

CDYCI COMMISSION MEETING

9:00 am, Wednesday, March 20, 2020

Due to social distancing policies related to COVID-19, the Capital District Youth Center, Inc's May 20th meeting will be held virtually through Zoom Meetings and streamed live on CDPRC's Youtube Channel.

Members Present via Zoom Platform: William Connors, Kristin Swinton, Lucille McKnight, Laura Bauer, Steve Bayle, Craig Warner, Barbara Mauro, Samantha Miller-Herrera

Others Present: Richard Riccio, (Berkshire Farms) Robert Ryan (Harris Beach), Lucas Jacob, (Berkshire Farms), Michael McLaughlin, (Albany County Executive's Office)

Members / Others Absent: Scott Bendett

Staff: Mark Castiglione, Amy Weinstock.

Presiding: Lucille McKnight, President, called the meeting to order at 9:05 am.

1. Welcome & Introductions

President McKnight welcomed everyone to the meeting.

2. January 15, 2020 Meeting Minutes

The minutes were distributed before the meeting.

Actions Taken

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

3. Pre Audit Financial Statement 2019

Attached is the draft Financial Statement through December 31st, 2019 for Secure Detention (SD) and Specialize Secure Detention (SSD) facilities. The SD 2019 P&L shows a net income of \$23,822.94 and the SSD side shows \$83,236.21 as net income. As we are still in the process of dialing in the operations vs RTA revenue and expense accounting and the allocations between SD and SSD programs, a certain degree of this surplus is a function of that. For example, on the SSD side, the Uncategorized Income line shows \$90,879. This amount relates to the 2018 operational deficit for the SSD operations and an amount billed in 2019. In addition, the \$31,309 represents amounts billed to counties in 2019 however some of this was related to 2018 RTA costs.

A final audited financial statement will be prepared and presented to the Board at either the May or July 2020 Board meeting.

Also included is the 2018 Berkshire Farm Statement of Revenue and Expense. For 2019, the total SD operations cost to Berkshire Farm was \$ \$2,051,824. The SSD Operations cost totaled \$1,435,320.52.

2017-2018 Refund to Counties

The 2017-2018 refund due to the counties of \$821,872.82 is still on our books. We have finalized the 2018 Audit with a final receivable adjustment described in the audit memo. This adjustment also requires a recalculation of the refund apportionment.

Actions Taken

Laura Bauer made a motion to approve the pre audit financials and Barbara Mauro seconded it. The motion was approved unanimously.

4. Financial Statements through April 30, 2020

Attached are the financial statements through April for the Secure Detention and Specialized Secure Detention facilities.

The Year to Date Revenues reflect the billings to the counties for services provided through first quarter.

SECURE DETENTION (SD):

The SD rate for the first quarter issued by OCFS was 497.25 and covers all actual reported costs for the first quarter. Berkshire Farm’s statement of actual expenses for the first quarter totaled \$509,756. CDYCI now bills only participating counties with the costs share shown in the table below. In addition, the amount due to CDYCI is shown. Actual SD expenses through April from Berkshire Farm are also attached.

Capital District Youth Center, Inc. Quarterly Allocation- SD (Q1 2020)							
					Allocation	2.55%	97.45%
Billing Quarter	Invoice Number	County	Bed Days	Per Diem Rate	Total Billed	CDYCI	Berkshire Farm Facility Operation
1	2020-07	Albany (Home County)	344	497.25	\$171,054.00	\$4,365.60	\$166,688.40
1	2020-09	Albany (Out of County)	328	497.25	\$163,098.00	\$4,162.55	\$158,935.45
1	2020-02	Rensselaer	132	497.25	\$65,637.00	\$1,675.17	\$63,961.83
1	2020-03	Saratoga	51	497.25	\$25,359.75	\$647.23	\$24,712.52
1	2020-05	Schenectady	197	497.25	\$97,958.25	\$2,500.07	\$95,458.18
			1052	Totals	\$523,107.00	\$13,350.61	\$509,756.39

SPECIALIZED SECURE DETENTION (SSD)

The SSD rate for the first quarter issued by OCFS was \$809.50 and covers all actual reported costs for the first quarter. Berkshire Farm’s statement of actual expenses for the first quarter totaled \$411,340. CDYCI now bills only participating counties with the costs share shown in the table below. In addition, the amount due to CDYCI is shown. Actual SSD expenses through April from Berkshire Farm are also attached.

Capital District Youth Center, Inc. Quarterly Allocation- SSD (Q1 2020)							
					Allocation	3.21%	96.79%
Billing Quarter	Invoice Number	County	Bed Days	Per Diem Rate	Total Billed	CDYCI	Berkshire Farm Facility Operation
1	2020-08	Albany (Home County)	2	809.5	\$1,619.00	\$41.32	\$1,567.01
1	2020-10	Albany (Out of County)	253	809.5	\$204,803.50	\$5,226.94	\$198,226.73
1	2020-01	Rensselaer	206	809.5	\$166,757.00	\$4,255.93	\$161,402.00
1	2020-04	Saratoga	57	809.5	\$46,141.50	\$1,177.61	\$44,659.78
1	2020-06	Schenectady	7	809.5	\$5,666.50	\$144.62	\$5,484.53
			525	Totals	\$424,987.50	\$10,846.43	\$411,340.05

Actions Taken:

Craig Warner made a motion to approve the financial statements through April 30, and Barbara Mauro seconded the motion. The motion passed unanimously.

5. Executed Participating County Omnibus Agreement:

The new executed agreements have been distributed. Attached at the end of these minutes is the final executed copy of the new Participating County Agreement for the Use and Operation of a Regional Juvenile Detention Facility.

6. Secure Detention Infectious Disease Action Plan

Thank you to Berkshire Farms for ensuring the safety of the staff and the juveniles at the facility. A copy of the entire plan can be found at the end of these minutes.

Our facility operator Berkshire Farm Center and Services for Youth (Berkshire), in consultation with me, the Albany County Department of Health, the Albany County Sheriff’s Office, the NY State Commission of Correction (SCOC), and the Office of Children and Family Services (OCFS), developed a ‘Secure Detention Infectious Disease Action Plan’ with special policies and procedures governing the intake process of youth who may be suspected of being exposed to COVID-19. In addition, the plan addresses business continuity issues.

While this policy has been enforced since March, board approval is requested to approve the policy.

Actions taken:

Barbara Mauro made a motion to approve the secure detention infection disease action plan, and Craig Warner seconded the motion. The motion passed unanimously.

7. Capital Secure Detention Facility Leadership Transition Plan

On July 1st, 2020, the Capital District Youth Center will experience a change in Facility Leadership. Richard Riccio, after almost two years as Facility Director, will be retiring from his position. With only three directors in the facility's twenty-two-year history, Berkshire is keenly aware of the considerable change that this will thrust upon the facility and its staff. Especially in consideration of the current challenges in the world around us, Berkshire is committed to making this change in a planned and controlled manner to help maintain stability in the facility for the staff, the members of the CDYCI Board, OCFS and SCOC, and most importantly, the youth that we serve.

The full transition plan is attached for your review and approval. I thank Lucas Jacobs at Berkshire Farm for developing such a thoughtful approach.

Finally, I want to thank and recognize Rick Riccio for his leadership over the past few years and, in particular, during the challenges of these recent months. He has provided a solid foundation for the next leader of the facility.

Actions Taken:

Barbara Mauro made a motion to approve the secure detention facility leadership transition plan, and Craig Warner seconded it. The motion passed unanimously.

8. Capital Project Update

The first phase is making good progress. Albany County has issued a new contract modification that will allow SMRT to proceed with Schematic Design work. SMRT will schedule a kick-off meeting soon. The contract is attached for review. Costs are subject to the cost share in the new agreements. However the following email was just received last night from OCFS.

Hi Mark

Please be advised that OCFS has determined that the CDYCI phase 3 facility expansion project has been placed on hold, pending an additional review and analysis

by OCFS of the Secure/ SSD bed needs within the Capital district region and statewide, including past utilization of existing beds.

Please do not proceed with any facility expansion project development until the state provides guidance to the contrary. Please let us know if you have any questions and thank you as always.

Due to the fact there are multiple phases to this project and 70% of them being done in order to comply with new regulations put into place, clarification was requested to see what exactly needs to be on hold and what can proceed. Since we are not under any date obligations on when the work needs to be done, it does not appear that any contracts will need revision, or extensions. Also, with more beds being available in Westchester County (after the COVID19 restrictions are eased) the bed usage in our facility may go down.

9. Visitation Waiver

Attached is the waiver request and approval related to visitation. While this policy has been in place since mid-March, board action is requested to approve the policy. Virtual meetings are being held with inmates and their families, and this policy will remain in effect until further notice.

Actions Taken:

Barbara Mauro made a motion to approve the visitation waiver, and Steve Bayle seconded it. The motion was passed unanimously.

To: Nina Aledort, Ph.D.
Deputy Commissioner
New York State Office of Children and Family Services
Division of Youth Development and Partnerships for Success
52 Washington Street, Room 338N
Rensselaer, NY 12144

From Detention Facility

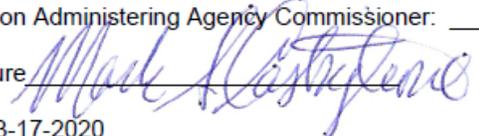
The above-named detention facility is requesting OCFS approval for the waiver of the pertinent regulations under 9 NYCRR subpart 180-1 and/or subpart 180-3 so that the facility can protect the health and safety of youth, staff and the community. We are requesting the following (state reg and action):

9 NYCRR 180-1.7; 180-3.26 – The Capital District Youth Center (on behalf of Albany, Rensselaer, Saratoga and Schenectady Counties) is requesting a waiver or variance for the requirements for in person visitations at the Capital District Juvenile Secure Detention Facility under this regulation for Secure Detention and Specialized Secure Detention.

Justification and plan

The Albany County Executive has declared a state of emergency. In addition, our medical services provider recommended a variety of actions to guard against COVID-19 including suspending in person visits. To mitigate this significant impact on the youth and their families, phone calls have been increased. In addition, our operator Berkshire Farm is in the process of operationalizing Zoom video conferencing. This should be in place by the weekend of March 21, 2020. Staff have confirmed with families that they can access the service. We will carefully monitor the situation and adjust the policy to in person visits as soon as it is safe to do so.

Detention Administering Agency Commissioner: _____ Mark A. Castiglione _____

Signature 

Date: 3-17-2020

Email this form to ocfs.sm.detention@ocfs.ny.gov . Once you have submitted the email and received OCFS' prior verbal approval, your facility may immediately implement the requests set forth above.

OCFS USE ONLY

- Submitted to SCOC for approval
 - Granted by _____ Date: _____
- OCFS verbal approval granted to facility by _____ Date: _____
 - Approved by Deputy Commissioner or
 - Director of Detention with Legal approval

10. Variance Extension Request for Bedroom Furniture Project

We are currently under a variance from SCOC for not being in compliance with regulations related to anti ligature bedroom furniture. The installation of the new bedroom furniture was scheduled to begin on Monday, March 16, 2020. Furniture was staged on site, but installation was called off as the youth program was significantly curtailed with the closure of the South Colonie School District and the loss of instructors employed by the district. While facility staff are currently weighing options, we have requested two extensions to this variance. The first was approved through July 1 and the second is pending approval through October 1.

The furniture was procured on our behalf by DASNY and is currently in the custody of the vendor hired to install the material. It is being stored in a UHaul storage facility proximate to the area.

There will be an increase on the project costs, (as much as \$15,000-\$20,000) because of NYPause. The contractors were onsite ready to install the furniture when NYPause began. They had to store the furniture off site, leave, and eventually will come back to install.

11. SCOC Evaluation at Capital District Specialized Secure Detention

Over the last year, SCOC has been working with facility staff on the continued development of the SSD program. The attached evaluation was conducted recently by SCOC. Berkshire staff are developing responses to the findings of the evaluation and will submit them to the Commission prior to the May 29th deadline.

12. Facility Operation / Agency Report (Berkshire)

- Berkshire Farms is very disappointed in the work stoppage ordered by OCFS. They are confident the work will get completed in the future.
- Court dates are finally being scheduled again since the COVID19 pandemic.

13. Other Business

No new business to discuss.

14. Adjournment

Craig Warner made a motion to adjourn at 9:40 and Steve Bayle seconded it. The motion was approved unanimously. The meeting adjourned at 9:40.

The next meeting of the CDYCI Board will be July 15, 2020 @ 9:00 a.m.

Respectfully submitted,

Amy Weinstock
Office Manager

Reviewed and approved by

Steve Bayle
Secretary