

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: JOINT MEETING - COUNTY FACILITIES; FINANCE & PUBLIC WORKS

DATE: MARCH 27, 2009

COUNTY FACILITIES

COMMITTEE MEMBERS PRESENT:

SUPERVISORS THOMAS
O'CONNOR
CHAMPAGNE
VANNESS
GIRARD
GOODSPEED

COMMITTEE MEMBER ABSENT:

SUPERVISOR PITKIN

FINANCE

COMMITTEE MEMBERS PRESENT:

SUPERVISORS STEC
BELDEN
TESSIER
TAYLOR
KENNY
MERLINO

COMMITTEE MEMBER ABSENT:

SUPERVISOR BENTLEY

OTHERS PRESENT:

WILLIAM LAMY, SUPERINTENDENT OF PUBLIC WORKS
JEFFREY TENNYSON, DEPUTY SUPERINTENDENT OF ENGINEERING
FRANK MOREHOUSE, SUPERINTENDENT OF BUILDINGS
PAUL BUTLER, DIRECTOR OF PARKS, RECREATION & RAILROAD
AMY BARTLETT, FIRST ASSISTANT COUNTY ATTORNEY
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE & FISCAL SERVICES
RICK MURPHY, DEPUTY COMMISSIONER OF FISCAL SERVICES
JOAN SADY, CLERK OF THE BOARD
SUPERVISORS GERAGHTY
STRAINER
RICH KELLY, PERSONNEL OFFICER
JOHN MARTIN, CLARK PATTERSON LEE
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

PUBLIC WORKS

COMMITTEE MEMBER PRESENT:

Mr. Stec called the joint meeting of the County Facilities, Finance and Public Works Committees to order at 1:00 p.m.

Motion was made by Mr. Girard, seconded by Mr. Champagne and carried unanimously to approve the minutes from the February 20th County Facilities Committee meeting, subject to correction by the Clerk of the Board.

Copies of the County Facilities and Parks, Recreation & Railroad agendas were distributed to the Committee members, copies of which are on file with the minutes.

Beginning with the review of the County Facilities agenda, Mr. Thomas announced that Item 2A pertained to Court Space and he advised that the County Facilities Committee had previously approved a proposal from Clark Patterson Lee (CPL) to review the Court and former Jail space in order to develop a plan to better accommodate the Courts in terms of space and functionality. He said that upon the approval of the proposal by the County Facilities Committee, the issue had been forwarded to the Finance Committee to approve the expenditure and determine a source of funding for the study, subsequent to which the Finance Committee had requested a joint Committee meeting to discuss the matter further prior to making any decisions. Mr. Thomas noted that John Martin of CPL was in attendance to answer any questions with respect to the study.

Mr. VanNess stated that the main question of the Finance Committee pertained to what was actually included in

the study proposed by CPL. He noted that they had initially thought the study would include a review of the lead paint and asbestos abatement required for the former Jail area; however, he said, when they had received the bid documents it appeared that these items were not included.

William Lamy, Superintendent of Public Works, apprised that documentation on the study had been provided at the County Facilities meeting held to begin initial discussions on the issue, subsequent to which the Committee had met again with CPL representatives to further discuss the areas included in the study. He said that during these discussions it had been determined that there were some existing reports which did not require duplication and could be used in connection with the CPL report. Mr. Lamy stated that although there was an understanding between the DPW Engineering staff and CPL as to which existing reports would be reused in connection with the new CPL study, unfortunately they had not committed this information to print and were using an outdated letter as reference material. He advised that they had since asked CPL to provide an updated letter explaining the exact scope of services for the proposed study, a copy of which is included in the agenda. Mr. Lamy reminded the Committee members that during the previous Finance Committee meeting it had been determined that CPL should use as much of the existing information and studies as possible so as not to duplicate the information already obtained through studies previously commissioned by the County. He then directed the Committee members to section G, Stipulations of this Proposal, located on page three of the CPL letter which indicated that the Scope of Work included in the study did not include new hazard investigations. Mr. Lamy noted that the previous letter had simply stated that the study would not include hazard investigations, based on the understanding that existing hazard investigation reports would be used rather than initiating new ones.

Mr. Martin concurred with Mr. Lamy's explanation, adding that CPL was cognizant of the fact that the County had authorized many studies in the past, all of which they had previously reviewed in 2006 when they first began working as a consultant for the County. He said that he felt much of the confusion surrounding the issue was with respect to whether or not hazard studies would be included in their review and he advised that they would be, based on the hazard reports generated in the past which indicated where asbestos and lead paint abatement was required. Mr. Martin added that CPL did not feel it was necessary for the County to fund additional hazard investigations because they had already been done and were available for review to determine cost factors for future renovations.

Jeffrey Tennyson, Deputy Superintendent of Engineering, apprised that they had updated the Public Works Committee in December as to the existence of asbestos in the old Jail kitchen. He added that a survey of the area had determined the presence of asbestos in the pipe insulation, cork board mastic and in the walk-in refrigerator, for which a remediation cost had been estimated. Mr. Tennyson advised that they would provide this information to CPL for inclusion in the new study of the Court and old Jail space.

Mr. Belden questioned if the cost of the CPL study would decrease through the use of existing reports and Mr. Martin replied in the negative. Mr. Martin advised that the cost of the study would remain the same as their initial proposal had included the use of existing reports although it did not specifically state this in the written documentation.

Mr. Champagne noted that due to the ongoing economic crisis the Country was facing, costs for many services and materials had decreased and he pointed out that specifically in the HSB (Human Services Building) Project, the costs of steel had decreased markedly since the project was bid. He then asked if there was any opportunity to reduce the cost of the CPL study proposal from the current cost of \$71,700, based on the economy. Mr. Champagne stated that there were other companies out there who were willing to bid projects lower based on the lack of work. He said that if they were to do the job over again, he would authorize an expenditure of \$50,000 to take the project as far as they could and worry about any overages after the fact.

Mr. Martin noted that the steel prices for the HSB did not decrease after the bid but rather in the fall of 2008 before the bids were released which had led to a decrease in the amount estimated for the Project. He said that he understood Mr. Champagne's point but advised that the CPL business was based on selling hours of service and if the County wanted to decrease the cost of the report they would have to decrease the number of hours spent working to develop it, thereby reducing the scope of the study. In addition, Mr. Martin advised that the cost of the report was based on the number of hours estimated to develop the report multiplied by the rates negotiated with the County, which were significantly less than those charged to other parties. For example, he said, when working on health care projects, such as construction of new hospitals, they were able to charge much higher rates because these projects were very competitive and sought top notch engineering firms whom they were willing to pay top rates. Mr. Martin said that the CPL rate for a hospital project was approximately \$225 per hour, while he charged the County \$150 per hour, as per their contracted rate. He reiterated that the only way to reduce the cost of the study would be to reduce its scope which would directly reduce the number of hours worked. Mr. Martin added that if he were working with a private client on the development of this study he would suggest that the asbestos studies be redone as they were now five to six years old; however, he said, CPL had been willing to work with the studies available in order to initially reduce the scope of the study and offer a lower cost to the County. Mr. Martin said that he could not do the same level of work with the same intensity for \$50,000 as he could for the \$71,700 quoted, but he said that he would be willing to reduce the price of the study by \$5,000 to appease the Committee.

Mr. Taylor stated that it would be helpful to him if the study quotation were broken down to reflect the separate amounts that would be spent to review the Court space, as opposed to what would be spent for the old Jail space, and he assumed that it would be fairly easy to provide these figures. Mr. Champagne countered that it did not seem prudent to break the project into separate sections and he said it would make more sense to complete 80% of the study for both spaces, knowing that there was more to be done. He then asked if there was any way to reduce the amount of the study by taking some in-house measures to reduce the scope of work.

In response to an inquiry as to whether or not the review of the Court and old Jail space would include drawings, Mr. Martin replied affirmatively, noting that they would provide schematic-like drawings that reflected their proposal for the space; however, he noted, final design drawings would not be included. With reference to Mr. Taylor's comment that the project could be broken into two separate parts, Mr. Martin noted that CPL had not been commissioned to provide a study of what uses the old Jail space could serve, but rather a study to determine how the Court space could be used more efficiently, as well as whether the old Jail space could appropriately be used to expand the Court space. Mr. Taylor questioned if this was appropriate as it was his understanding that they had determined that the Court space issues could be addressed without using the old Jail space. Mr. Thomas advised that they had commissioned the study to determine if the old Jail space could be used either to expand the Court space or to relocate another Department whose existing space could be used for the Courts.

Mr. Stec stated that he had spoken with Chairman Monroe previously regarding the Town of Queensbury's interest in moving their Town Court to the Municipal Center if additional Court space became available in the old Jail due to their own space issues. He said that he felt there were some efficiencies to be gained by moving the Town of Queensbury Court to the Municipal Center as they were one of the busiest Courts in the State of New York and being on campus with the District Attorney's Office would be favorable. Mr. Stec said that he did not know if this was viable but wanted to be sure the Committee was aware of the Town's desire for space if it became available.

Mr. VanNess noted that he was one of many Supervisors who felt that money was being wasted on studies to figure out what the old Jail space could be used for while wasting additional money heating the space. He said that they had received conflicting study results as to whether the building was worth keeping and whether it could be used for office space; he added that one report had reflected that the old Jail space had seven foot ceilings while it had

been determined that they were actually eight foot when measured by County staff. Mr. VanNess stated that an accurate study as to whether or not the building should be retained or demolished was necessary and this was a key part of the study. He noted that the study associated with the Emergency Services Training Center Project had included a fatal flaw clause that identified issues that would bring the Project to a halt, thereby determining if it was feasible. Mr. VanNess said that maybe a fatal flaw clause should be instituted in this study in order to advise the Board of Supervisors whether or not the space could actually be used and put an end to any further spending on the Project if such a flaw existed.

Mr. Girard said it was his understanding that the Committees were questioning what the value of the \$71,700 study to the County would be. He said that when the Court space issues first arose it had been anticipated that massive renovations to the Courts would be required. Mr. Girard recalled that it had been Mr. Goodspeed's suggestion that they determine what the Courts actually required before making any changes to the current space and it seemed that the County Facilities Committee had acted on this. He said that the old Jail space was available and although it might not be appropriate to use it for expansion of the Court space, it might be used in other ways that could potentially open up alternate space for the Courts. Mr. Girard added that if they were able to renovate what was considered Court space, the Office of Court Administration would fund the costs of the renovations. He said that the County had subsequently contracted with CPL to determine how the old Jail space could be used to meet this end. Mr. Girard reminded the Committee that when a sizeable addition had been proposed for the Courts the issue had been pushed aside due to the costs associated and they had immediately moved on to the HSB Project and had expended \$400,000 in worthless studies to place the HSB at the current Social Services Building site, with no complaint. He said he found it incredulous that the Committees had been willing to spend such a sizeable amount on studies that were not used, but were questioning the expenditure of \$71,700 to determine if the space currently available in the old Jail could be used; he added that they needed to move forward with the study rather than trying to reduce its price.

Mr. Martin reminded the Committee members that the old Jail space had been abandoned because it was no longer usable for the purpose of housing inmates. He said that CPL had previously completed a study to determine whether the space was appropriate for storing voting machines and had provided the costs to convert the space for such use. Mr. Martin said that the study currently being proposed would evaluate the space for future use and he said that he did not think it was likely that CPL's subsequent recommendation would be to convert the space to house the Courts. He added that they would provide a response for each idea proposed but he felt that other than use as storage space, all of the recommendations would be more costly than tearing down that part of the building and constructing something new to meet the County's needs. Mr. Martin stated that the old Jail space had many challenges and he noted that the different ceiling heights reported likely had something to do with the fact that although the ceilings were currently eight foot high, they would be reduced to seven foot when installing dropped ceilings to accommodate heating and ventilation needs. He concluded that although the CPL study would include a review of the old Jail space, he did not intend to spend a significant amount of time, or the County's money, on that portion of the review as he perceived there to be minimal uses for the space.

From Mr. Martin's statements, Mr. Goodspeed deduced that the CPL report would not recommend the use of the old Jail space for anything but storage as it would be more cost effective to demolish the old Jail portion of the building and begin new construction to suit their needs. Therefore, he said, it did not seem that a study was necessary as they had already received the answer they sought. Mr. Goodspeed added that there was pressure for the County to alleviate space issues in the Family Court, although the remaining Court areas did not seem to have the same pressing needs, as during the Supervisor's tour of the Court space they had visited three Courts, two of which were not being used.

In light of the ongoing conversation, Mr. Taylor reiterated his question as to whether a breakdown of cost was available to reflect the actual costs of the Court and old Jail portions of the study. Mr. Martin replied that the costs of the study were not broken down in this manner but noted that they had not intended to spend more than \$5,000 reviewing the old Jail space. Mr. Martin noted that the majority of the CPL study would include a reconfiguration of the existing Court space to alleviate some of the issues faced. Mr. Taylor then asked if the cost of the study would be reduced to a figure closer to \$68,000 if the review of the old Jail space was removed from the study and Mr. Martin replied affirmatively.

Mr. Champagne stated that he would not be in favor of any type of new construction and he cautioned Mr. Martin that studies had been done in the past to determine if the courtyard space available on the Court wing could be used to construct new space, all of which had stated that it could not be used as there would be no windows. Mr. Martin replied that this was one of the items that would be included in the CPL study and they would determine if the space could be used in accordance with current building code regulations. However, he added, this was not the only option that would result from the study and CPL planned to spend a considerable amount of time meeting with the Committees and working with them during the process to include their views and suggestions to arrive at a solution acceptable to the Board of Supervisors.

Mr. VanNess noted that he was also a member of the Support Services Committee and he apprised that there were a considerable number of voting machines which would eventually be received requiring a large area to store them and allow for them to be opened and inspected by the public, as mandated by the State. He said that the old Jail space would be a perfect spot to store the machines and would allow for the space necessary for inspections; he added that rather than renting the necessary space, he felt it was more appropriate to use the space available. Mr. VanNess stated his feeling that reorganization of the existing Court space would suffice as a temporary solution for the space issues and that the review of the old Jail space was important to determine what it could be used for in the future.

Mr. Martin advised that a study had already been performed to determine the costs associated with using the old Jail space for voting machine storage; therefore, he said, he did not intend to revisit that issue in the current study.

Mr. Tessier stated that he did not feel the Court space reorganization which proposed that the Supreme Court Library be renovated for office space would work. He said that this issue had been studied in the past and had been found unacceptable as there would be no windows in those offices; he added that although the Office of Court Administration seemed to be in favor of the suggestion, he did not think that either the Union or the Fire Prevention & Building Code Enforcement Department would agree to it. Mr. Tessier advised that the simplest solution would be to move the Planning & Community Development Department from their current area which would allow the Courts to use that entire wing of the building and would incur minimal costs to the County. Mr. Belden noted that the old Jail kitchen and the attached four-bay garage were available for use and he said that these areas should be included in the study to determine if they could be used for office space.

Mr. VanNess apprised that a portion of the four-bay garage had previously been converted to temporary office space and used as an evidence room for the Sheriff's Investigation Unit while their quarters were being remodeled and he said that they should be able to use this area again. He added that he had always been in favor of including the old Jail space in the study to determine how it could be used as he felt that it must have some useful purpose to the County.

Mr. Thomas interjected that the entire conversation was proof that the CPL study was necessary because everyone

had a different idea as to how the space could be used but none were qualified to make such a determination.

Mr. Lamy stated that the problem with the study was that the subject constantly changed. He said that CPL was initially directed to review the old Jail kitchen and attached garage space to determine if it could be renovated for office space. Mr. Lamy noted that they were aware that asbestos abatement was required for that area and were directed to get the project underway. He said that Mr. Tennyson had contacted a contractor and had scheduled the abatement when the process was stopped because it was determined that lead paint and asbestos abatement were required in the old Jail and the Committee had decided to review the efforts to remove asbestos wherever necessary in the Municipal Center as one project. Mr. Lamy said the Committee had then decided that the Supreme Court Library should be renovated to include office space, which had changed the scope of the study. He added that every time a meeting was held the goal seemed to change, which in turn changed the steps required, as well as the target of the CPL study. Mr. Lamy said that he thought it would be beneficial for the County Facilities Committee to hold a workshop meeting and develop a chart reflecting what goal they wanted to achieve and then determine what engineering action was required so that CPL could determine appropriate costs. He pointed out that the direction for the study was now changing from what had been decided upon at the prior meeting and he suggested that the Committee meet to determine exactly what they wanted so that CPL could determine the answers they sought.

Mr. Kenny stated that it might be appropriate to reduce the scope of services included in the study. For example, he said, they should remove the prospect of using the courtyard from the study because they knew they did not want to move in that direction. In addition, Mr. Kenny said that they could remove the review of the old Jail space from the study in light of the fact that it seemed the space could only be used for storage and a study and cost had already been assigned for that use.

Hal Payne, Commissioner of Administrative & Fiscal Services, advised that whether they decided to use the old Jail space or demolish it, asbestos abatement in that portion of the building was required; he added that the old Jail kitchen space was usable if they proceeded with the minimal amount of asbestos removal required. Mr. Payne said that if they proceeded with the asbestos removal in these areas they would have some space available if expansion became necessary. Mr. Lamy noted that the level of asbestos removal necessary could change depending on the intended use of the space.

Subsequent to further discussion on the matter, it was the consensus of the Finance Committee that they would not approve the \$71,700 expenditure for the CPL study of the Court and old Jail space. The joint Committees then determined that Mr. Lamy should work with CPL to develop plans to move the Board of Elections Office and storage to the old Jail space and the Planning Department into the current Board of Elections Office, thereby allowing the Courts to expand into the space currently occupied by the Planning Department, as well as for plans to install a wall to secure the Court wing as necessary.

Mr. Lamy said that as he understood the Committee's direction, they proposed that he develop plans to do the following:

- 1) Complete asbestos and lead paint abatement in the old Jail and kitchen space in preparation for occupation by the Offices of the Board of Elections and storage for the voting machines;
- 2) Move the Planning Department to the space currently occupied by the Board of Elections;
- 3) Develop a plan to use the current Planning Offices to expand the Court space and
- 4) Erect a wall across the existing hallway to secure the wing of the building housing the Courts.

Mr. Lamy advised that they would require additional funding to complete the asbestos abatement because the funds

were not available within the existing budget. He added that structural and architectural analysis reports would have to be provided before existing walls could be moved which would require funding for additional evaluations. Mr. Lamy concluded that this work would not be done quickly and he cautioned the Committee that it could be more than a year before the work was done.

Mr. VanNess suggested that an expenditure of up to \$5,000 be approved to allow Mr. Lamy to work with CPL in developing the plans and the Committees were in agreement. Joan Sady, Clerk of the Board, pointed out that a source of funding would have to be determined for the \$5,000 but noted that the Finance Committee could decide this when Mr. Lamy returned to seek additional funding for the asbestos abatement.

Motion was made by Mr. VanNess, seconded by Mr. Belden and carried unanimously by the Finance Committee to refer the Court and old Jail space issue back to the County Facilities Committee to whom Mr. Lamy would report on the feasibility of the renovations previously directed.

Mr. Thomas questioned if a County staff member could be trained to do the asbestos abatement rather than hiring an outside firm and Mr. Tennyson replied that due to the codes, training and equipment expenses associated with obtaining and maintaining asbestos abatement certification, it was not likely. Mr. Tennyson added that even if they were able to train a staff member to do the abatement they would still have to contract with outside sources for sampling services.

Mr. O'Connor noted that Mr. Lamy had brought a copy of the previous study completed by CPL for the former Jail space to the meeting and he asked Mr. Martin if that study included a listing of possible uses for that space. Mr. Martin replied that the study had been performed some time ago and he did not recall exactly what was included. He asked Mr. Lamy for permission to review the report and respond to the question later in the meeting.

Moving on to Item 2 of the Parks, Recreation & Railroad Agenda, Mr. Belden apprised that there had been a \$14,895.37 deficit in the fourth quarter reimbursement from the Up Yonda trust account for 2008 and a determination had to be made as to how the deficit would be covered. Mr. Stec noted that part of the issue was caused when it was initially thought that more money could be taken from the trust account for operation costs than was allowable under the rules of the trust; he added that it was likely an even larger deficit would be experienced in 2009.

Mr. Taylor questioned how much money had been included in the 2008 Budget for part-time help at Up Yonda and Mr. Belden replied that \$25,000 had been included; however, he said, those funds had been expended and an alternate source of funding was required for the 2008 deficit. Mr. Champagne stated that it appeared the Contingent Fund was the only way to fund the deficit. Rick Murphy, Deputy Commissioner of Fiscal Services, interjected that the 2008 Budget year was closed out and the shortage had been classified as an unrealized revenue at the close of the 2008 fiscal year.

Mr. Belden said that although the 2008 deficit had been addressed, the Committee needed to determine a way in which to cover the impending deficit for 2009 which they estimated to be in the range of \$50,000. He noted that the \$25,000 included in the 2009 Budget for part-time help could be used to reduce the deficit; however, he added, they would still have to find another way to support the remainder of the deficit.

Mr. Champagne reminded the Committee members that when the programs had started at Up Yonda there had been an understanding that the programs would be sustained entirely by the trust account with no cost to the

County. In light of this fact, he stated that no further County dollars should be spent for Up Yonda programs and he suggested that they determine a way to reduce the Up Yonda budget by a total of \$50,000 to cover the entire deficit. Mr. Champagne added that although the programs offered at Up Yonda were a positive benefit, they were not essential to County operations.

Mr. Belden noted that in 2006 and 2007 the County had funded 100% of the Up Yonda budgetary costs and Paul Butler, Director of Parks, Recreation & Railroad, confirmed this statement. Mr. Butler added that Mr. Champagne's assessment that the original intent was for the operations of Up Yonda to be funded by the trust account was correct; however, he said, in 1998 when it became apparent that the trust was unable to sufficiently fund the growing public demand for programs, the County had decided to provide funding for the facility which allowed for the addition of two Naturalist positions to the Up Yonda staff. He advised that the actual budget for 2008 was \$273,000 and although they had underspent during the year, the budget had been exceeded as the revenues necessary to support expenses had not been realized. Mr. Butler stated that they anticipated the same occurrence for 2009 in the form of an estimated \$50,000 deficit.

Motion was made by Mr. Champagne and seconded by Mr. Taylor on behalf of the Public Works Committee to eliminate the expenditure of any County funds at Up Yonda for the remainder of 2009.

Mr. Stec questioned what the exact deficit was projected to be and Mr. Butler replied that they were only able to estimate the figure; however, he said, it had been confirmed that the Up Yonda Trust could support \$176,000 of the 2009 Budget. He added that program revenue would be hard to estimate due to the economic downturn and because they were not sure if the schools that normally participated in Up Yonda programs would have the funding to do so for 2009. Mr. Butler said that if the participation level remained in the area of 14,000 visitors, as it had for the past five years, the income received would be \$42,000 plus \$8,000 in grant funding anticipated from the 21st Century grant; therefore, he noted, they could expect to receive approximately \$226,000 to fund the 2009 Up Yonda Budget without any expenditure from the County. He noted that he anticipated a \$30,000 to \$50,000 deficit, after the removal of the \$25,000 for part-time help.

Mr. Belden apprised that it appeared the balance on the Up Yonda Trust account was growing and he questioned whether they could contact the Glens Falls National Bank Board of Directors that governed the trust to see if an allowance could be made in this case to allow additional funding for the Up Yonda program in 2009. Mr. Stec replied that although they could certainly make contact he was sure that the request would be declined as the fund was not discretionary and the rules of the trust had to be followed as initially established.

Mr. Payne announced that he had recently spoken with Tom McGowan, Superintendent of the Glens Falls School District, with respect to application for the 21st Century grant program and had been advised that although the application for grant funding had recently been submitted, it was very unlikely that the funding would be received for 2009 because they had received \$2.5 million for 2007 and 2008. He noted that funding would be received through the end of June when the grant expired. Mr. Butler added that the \$8,000 in grant funding previously noted and included in the 2009 Budget, represented the amount that would be received from the 21st Century grant through June of 2009.

Mr. Lamy stated that the only way the Up Yonda budget could be reduced was by cutting a position. Mr. Butler countered that another option might be to increase revenues to offset expenses by raising program charges. He noted that program rates had not been increased since 2003 and were currently set at a price of \$3 per program participant. Mr. Butler stated that if the program charge was increased to \$5 per program participant and the

participant level remained at 14,000 per year, they would raise nearly an additional \$30,000 which would cover the shortfall. Mr. Lamy questioned if program revenues were received predominantly in any particular season or if they were received evenly throughout the year and Mr. Butler replied that the income was received mainly from May through October.

Mr. Belden said that he was not in favor of raising program rates because he felt that would cause a decline in participation, especially in cases with school participants as they were facing budget constraints also. Mr. Champagne stated that they should be programing according to the amount of revenue received and he added that the County had previously allowed for an extension of programs regardless of the fact that offsetting revenues were not being received and in the current economic climate they were not able to do so any longer. He concluded that in order to meet the budget they should reduce the programs available to meet the revenues received.

Mr. Belden questioned if they were legally able to solicit a donation from the Wood Foundation to offset the deficit and Mr. Payne replied in the negative, noting that the County could not solicit a donation; however, he said, if a donation was made to the Up Yonda Trust they could access those funds to offset the projected budget deficit.

Mr. Lamy reiterated that he had reviewed the Up Yonda budget and had determined that the only way to offset the estimated deficit would be to reduce staffing by one person. He pointed out that they would have to make the staff reduction as quickly as possible because the longer they continued to pay the staff member a salary, the lesser the attainable savings became.

Mr. Belden called the question and the motion to eliminate the expenditure of any County funds at Up Yonda for the remainder of 2009 was carried unanimously by the Public Works Committee.

Mrs. Sady pointed out that although the Public Works Committee had voted against any expenditure of County funds to support the Up Yonda budget for 2009, there was still the matter of the \$30,000 shortfall which would occur by the close of 2009 to be addressed.

Mr. Lamy stated that because the Committee had voted against any financial support of the Up Yonda budget and the lack of support for an increase in program rates, his only alternative was to decrease staffing.

Mr. Goodspeed noted that Mr. Martin had finished his review of the CPL study and he suggested that they pause conversation on Up Yonda staffing to allow Mr. Martin to apprise of his findings so as not to retain him for any longer than necessary.

Mr. Martin reminded the Committee that Mr. O'Connor had questioned whether the report had included a listing of possible uses for the old Jail space. Mr. Martin apprised that the report was entitled "Former Jail Rehabilitation for Board of Elections Building Study" and included cost information for three alternatives, which he outlined as follows:

- A) Interior rehabilitation project for 8,627 sq. ft. of the old Jail space which could be completed at a cost of \$1.9 million;
- B) Demolition of current space and construction of a new 7,400 sq. ft. metal building at a cost of \$1.6 million;
- C) Demolition of the current space and inclusion of 9,155 sq. ft. of storage space in the basement of HSB at a cost of \$1.7 million.

Mr. Martin cautioned that the estimates were reflective of material costs at the time the report was completed and

were not necessarily congruent with current costs.

Mr. O'Connor stated that the information provided reflected the costs of the options available but not the possible uses of the former Jail space and Mr. Martin replied that this information had not been provided because it was not included in the scope of the study.

Mr. Belden questioned whether the report reflected an anticipated cost for asbestos and lead paint abatement in the old Jail space and Mr. Martin replied that it included an estimate of \$81,000 for removal of hazardous materials.

Resuming the discussion on a possible reduction in Up Yonda staffing, Mr. Stec questioned the procedure for the layoff of a non-union staff member. Rich Kelly, Personnel Officer, apprised that the layoff would not have any relevance as to whether the position was classified as a union member because the Naturalist positions were competitive. He added that the person with the least amount of seniority would be the one whose position was reduced. Mr. Kelly noted that although it was not mandatory, it was courteous to provide the person holding the position in question with written notice advising of the staffing reduction and allowing an appropriate amount of time before severance to allow them the opportunity to secure alternate employment.

Mr. Stec questioned if Committee action was necessary to refer the staff reduction issue to the Personnel Committee and Amy Bartlett, First Assistant County Attorney, advised that since the current hiring policy required action of both the Personnel Committee and the full Board of Supervisors to fill vacant positions, she assumed that the same actions would be necessary to reduce positions.

Mr. Belden suggested that a letter be drafted to the attention of the employee whose position was being eliminated notifying them of the Committee's decision and advising that their employment was to be terminated as of May 1, 2009.

Mr. Payne asked if it was appropriate to forward a letter to the employee prior to the April 17th Board meeting when the decision was finalized. Mr. Kelly replied affirmatively, noting that the letter could state that subsequent to the Committee meeting it appeared that the elimination of a Naturalist position at Up Yonda would be inevitable and the employment of the person with the least seniority would be severed in accordance with the New York State Labor Law. Ms. Bartlett stated that she would work with Mr. Lamy to prepare the letter.

Mr. O'Connor noted that it was not definite that the full Board of Supervisors would vote in favor of staff reduction at Up Yonda and he questioned what would happen if the resolution failed. Mr. Taylor replied that if the resolution were to fail, programs would have to be reduced to remain within the specified budget with no County contribution.

Subsequent to further discussion on the matter, motion was made by Mr. Stec, seconded by Mr. Taylor and carried unanimously by the Public Works Committee to reduce the Up Yonda staff by one Naturalist position and refer same to the Personnel Committee.

Continuing with the review of the Parks, Recreation & Railroad agenda, Mr. Butler apprised that Agenda Item 1 referred to a request to amend the contract with Mercer Construction to include change order #3 which included a no-cost time extension for the Hadley and Thurman Rail Station Projects. He explained that the extension was necessary due to the Project's late fall start and the early onset of winter weather conditions; he added that the substantial completion date would be changed from April 1, 2009 to May 15, 2009 and the final completion date from May 15, 2009 to June 1, 2009.

Motion was made by Mr. Stec, seconded by Mr. Taylor and carried unanimously by the Public Works Committee to approve the request to amend the contract with Mercer Construction as outlined above and the necessary resolution was authorized for the April 17th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Kenny stated that it was his understanding a total of \$933,000 had been spent for the Thurman Station platform which he felt was astounding considering the minimal construction that had resulted. He then presented a photograph of the platform for the perusal of anyone who had not already visited the site. Mr. Kenny added that he felt the gross overspending in connection with the Project was criminal and that someone should be held accountable for the expenditure. Mr. Butler commented that the \$933,000 expenditure had not been solely for the platform and that track siding work, as well as other necessities had been included in the Project. Mr. Kenny responded that regardless of this fact he felt that the cost of the Project was excessive and he pointed out that \$30,000 had been spent for lighting in the parking lot which was not necessary because the train did not operate at night.

Concluding the review of the Park, Recreation and Railroad agenda, Mr. Butler announced that the final item to be discussed consisted of a referral item pertaining to the objection of UHRR (Upper Hudson River Railroad) to paying a \$2 per ticket fee for all tickets sold subsequent to the completion of the Rail Station platforms as indicated in their contract. Mr. Butler reminded the Committee members that UHRR was not in favor of the increased per ticket fee because when the contract was established they had envisioned a completely enclosed rail station with restrooms rather than the simple platforms constructed. He advised that he had discussed the matter with Paul Dusek, County Attorney, who had subsequently provided his opinion that UHRR was justified in their belief and that the per ticket fee should not be increased. Mr. Butler advised that Mr. Dusek had committed his legal opinion to writing, a copy of which was included in the agenda.

Returning to the review of the County Facilities agenda, Mr. Morehouse addressed Item 2A which referred to the installation of safety collars for the Municipal Center elevators. He stated that at the last County Facilities Committee meeting he had been directed to discuss the matter with Mr. Dusek to determine if the safety collars were legally required. Mr. Morehouse said that he had contacted the County Attorney on the matter and Mr. Dusek had responded with a letter stating that as per his interpretation of the building code law, the safety collars should be installed. He stated that the question was now whether the Committee preferred to purchase the safety collar, which was \$20,000, or the piston, which was \$40,000; he added that if the safety collar were to activate, a new piston would be required.

Mr. Lamy apprised that the only party asking the County to install the safety collar was the vendor who would be installing the equipment. He added that Mr. Morehouse had conferred with several different vendors and the only one suggesting the purchase of the equipment was the prospective installer. Mr. Lamy stated that they had also addressed the issue with CPL, who had advised that as part of their study of the Court space they were willing to have one of their engineers review the elevator to determine whether the safety collar installation was appropriate or not. He added that since the study was no longer being performed this work would not be done.

Mr. Stec suggested that the Committee authorize CPL to inspect the elevator to determine if the safety collar was necessary and to pay them on an hourly basis for this work. Mr. Lamy agreed that this was the best course of action to determine whether the equipment was actually necessary prior to expending any funds.

Motion was made by Mr. Girard and seconded by Mr. O'Connor to authorize CPL to inspect the elevator and make a recommendation on the necessity of a safety collar for same.

Mr. O'Connor stated that although he had seconded the motion he was against the implementation of a safety collar as he felt it was unnecessary and was just an attempt by the vendor to make a sale to the County. He added that if the elevator were to fail, the elevator would fall very slowly and would not cause injury.

Mr. Lamy stated that the reason the issue was being discussed further was in light of Mr. Dusek's advisement that the safety collar should be installed according to building code law. He said that it was his recommendation that a professional assess the need before installing the equipment, rather than following the advisement of the vendor. Mr. Stec said that as per Mr. Dusek's letter, the need for the safety collar was due to the fact that it was required by building code law and Mr. Morehouse advised that he had contacted the Office of Fire Prevention and Building Code Enforcement on the issue and they had explained that although the safety collar was listed as a requirement in current building code law, the Municipal Center was allowed to forego this equipment due to the age of the building which allowed them to be included in a grandfather clause. He said it was his opinion that the safety collar was a waste of money because they would still have to change the piston if the safety collar was engaged.

Subsequent to further discussion on the matter, Mr. Thomas called the question and the motion was carried unanimously to authorize CPL to review the necessity of a safety collar for the Municipal Center elevator and invoice for same on an hourly basis.

Mr. Morehouse advised that Agenda Item 3A consisted of a request for a new contract with Winchip Overhead Door Co. Inc. for overhead door repair, replacement, installation and preventive maintenance for all County buildings.

Motion was made by Mr. Girard, seconded by Mr. O'Connor and carried unanimously by the County Facilities Committee to approve the request for a new contract with Winchip Overhead Door Co. Inc. as outlined above and the necessary resolution was authorized for the April 17th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Thomas announced that there was one final item for discussion that was not included on the agenda which pertained to the proposed turning lane to be installed on Glen Lake Road at the Municipal Center entrance. He advised that a traffic count had been completed and a determination had been made that the turning lane would not be added at this time as it was unnecessary. Mr. Thomas advised that the work was to be done by DPW staff and if it was determined to be necessary in the future the issue would be revisited.

Mr. Lamy apprised that the project was very complicated as there was not sufficient sight distance for oncoming traffic to safely install a turning lane. He said that if they were to allow for the additional sight distance, utility relocations would be necessary and would require significant property acquisitions. Mr. Lamy advised that the determination had been made to leave the traffic pattern as it was for the time being with the understanding that the issue could be reintroduced in the future if the need presented itself.

As there was no further business to come before the Committees, on motion made by Mr. Goodspeed and seconded by Mr. Belden, Mr. Stec adjourned the meeting at 3:13 p.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist