

**Capital District Youth Center, Inc.**  
**Board Meeting**  
Wednesday, October 21, 2015  
Capital District Regional Planning Commission  
One Park Place, Suite 102  
Albany, New York 12205

**Members Present:** William Connors, Laura Bauer, Stan Brownell, Fred Acunto, Steven Bayle, John Lockwood, Barbara Mauro

**Members Absent:** Lucille McKnight, Michael Whalen, Jr

**Staff:** Rocco Ferraro & Donna Reinhart

**Advisory:** Gene Terry, Facility Director

**Presiding:** Fred Acunto, President called the meeting to order at 10:00 am.

**1. Welcome & Introductions**

There were no guests in attendance.

**2. July 15, 2015 Meeting Minutes**

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

**Action Taken**

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

**3. Financial Statement through September 30, 2015**

The financial statement represents activities through September 30, 2015. The revenues are at 91% and expenses are at 72%. The revenues are higher due to higher utilization rates than was projected for the year.

The Operations Service expense line item represents Berkshire Farm's statement of actual expenses through August plus one month's average expense to provide an estimate of expense through September, 2015 of \$1,657,278.

**Action Taken**

John Lockwood made a motion to approve the financial statement and Barbara Mauro seconded. The motion was approved unanimously.

#### **4. Establishment of a Reserve Fund**

At the last Board meeting, there was a discussion regarding the possibility of adding a line item in the budget that a percentage of the surplus be used as reserve funds. The Board requested Rocky meet with Michael Hall and Tim Cauty to come up with alternatives to present at the next meeting.

If the Board is interested in establishing a reserve fund, there are four options:

1. Keep the unused bed revenue generated by Oneida County. Oneida County has a contract with CDYCI that guarantees them one reserved bed. However, there are times when the bed is not used by Oneida County and per the agreement, Oneida County is required to pay a per diem rate of \$374.69 if they do not use the bed and the facility is not at capacity. This revenue can be set aside and not included in the formula for distribution back to the counties without any changes to the Agreement or per diem rate structure.
2. The Board can establish a reserve fund and increase the per diem rate by an amount that will be set aside and used for capital expenses or operating expenses in those years where there is an operating deficit.
3. Revise the agreement to allow CDYCI to retain a portion of the overpayments revealed by the audit. The Agreements with all the counties would need to be revised to reflect the change.
4. Keep the procedure as is and make no changes to the Agreement or establish a reserve fund.

Stan Brownell suggested a rate stabilization fund to keep the per diem rate consistent throughout the year to avoid making mid-year adjustments.

After a lengthy discussion, the Board decided take the information back to their counties to discuss the options further and keep the procedure as is and continue the discussion at a later date.

#### **5. Oneida County Lawsuit Update**

A memo was sent out to the Board last year regarding a lawsuit against Oneida County by a youth who was at the facility between January 26<sup>th</sup> and February 23<sup>rd</sup>, 2011. While in the custody of the Detention Center, the youth claims that he was “neglected and subjected to cruel and inhuman treatment”. At the time, CDYCI and Berkshire Farm were not named in the suit. However, recently the firm representing the claimant has asked that the motion be amended to add Berkshire Farm and Capital District Youth Center, Inc. as a defendant. Per the agreement with Berkshire Farm, CDYCI is covered

by liability insurance in the amount of not less than \$2 million naming both CDYCI and the Agency as insured parties of interest. Rocky has contacted representatives of the insurance company, Philadelphia Insurance to inform them of the motion to include CDYCI in the lawsuit. The claimant is seeking damages in the amount of \$2,000,000.

Gene was contacted by the State of New York looking for information on the case. Last year, it was reported that CDYCI does not have any information that would suggest there is merit to the claim. There is no record of confinement or restraints at the time the child was in the facility and there were no allegations of child abuse made to NYS at the time. There is no information available on the child since all information is destroyed once a child turns 18 years of age. Gene Terry added that he believes there is no merit to these allegations.

Bill Connors inquired about the records retention rule. Gene added that according to the NYS Detention Regulations 19A, all records are destroyed once a child reaches the age of 18. The Board suggested that Michael Hall further research the 19A law on destroying files of children 18 years of age to determine if any records can be maintained in case of a future law suit such as his one that is filed after the child is 18 years old.

Michael Hall sent a letter to the attorney representing the claimant and informed them CDYCI has no detailed record of the child or record of confinement or restraint at the time the child was in the facility. Michael will keep Rocky updated on any new information regarding the suit.

## **6. Facility Usage: July, August, September 2015**

The facility was operating in July at 84.3%, slightly lower than 2014 at 89.3%, 83.5% in August also lower than 2014 at 95.2% and 76.9% for September lower than 2014 at 95.8%. Year to date utilization 77.3%, up from 62% in 2014.

As of October 20<sup>th</sup>, the utilization for the month is at 85%.

## **7. Facility Operation/Agency Report**

Gene Terry informed the Board that there was a child from Oneida County in the facility in July and August that filed allegations with the Justice Center. Since the allegations were filed with the Justice Center, 5 new allegations have resulted and 5 investigations are taking place. Gene has had up to 35 people conducting investigations at the facility interviewing himself and the staff. Gene believes there is no merit to these allegations and has had to endure many disruptions at the facility. The Justice Center has instructed Gene and his staff not to do any investigations regarding the allegations.

Gene is not happy with the new system of the Justice Center and believes his staff is backing off and hesitant to do their jobs in fear of an investigation and losing their job.

Fred Acunto informed the Board that if anyone is contacted by the media regarding any allegations against the facility they should be directed to Rocky or Gene.

Gene also added there have been numerous problems with the heating unit at the facility. There have been costly repairs done to the boilers, which are the original to the facility, and Gene expects more repairs will need to be made.

Gene reported that last winter five doors were damaged due to the continued below zero weather. The concrete froze much deeper than in other years which caused the issue. The doors are functioning properly now, however they will need to be repaired. Gene is getting estimates from vendors to fix the concrete so the doors will open properly during the winter months.

## **8. Other Business**

There is a JDAI workshop October 29<sup>th</sup> and 30<sup>th</sup> in Saratoga that Gene, Kareem and Rocky will be participating in. A site visit to the facility will be conducted at a later date by an assessment team..

Albany County prepared an application to establish a micro-grid around the airport area. The micro-grid will allow facilities to generate their own power separate from National Grid in the event of a power outage and to provide alternative sources to keep the facilities running. CDYCI was not included in the original application, however the County of Albany is considering the Juvenile Detention Facility be included. A consultant firm will be contacting Gene Terry to do a site visit and review the power information and usage of the facility. A report should be available by the end of February to determine if it will be cost effective to the facility.

A copy of the recent OCFS Detention Site Visit Report was given to the board to show the positive reviews that Gene and his staff receive.

## **9. Next Meeting Date**

The next Board meeting is scheduled for Wednesday, December 16, 2015 at 9:30am.

### **Adjournment**

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

Respectfully submitted,

Lucille McKnight  
Secretary