

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: COUNTY FACILITIES

DATE: DECEMBER 5, 2008

COMMITTEE MEMBERS PRESENT:

SUPERVISORS THOMAS
O'CONNOR
CHAMPAGNE
VANNESS
GIRARD

COMMITTEE MEMBERS ABSENT:

SUPERVISORS GOODSPEED
VANNESS

VACANT: TOWN OF THURMAN

OTHERS PRESENT:

REPRESENTING THE DEPARTMENT OF PUBLIC WORKS:

BILL LAMY, SUPERINTENDENT

JEFFREY TENNYSON, DEPUTY SUPERINTENDENT OF
ENGINEERING

FRANK MOREHOUSE, SUPERINTENDENT OF BUILDINGS

FREDERICK MONROE, CHAIRMAN

PAUL DUSEK, COUNTY ATTORNEY

HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE & FISCAL
SERVICES

JOAN SADY, CLERK OF THE BOARD

SUPERVISORS GERAGHTY

KENNY

MERLINO

SHEEHAN

SOKOL

TAYLOR

TESSIER

ROBERT MULLER, SUPREME COURT JUDGE ELECT

JOHN MARTIN, CLARK PATTERSON LEE ASSOCIATES

SARAH MCLENITHAN, LEGISLATIVE OFFICE SPECIALIST

Mr. Thomas called the meeting of the County Facilities Committee to order at 8:30 a.m.

Motion was made by Mr. Champagne, seconded by Mr. Girard and carried unanimously to accept the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Chairman Monroe welcomed the Supreme Court Judge Elect, Robert Muller, and mentioned that it was an honor to have a second Supreme Court Judge located in Warren County. He informed the Committee that he had met with Hal Payne, Commissioner of Administrative and Fiscal Services, and Paul Dusek, County Attorney, to determine the space requirements for a Supreme Court Judge's quarters, as well as to discuss the possibility of renovating the space previously occupied by the old jail kitchen to supply the office space required within the Municipal Center Building.

Privilege of the floor was extended to Judge Muller, who thanked the Committee for inviting him to participate in the meeting. He pointed out that history had been made, as Warren County had never had two Supreme Court Judges in residence simultaneously and noted that the public perception of the position was much more prestigious than he had anticipated.

Judge Muller stated that he hoped to find office space that would project an image conveying the esteemed nature of a New York State Supreme Court Judge. He apprised that he had located Type A office space meeting all State requirements and projecting the appropriate stature of the position within the City of Glens Falls, specifically within the old Trustco Bank Building and he asked that the County negotiate a lease agreement with Peter Hoffman, the owner of the building, for this

particular office space. He pointed out that he had viewed several alternate locations available in the same area and although they had many positive attributes, he believed that they did not meet the specifications sought.

Judge Muller advised that he would be taking the Oath of Office on January 1, 2009 and that Supreme Court Judge David Krogmann had graciously offered him temporary office space within his chambers until the County made a determination on the permanent location for his office. He added that it was imperative that a decision on the matter be made as soon as possible.

Mr. Thomas said it was his understanding that the County planned to negotiate a one-year lease for temporary office space, subsequently relocating the office to the Municipal Center Building when the chosen location was renovated. Mr. Payne said that he had been advised by Mr. Hoffman that he would not be interested in signing a one-year lease in light of the fact that \$25,000 in renovations would be required to prepare the space for Judge Muller and he would not be able to recoup his investment during the term of a one-year lease. He apprised that Mr. Hoffman had proposed a five-year lease, while Mr. Levinsky proposed a 10-year lease for office space within the CNA Building.

Mr. O'Connor asked where the property Judge Muller preferred was located and Mr. Payne advised that it was in the old Trustco Bank Building which was located in front of Burger King and adjacent to the Adirondack Regional Chamber of Commerce.

Mr. Payne reported that he had received a proposal from Mike Kaidas for 1,853 square feet of office space located in the Empire Theater Building on South Street for \$15.85 a square foot, totaling \$29,555 a year with a 4% increase annually for a five year triple net lease. Mr. O'Connor stated that the Empire Theater Building did not project the prestige of the position due to its location and he said noted his opinion that the Hoffman building would provide a more suitable presence for Judge Muller's office.

The third proposal received, Mr. Payne advised was from Mr. Levinsky for 2,000 square feet of space located within the CNA Building at a charge of \$16.00 per square foot for a total expense of \$32,000 annually, with a 3.5% annual increase over a ten-year lease term.

Mr. Thomas asked whether there were any other proposals for the office space and Mr. Payne mentioned that he had driven by a site available for a short-term lease which was located near the Queensbury School on Aviation Road. Judge Muller interjected that he would prefer office space appropriate for his position and he did not feel the space suggested by Mr. Payne would be suitable.

Mr. Girard stated it was imperative that the County address the lack of space located within the Municipal Center Building. Judge Muller advised that spacing issues were not uncommon for Supreme Court Judges and he pointed out that Saratoga County had two Supreme Court Judges located off campus due to spacing issues, one of which was located in downtown Saratoga Springs, while the other was in Malta.

Mr. Payne questioned whether the State Judicial Branch would fund the janitorial services necessary for the office space and Judge Muller replied that he was unsure, but noted that the State would fund the costs of the furnishings purchased for the offices.

Mr. O'Connor vocalized that he did not feel that a one-year lease would give the County sufficient time to renovate the space available in the Municipal Center Building and he said that signing a five-year lease would be more practical. Mr. Monroe agreed with Mr. O'Connor's statement, as well as Mr. Girard's feeling that the issues with respect to the lack of office space within the Court system should be addressed as quickly as possible.

Mr. Taylor stated that he felt the County should negotiate with Mr. Levinsky on a five-year lease, as this would be the more cost efficient route. Judge Muller advised that although the CNA Building office might be cost effective, he did not feel the space was appropriate to his needs due to the lack of privacy and private bathroom facilities. Chairman Monroe pointed out that the State mandates for office space included a requirement for private bathroom facilities, thereby disqualifying the space available in the CNA Building.

Mr. Payne explained that the issue with the Hoffman property was that it included 2,300 square feet, as Mr. Hoffman was unwilling to sub-divide the space, leading to a total annual lease amount of \$37,950. Mr. Muller stated that in light of Mr. Hoffman's eagerness to locate the office within his building, he felt that the County might be able to negotiate the lease costs.

Mr. Girard suggested that Mr. Hoffman be notified that the County would be willing to pay for no more than 2,000 square feet of office space which would reduce the lease costs. Chairman Monroe added that they should also attempt to negotiate a three-year lease for the space, which would give the County sufficient time to renovate the space available within the Municipal Center Building.

It was the consensus of the Committee that Messrs. Girard and Payne should contact Mr. Hoffman in an effort to negotiate lease terms for the office space desired by Judge Muller.

Judge Muller exited the meeting at 9:05 a.m.

Proceeding with the Agenda review, Mr. Thomas stated that Item 2 referred to an update on the Human Services Building (HSB). He reported on the contents of the first construction report which outlined the work completed as of the beginning of November and that which was scheduled for the remainder of the month.

Mr. Champagne questioned whether the phase one construction had been completed and Mr. Thomas replied that the steel fabrication work was scheduled to begin on January 6, 2009. John Martin, representing Clark Patterson Lee Associates, estimated that there were three to four weeks of work remaining before phase one would be completed. He added that the project was currently three days ahead of schedule.

Mr. Thomas informed the Committee of a surveying issue that caused the building to be located 20 feet closer to the Department of Motor Vehicles Building (DMV), due to a mathematical error on the part of Rozelle East; however, he noted, the problem had been eradicated. He pointed out that any redesign work that pertained to the error would be done at no cost to the County, as Rozelle East would be paying for any additional costs incurred.

Mr. Sokol entered the meeting at 9:15 a.m.

Mr. Geraghty noted that this was the second construction issue the County had experienced in relation to surveying and the placement of buildings, as a similar issue had arisen from the construction of the new building at Adirondack Community College (ACC). Mr. Martin explained that he had received a call from Bovis Lend Lease in November regarding the error in the surveying which had caused the building site to shift 20 feet to the north. He advised that he had contacted the Site Manager employed by Clark Patterson Lee to discuss what the impact on the building would be and the Site Manager had concluded that an estimated 20 parking spaces would have to be relocated from the front of the building to the rear of the building. He stated that the impact of the error would not be overly significant and the reason for the error was an oversight on the part of the surveyor for the site. He pointed out that the issue had been resolved in a short period of time with minimal impact and would incur no cost to the County, which was positive.

Mr. Champagne asserted his concerns with the amount of time that it would take the contractor and the insurance company to reach a settlement in order to recoup the additional costs due to the error. He pointed out that it would be critical to take all the necessary steps to prevent future litigation issues from arising. Mr. Martin stated that although the potential still existed for litigation issues, unlike the cost associated with the error on the building at ACC that had cost millions of dollars to eradicate, the costs associated with the HSB would be only be in the tens of thousands.

Messrs. Sheehan and Tessier entered the meeting at 9:26 a.m.

Moving along, Mr. Thomas advised that the heating ventilation and air conditioning (HVAC) issues needed to be addressed. Frank Morehouse, Superintendent of Buildings, informed the Committee that he had included in the Agenda a printout of the various room temperatures throughout the Municipal Center Building which he had logged due to the numerous complaints being made with regard to the temperatures throughout the building. Mr. Morehouse explained that while the thermostat in the given room might register a temperature between 69 to 71 degrees, the actual temperature near the window in that room was typically 10 to 15 degrees cooler. He advised that he had arranged a meeting with representatives of Siemens Building Technologies Inc. to try and eradicate the problem.

Mr. Morehouse apprised that once the issue with the heat was corrected, he may need the assistance of the Committee to reinforce that the use of personal space heaters would not be permitted. He pointed out that the Buildings and Grounds staff would be authorized to confiscate any that they found.

Proceeding with the Agenda review, privilege of the floor was extended to William Lamy, Superintendent of Public Works, to discuss the asbestos issue within the old jail. Mr. Lamy stated that at last Committee meeting discussion had ensued as to whether the old jail kitchen space had been included within the asbestos study. Mr. Lamy outlined a summary sheet of the regulations required in removing asbestos; a copy of which was included with the Agenda. He stated that Clark Patterson Lee had reviewed the asbestos survey completed by Rist Frost Associates and had concluded that the jail kitchen had not been included in the survey. He mentioned that in order to include the kitchen space in the renovations, an asbestos survey and abatement plan was necessary.

Mr. Champagne questioned whether a motion was necessary to move forward with the project and Mr. Lamy responded that a decision would need to be made as to whether the Committee desired

to use the same contractor to develop an abatement plan for the kitchen that had been utilized to develop the abatement plan for the old jail or to send out a new request for proposal (RFP) for the kitchen space.

Chairman Monroe advised of the importance of resolving the issues as quickly as possible so that the renovation process could begin. Mr. Payne asked whether the survey had been completed and Mr. Lamy replied that while a survey had been completed for the old jail, it had not included a review of the kitchen space. Mr. Payne noted that an official report stating the presence of asbestos in the kitchen had never been received and Mr. Lamy replied that although it had never been officially reported, they were aware of its presence.

Jeffrey Tennyson, Deputy Superintendent of Engineering, reported that after the Clark Patterson Lee report was accepted, the next step would be to execute an agreement with them to complete an abatement design and then send out RFP's for the required work. He reiterated that the report did not include the kitchen space. In reference to the cost of the project, Mr. Tennyson advised that until the bidding process began, he would be unable to estimate the cost of the project.

Supervisor Kenny entered the meeting at 9:50 a.m.

Mr. Lamy asked whether Mr. Martin was prepared to discuss with the Committee the Clark Patterson Lee proposal for abatement and renovation of the old jail space and Mr. Martin responded that although he did not have the plans with him, he was familiar with them. Mr. Martin stated that the County had hired Clark Patterson Lee to perform the survey on the old jail and provide the County with cost estimates on renovating the jail into storage space for the voting machines and that the plans did not include the kitchen area of the jail.

Discussion ensued.

The Committee directed Mr. Lamy to return to them with multiple proposals for the abatement of asbestos throughout the old jail and including the kitchen space.

Chairman Monroe suggested looking into whether the Judicial Branch would reimburse the County for renovations necessary to supply additional Court space.

As there was no further business to come before the County Facilities Committee, on motion made by Mr. Champagne and seconded by Mr. O'Connor, Mr. Thomas adjourned the meeting at 10:00 a.m.

Respectfully submitted,

Sarah McLenithan, Legislative Office Specialist