

**CDYCI COMMISSION MEETING**  
**9:00 am, Wednesday, December 13, 2023**

**The Capital District Youth Center, Inc's December 13<sup>th</sup> meeting will be held in person at 1 Park Place, Suite 102, virtually through Zoom Meetings and, later, posted on CDPRC's Youtube Channel.**

**Members Present:** William Connors, Kristin Swinton, Laura Bauer, Mike Stammel, Susan Costanzo

**Members Present via Zoom Platform:** President Craig Warner, Gary Hughes

**Others Present:** Lucas Jacobs, (Berkshire Farm), Timothy Backus (South Colonie Central School District)

**Others Present via Zoom Platform:** Cathryn Crummel (Harris Beach), Mike McLaughlin (Albany County Executive office), Pat Maxwell (Saratoga County), Nicole McArthur (Berkshire Farm), Stephanie Thomas, (Analyst County), Moira Manning (Albany County).

**Members / Others Absent:** Samantha Miller-Herrera

**Staff:** Mark Castiglione, Amy Weinstock.

**Presiding:** In the absence of the President and Vice President, William Connors, Secretary, called the meeting to order at 9:00 am.

- 1. Welcome & Introductions**  
Secretary Connors welcomed everyone to the meeting.
- 2. October 18, 2023 Meeting Minutes**

The minutes were distributed before the meeting. No questions or changes made.

**Action Taken**

Laura Bauer made a motion to approve the October 18 meeting minutes and Mike Stammel seconded it. The motion was approved unanimously.

- 4. Financial Statements through November 30, 2023**

Q1 and Q2 2023 billings have been paid in full and proceeds administered to Berkshire. Q3 costs have been submitted and we're close to sending the bills.

SD: Berkshire Farm's reported expenses through October are \$3,287,995 or 80% to budget. The estimated total expenses through November are \$3,688,764.

SSD: Berkshire Farm's reported expenses through October are \$5,104,788 or 81% to budget. The estimated total expenses through November are \$5,718,512

### **Action Taken**

Kristin Swinton made a motion to approve the Financial Statements through November 30<sup>th</sup> 2023, and Laura Bauer seconded it. The motion passed unanimously.

#### **4. Education Program**

After 27 years of service and commitment to the Juvenile Facility, South Colonie Central School District can no longer provide its education services to the facility after the 2024 school year. With the Facility expansion to 39 beds, the Facility will exceed the capacity of the SCSD. Raise the Age youth also pose challenges. They will continue to provide diplomas to youth as they meet State and Federal Requirements for them, but not the educators themselves. Berkshire Farms and CDYCI are communicating with Capital Regional BOCES to have in Facility educators and the vocational and special education programs needed.

#### **5. Approve Contract Renewal with Berkshire Farm**

The extension to Berkshire Farm's new operator agreement was provided to the Board. The 2021 agreement term was for one year with the option to extend for five years. The contract was extended in 2022, then an amended and restated contract was executed in 2023. This extension is consistent with the 2020 omnibus agreement approved by the counties. There were no changes to the contract.

### **Action Taken**

Laura Bauer made a motion to authorize the President to execute the 2024 agreement extension with Berkshire Farm upon adoption of the 2024 budgets for Secure Detention and Specialized Secure Detention, and Kristin Swinton seconded it. The motion passed unanimously.

#### **6. 2024 Budget**

The proposed 2024 CDYCI Budget and Operating Budgets for SD and SSD prepared by Berkshire Farm. Budget highlights include the following:

#### **2024 Proposed CDYCI Budget**

The projected total expenses for 2024 are an increase 59% from 2023. Berkshire Farm's memo explains the increases on the operations side. CDYCI repairs and maintenance line

is proposed to double. The line item detail in Berkshire's budget, is below and attached via link.

### [2024 Berkshire Farm Detention Budget](#)

The companion charts showed an analysis of the budgets since 2016. You'll note the lion's share of the cost increase are driven by RTA. You'll also note that the increased costs to the counties over the time period has been nominal since the SSD and SD RTA youth are 100% reimbursable.

Berkshire has presented a total budget of \$18,290,317; this is an increase of approximately \$6.9MM. This budget is a full budget for full expansion of all positions for new dorms as we need these all hired by December 31, 2024 to ensure we are ready for the opening of the new dorms.

The major factor in the increase in the total budget is staffing increases of \$5.5MM. The adjustment to the staffing are related to additional staff for the new dorms and addition of teaching staff within our budget. Other than staffing expenses increased by \$1.4MM of which just under \$800,000 is an indirect allocation increase.

OCFS and SCOC determine the matrix for what staffing levels are required.

#### **Personnel Expense**

The focus when reviewing personnel expenses was to ensure we have proper coverage for the new dorms by December 31, 2024, so that they can be fully trained and ready for new youth when the expansion is complete. The increase in the budget due to personnel expenses was \$5.5MM.

#### *Administrator on Duty (AOD)*

In an effort to ensure we have adequate staffing for our crisis intervention team as well as ensure we are able to post at the entrance and the pod, it was imperative that we added 4 AODs, one on each side of the week on the day and evening shifts. These staff will be fully able to respond to crisis in units without leaving the entrance or pod empty. The duties of these staff will be similar to our current AODs when they are not dealing with crisis.

#### *Floor Staff*

We increased the Detention Counselors by 35 to ensure proper ratio coverage in the new units. Along with this change we added two Senior Detention Counselors and one Supervisor to support these additional units. The addition of the new staff leads to addition of paid time off and leaves for these additional staff and we will have to cover those shifts. We have added overtime to support this need, although when we can we will fill with per diems. These changes lead to an increase of \$2.6MM.

#### *Clinical and Case Management*

To serve the youth in the new units adequately, we have to add one Case Manager and one Mental Health Specialist (Clinician). To support and coach these staff and have coverage

for vacancy, paid time off and leaves, we are adding a Clinical Coordinator to supervise these staff. These changes attributed to the increase by \$300,000.

#### *Education & Vocational*

We added an additional vocational specialist and two education specialists to support the additional youth in the new units. Colonie school district has recently told us that they will not be staffing our teachers after this school year. We have had to add 4 teachers and an Educational Coordinator to ensure proper educational practices to meet the regulations. These change increased the budget by \$600,000.

#### *Other*

With the added square footage, it will be integral to have another custodian to keep up with the cleanliness standards of the facility. During CY 2023 we added an additional administrative assistant to ensure proper training protocols are met and to have a backup for our Office Manager. These two changes attributed to the budget increase by \$80,000.

#### *Indirect Fringe*

Fringe is a percentage of the total salary cost. The rate is currently 35.13% leading to an increase of \$1.4MM with the additional staff. This rate will be tracked and we will update the rate if it begins to decrease with the addition of new staff.

#### **Other than Personnel Services (OTPS)**

The OTPS expense increased by \$1.4MM most due to indirect allocations and insurance.

#### *General expenses*

The biggest contributing factors to OTPS expense increases outside of indirect allocations were the cost of food increasing and the increased use of physician hours and dental services. General expenses attributed to \$480,000 of the OTPS increase.

#### *Insurance*

Liability Insurance is allocated to all business division Berkshire operates. This includes general liability, property, human services, D&O and Umbrella coverages. The expense is allocated based on the portion of total expense the division holds. This is estimated to be 3% and is budgeted in all divisions at 3%.

#### *Indirect Allocations*

The indirect allocations are administrative overhead costs. This includes staff, equipment, consulting, etc. in the Finance, Human Resource, Risk Management, Performance Quality Improvement, Information Technology, and Communications departments. This percentage has maintained at 13% while Berkshire's administrative overhead costs as a percentage of all programming has increased to upwards of 18%. This increase we have seen is largely due to continued increases in oversight requirements as well as meeting expectations of stakeholders. Berkshire strives to ensure all clients get the best quality programming and behind the scenes there is much work done in the administrative areas to ensure we are meeting all requirements while our staff and leadership focus on our youth.

### **Budget to Actual Performance**

Each year we present a budget that includes full staffing and costs to run a high functioning program. In reality, running a high functioning program isn't as seamless as putting the numbers on the paper. We do have vacancies in positions and there are delays in expenses. For the first 3 quarters of 2023 we are running approximately 10% under budget. For 2022, 2021 and 2020 we ran 19%, 12% and 18%, respectively under budget.

We provided a ramp-up budget which shows how much we think we will have in vacancy and with the onset of new staff throughout the year. This budget is \$15,924,827; this is an increase of approximately \$4.5MM over CY 2023. This is a more realistic estimate for CY 2024 although it is difficult for us to know exactly which positions will be hired when so it is more based on overall trend and strategy.

### **Action Taken**

Laura Bauer made a motion to accept the 2024 Budget, and Mike Stammel seconded it. The motion passed unanimously.

### **7. Minimum Standard Evaluation**

An evaluation of Capital District Specialized Secure Detention Facility was conducted by the State Commission of Commission on July 26 -28, 2023. The following standards were evaluated: Part 7303 Construction and Renovation, Part 7306, Security and Supervision; Part 7352 Fire Prevention and Safety, and 7360 Variances.

Findings based upon the Commission staff's compliance assessment of the above standard elements are outlined in the attached report. These findings were brought to the attention of detention facility staff during an exit interview that took place at the conclusion of the evaluation.

In accordance with Section 46(1) of Correction Law, a response to this evaluation is required and is requested by no later than December 15, 2023. Such response shall include actions taken or to be taken to address the findings contained within this report.

Luke Jacobs discussed the actions. The Facility was the first to undergo this type of two-part evaluation. The first part was done, with written requirements provided on any changes to be made. There were actions that were being undertaken, but not in the way that SCOC required. Others were not done at, such as securing keys in a key room properly. Almost all issues raised were taken care of on the day of the evaluation. The remaining are in work or part of the construction phases. The second part of the visit will be either in January or February of 2024.

### **8. Juvenile Justice Evaluation**

On October 17, 2023, SCOC staff evaluated Capital District Secure and Specialized Secure Detention facilities for compliance with the core requirements of the Juvenile Justice and Delinquency Prevention Act (42 U.S.C. §5633).

The facilities were found to be in compliance with the JJDPa requirements relative to the detention of juveniles.

**9. SCOC Transition Plan**

SCOC discussed with the facility the need for a transition team to prepare for the opening and operation of the new addition. SCOC's letter includes elements and tasks related to a successful transition team process. The lion's share of these tasks were either completed prior to receiving the letter or are ongoing and being coordinated by Berkshire Farm.

Berkshire Farm is working with an SCOC Technical Team to gather further assistance on help with procedures and future planned movements. This way they will be in compliance the entire move from pod C to D and other movements throughout the construction process. They are also engaging with the Technical Team to get advice on how to proceed with the 3 extra beds the facility will have after all construction is done.

**10. 2024 Meeting Schedule**

The following are proposed dates for the 2024 Board meetings. All the meetings are scheduled for the third Wednesday of the month and are scheduled to begin at 9:00 AM. In 2023, the board eliminated one meeting during the calendar year. This proposal also replaces our traditional March, May, and July meetings with meetings in April and June.

January 17, 2024

April 17, 2024

June 12, 2024

October 16, 2024

December 18, 2024

Since June 19<sup>th</sup> is a State Holiday, it was proposed that a new date of June 12<sup>th</sup> be issued.

**Action Taken**

Mike Stammel made a motion to approve the 2024 meeting schedule with the proposed date change from June 19<sup>th</sup> to June 12<sup>th</sup>, and Laura Bauer seconded it. The motion passed unanimously.

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

Due to construction, there is now more inactive space in the facility than active space. Students were provided tablets and work from teachers and are working with staff at the facility to complete this work.

The amount of incidents in the facility has decreased and staff has learned a way to work with the difficult youth they have.

One youth at the facility is set to graduate in 2024.

There are still plenty of programs and activities for the youth, as the facility is still operating at full capacity.

## **12. RTA Capital Project Update**

The construction project remains on track thanks to careful planning by the construction manager, prime contractors and Berkshire Farm. The group is working effectively to troubleshoot issues that arise and address myriad challenges inherent in such a complex construction project.

The November update from Gilbane shows we remain on track and are working toward transitioning from phase 1 construction into phase 2. Phase 2 includes interior upgrades which will ensure progress continues throughout the winter months.

## **13. Facility Use**

A large portion of the youth are AO youth. The facility is at capacity.

## **14. Heightened Monitoring Progress Report**

The facility had been put in a heightened monitoring level in March of 2022. There has been no formal discussion on being out of this heightened stage, but recently, the visits have been reduced back to the normal monthly monitoring instead of the weekly ones. A Janitorial service has been hired, and an on staff janitor was acquired. Berkshire Farms is working with NYS Personnel and OCFS to see if an additional janitor is necessary. A Recreational Specialist is working with youth for different activities. The kids are still in school daily. However, the liaison to OCFS site overseer is retiring and training may be needed for whoever fills that role.

## **15. Other Business**

A meeting was held with CDYCI, Berkshire Farms and OCFS regarding the challenges of paying Berkshire Farms in a timely manner. Financials for year end are typically not

received until February, then it takes time to evaluate those financials, and by the time a quarter 4 rate is received and billed it can be May until Berkshire Farms gets paid. Berkshire Farms needs to receive money at a faster pace to keep ahead of all its financial obligations. Multiple options were discussed to speed up the payment process.

**16. Adjournment**

**Action Taken**

Laura Bauer made a motion to adjourn the meeting at 9:54, and Kristin Swinton seconded it. The motion passed unanimously. The meeting was adjourned at 9:54.

**The next meeting of the CDYCI Board will be January 17, 2024 at 9:00 a.m.**

Respectfully submitted,

Amy Weinstock  
Office Manager

Reviewed and approved by

**William Connors**  
Secretary