasibility study findings.

Once the feasibility study is completed – and based on our revised and accurate needs – the negotiated MOU (Memorandum of Understanding) or contract between the counties can be initiated and/or completed.

3. **CLARIFY STATE LAW:** The Legislature should adopt a resolution calling on the State Senate and Assembly to adopt Senate Bill 5538-A introduced by Senators Bonacic and Helming in April, 2017. The legislation would "amend the county law and the corrections law... “allowing two or more counties to enter into a contract for the provision of a (regional) county jail.” Senator Amadore has stated that he would support this legislation if the counties involved requested his support. The Greene County Legislature should join with the Columbia County Legislative Board in calling on our elected representatives and the entire the state legislature to clarify the issue of a shared facility through adoption of this ONE SECTION BILL. Whether or not a shared facility is selected as the best option, this legislation would provide for a clear option to do so. Further, the adoption of this bill is consistent with the Governor’s call for local government shared services initiative and will likely attract substantial state grant resources that will further off-set incurred costs.

4. NEGOTIATE A PRELIMINARY DRAFT MOU WITH COLUMBIA COUNTY: While all of this is underway, Greene County should proceed with a negotiation with Columbia County to draft a mutually agreed upon proposed Memorandum of Understanding (MOU) or contract outline that would address all of the administrative and operational and procedures that would be adopted if the shared-jail option becomes the most effective option for our communities and their taxpayers. Once that Greene County future detainee needs are reviewed, and the feasibility study received, the negotiation can be completed and an agreement be struck between the parties.

I understand that this plan looks aggressive on its face. And, some opponents may claim that it is impossible or too time consuming. I submit that SAVING \$50 MILLION IS WORTH THE TIME AND EFFORT. And, better yet, all of this is already in the works - the feasibility resolution can be adopted through a motion to reconsider; the ATI committee Report is in hand; the legislation has been on file for more than 1 year; Columbia County is a willing partner and others might yet be identified; and, NIC is just one phone call away. All of this can be done simultaneously and, while underway, we will continue to save a substantial sum compared to continuous operation of our own jail or adding substantial debt - and debt service - to our tax base. At least, Legislative sponsors of this plan can truthfully say that every option was fully explored and every nook and cranny was examined in an effort to solve this problem in the most cost-effective way, sensitive to the burdens that are borne by the county taxpayers.

Again, I thank the Finance Committee for standing up for the Greene County taxpayers. Residents of the Mountaintop communities - those in the Gardner district in Hunter, along with the Torgersen district in Windham - represent nearly half of the Greene County ratable base or 45% of the total. Those who supported the motion to table at the Finance Committee saved our Mountaintop more than \$36 million tax dollars - exclusive of interest - that would have otherwise been paid by our taxpayers on the proposed bond over the next 30 years. Having taken the first step toward a more realistic and cost-effective correctional future for our communities, I urge you to take the next steps toward fiscal sanity.

Thank You.