

Capital District Youth Center, Inc.
Board Meeting
Wednesday, May 18, 2016
Capital District Regional Planning Commission
One Park Place, Suite 102
Albany, NY 12205

Members Present: William Connors, Lucille McKnight, Stan Brownell, Fred Acunto, Steven Bayle, Barbara Mauro, Samantha Miller-Herrera

Members Absent: Michael Morelli, Laura Bauer

Staff: Rocco Ferraro & Donna Reinhart

Advisory: Francine Vero from Harris Beach, Legal Counsel & Gene Terry, Facility Director

Presiding: Fred Acunto, Chair called the meeting to order at 10:00 am

1. Welcome Schenectady County New Board Member

Fred Acunto welcomed and introduced Samantha Miller-Herrera as a new Board member representing Schenectady County.

2. March 16, 2016 Meeting Minutes

The minutes were distributed before the meeting and no changes were made.

Action Taken

Lucille McKnight made a motion to approve the meeting minutes and Stan Brownell seconded. The motion was approved unanimously.

3. Financial Statement through April 30, 2016

The financial statement represents activities through April 30, 2016. For the first four months, the actual revenues are at 40% and expenses are estimated at 31%. The revenues are ahead of budget due to a higher utilization rate at the facility.

Action Taken

Stan Brownell made a motion to approve the financial statement and Lucille McKnight seconded. The motion was approved unanimously.

4. Record Retention Legal Requirements

Francine Vero, an attorney from Harris Beach and a colleague of Michael Hall was asked to attend the meeting to discuss the State legal requirements for records retention at the Juvenile Secure Detention facility.

Since the facility has been in operation, the process has been to destroy all records of children after they turn 18 years of age via a verbal conversation with OCFS and Gene Terry. Before records are destroyed, Gene Terry confirms with OCFS regarding the records policy.

Francine Vero informed the Board that after much investigation regarding records retention for juvenile detention facilities, it depends on if the facility is a government entity. Different types of entities trigger different regulations and sections of the law. According to Francine, there are specific sections in the Social Services Law that does delineate what records need to be maintained. Section 180.12 in the Social Services Law dealing with child's records applies to administrative agencies stating that child's records be maintained until the age of 18 but not destroyed. However, there is no case law interpreting that specific regulation. Because CDYCI is so unique in how it was set up and established, there is no clear records retention rule specific to our facility.

Francine suggests the facility use the best practice rule and to error on the side of caution and adopt the government entity records retention rule. This rule does not specifically apply to CDYCI since it is not a government entity, however Francine believes this may be a good practice to implement. The records retention rule for government entities for juvenile detention facilities require all records including admission, release notice, education records and medical records be kept until the child turns 21. A log of daily activity to be kept for 10 years. The government entity records retention rule states that electronic records are to be treated the same as paper.

Barbara Mauro inquired if there are any laws or regulations prohibiting CDYCI from keeping files after the age of 18 in case of potential lawsuits that may come up years after the child turns 18. Francine added that she did not find anything in her research that mandates us to destroy records after the age of 18.

Francine informed the Board that she will do more research on this issue and provide the Board with a memo of her findings at the next meeting in order to make a decision.

Action Taken

Bill Connors made a motion to hold on any destruction of files until we get more information from Francine Vera and resolve the issue. Steve Bayle seconded the motion. The motion was approved unanimously.

5. Facility Usage: March & April 2016

The facility was operating in March at 83.9% which is higher than 2015 at 64.1%. For April the facility was operating at 94% which is significantly higher than 2015 at 54.6%. Year to date the utilization is at 82.8%; higher than 2015 at 70.6%.

Gene Terry informed the Board that as of yesterday, the facility is at 94% occupancy rate for May and there were 5 rejections for the month so far.

6. Facility Operation/Agency Report

Gene is still in the process of trying to fill a maintenance position and a couple counselor positions at the facility. Gene has been filling in on the maintenance duties.

Gene mentioned that a lot of his staff are upset and very concerned regarding their employment for next year since Albany County has not made a decision regarding taking ownership. Some have informed Gene that they may seek employment elsewhere because of the uncertainty of employment.

As of today, there is no update from Albany County regarding their decision on the facility ownership. Rocky has been in contact with Albany County representatives and expressed the concerns of staff at the facility. Rocky also invited folks from Albany County to attend today's Board meeting and was informed there was nothing to report.

Rocky had a discussion with Fred Acunto regarding the matter last week and decided the next step would be to prepare a letter to Dan McCoy, Albany County Executive from the Board expressing the urgency to make a decision. The letter should reflect what action CDYCI needs taken as well as the importance of contract renewals with the counties as well as Berkshire Farm. Lucille McKnight suggested sending the letter to Sean Ward, Chairman of the Albany County Legislature as well. Lucille will inform the legislative legal counsel that the letter will be forthcoming.

Rocky and Fred will draft a letter over the next week to send to County Executive Dan McCoy and will email to the Board for review. Rocky anticipates having better direction from Albany County before the July meeting.

7. Other Business

There was no other business at this time.

8. Next Meeting Date

The next Board meeting is scheduled for Wednesday, July 20, 2016 at 10:00am.

Adjournment

Lucille McKnight made a motion to adjourn the meeting and Barbara Mauro seconded. The motion was approved unanimously.

Respectfully submitted,

Lucille McKnight
Secretary