

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: COUNTY FACILITIES

DATE: JULY 29, 2014

COMMITTEE MEMBERS PRESENT:

SUPERVISORS GIRARD
WOOD
WESTCOTT
MONROE
STROUGH

OTHERS PRESENT:

JEFFERY TENNYSON, SUPERINTENDENT OF THE DEPARTMENT OF PUBLIC WORKS
FRANK MOREHOUSE, SUPERINTENDENT OF BUILDINGS
ROSS DUBARRY, AIRPORT MANAGER
KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ADMINISTRATOR
MARTIN AUFFREDOU, COUNTY ATTORNEY
JOAN SADY, CLERK OF THE BOARD
FRANK E. THOMAS, BUDGET OFFICER
SUPERVISORS BEATY
BROCK
MCDEVITT
MERLINO
SEEBER
SIMPSON
TAYLOR
NATHAN "BUD" YORK, COUNTY SHERIFF
GRETCHEN STEFFAN, COUNTY HUMAN RESOURCES DIRECTOR
JOE KERUM, WARREN COUNTY RESIDENT
DON LEHMAN, *THE POST STAR*
THOM RANDALL, *ADIRONDACK JOURNAL*
CHARLENE DIRESTA, SR. LEGISLATIVE OFFICE SPECIALIST

Mr. Girard called the meeting of the County Facilities Committee to order at 10:37 a.m.

Motion was made by Mr. Strough, seconded by Ms. Wood and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Frank Morehouse, Superintendent of Buildings, who distributed copies of the agenda packet to the Committee members; *a copy of the agenda packet is on file with the minutes.*

Commencing the agenda review, Jeffery Tennyson, Superintendent of the Department of Public Works (DPW), advised the DPW Engineering staff was coordinating with Clark Patterson Lee (CPL) on the development of a Request for Proposals (RFP) for solar power conversion of Cornell Cooperative Extension (CCE) and other County facilities. He said he anticipated the release of the RFP within the next two to three weeks and he noted there were some details which needed to be ironed out, such as the current electrical usage and site information. He commented he would be reporting to the Committee at the next meeting about the official release date of the RFP. Mr. Tennyson stated the proposals should be received in time to allow approximately one and a half weeks to review them before the September 19, 2014 Board Meeting. Mr. Girard asked if the proposals would be available for review at the next County Facilities Committee Meeting and Mr. Tennyson replied in the negative. Mr. Tennyson suggested the possibility of scheduling a Special County Facilities Committee Meeting in order to review and discuss the proposals. It was the consensus of the Committee to schedule a Special County Facilities Committee Meeting to review and discuss the solar power conversion proposals be scheduled prior to the September 19, 2014 Board Meeting.

Moving on, Mr. Morehouse stated he had reviewed the available space in the Human Services Building (HSB) in order to determine if there was adequate space for the housing of the New York State Department of Labor (NYS DOL) and the Employment & Training Administration (ETA). Following his review, he continued, it was determined that there was not sufficient space to house both the NYS DOL and the ETA Offices together and he noted that it was required by law that these two offices be in the same location. He explained the current NYS DOL and ETA Office space at the Northway Plaza was approximately 9,000 square feet. He noted there was approximately 3,500 square feet of space remaining in the HSB. He commented that the NYS DOL seemed reluctant to decrease the square footage of their office space because the usage of their current space fluctuated. Mr. Girard asked if the Departments had been relocated due to a leaking roof at the Northway Plaza location and Mr. Morehouse replied the ETA staff had been relocated to the HSB; however, he added, some of the NYS DOL staff had remained at the Northway Plaza offices. Mr. Morehouse commented there was sufficient space in the HSB for the ETA staff but not enough space to house the two Departments together as required by law. He added there were approximately 28 employees between the NYS DOL and ETA staff.

Mr. Monroe questioned the need for so much space and pointed out that 9,000 square feet for 28 employees was more than 300 square feet per employee. Mr. Morehouse explained the current office space in the Northway Plaza included a large waiting room and three large conference rooms used for training. Mr. Strough asked if the State reimbursed the County for space provided and Mr. Morehouse replied the State would reimburse the County if space was used in the HSB. Mr. Strough asked if the County paid for the rental of office space at the Northway Plaza location and Mr. Morehouse replied the County paid for their portion of the rent. Mr. Strough asked the cost per square foot and Mr. Morehouse said he was unsure. Mr. Monroe asked if it was required by law that the two offices be together and Paul Dusek, County Administrator, replied that the requirement was part of the Workforce Investment Board regulations. Mr. Dusek commented that the ETA and NYS DOL shared some common functions and worked in conjunction with each other. He stated the leaking roof issues at the Northway Plaza location had presented an opportunity to relocate the offices to the HSB, if there had been sufficient space available. A brief discussion ensued.

Mr. Strough advised of a conversation with Rich Schermerhorn, local developer, who had indicated that he intended to find a use for the facility located on the corner of Bay and Quaker Roads in the Town of Queensbury. He said Mr. Schermerhorn had advised he would construct a building to meet the needs of the potential tenant and would rent the space for \$3 per square foot. Mr. Dusek stated this was important information which he would relay to the NYS DOL because they were in the process of making a decision on office space.

Mr. Girard pointed out the next item on the agenda was to discuss the Court space needs and he informed of a meeting held on the prior day with the Judges, support staff, Mr. Dusek and Mr. Tennyson. Mr. Tennyson noted communication with the Office of Court Administration (OCA) Architects would be critical to moving forward. He added the County had made a request in December for the OCA Architects involvement in the process. He announced Warren County would have a new Family Court Judge commencing in January of 2016 which had increased the urgency of addressing the Court space issue. He stated he was hopeful a meeting would be scheduled with the OCA Architects within the next few weeks which would be held in New York City or via teleconference. He explained the basic steps to complete the expansion of the Court space would be a needs assessment, followed by some preliminary engineering alternatives, followed by final design and then construction. Mr. Tennyson expressed the need to move quickly and said the sooner everyone was in agreement the sooner construction could commence. He stated he should have more information available prior to the previously discussed Special County Facilities Committee Meeting.

Mr. Tennyson explained that if the County was unable to complete the construction prior to January of 2016, it would be necessary to temporarily rent suitable chambers and office space for the new Family Court Judge and his support staff, which would be costly. Mr. Monroe stated in the past when the County had remodeled existing space for the Courts they had received reimbursement from the State; however, he added, if the County constructed new space for the Courts there was no reimbursement. Mr. Tennyson informed that construction funds were not available at this time; however, he added, he would verify this information with the OCA. Mr. Girard said the scope of work was rather large due to the existing needs of Family Court for additional space coupled with the fact that the arrival of an additional Family Court Judge was anticipated for January of 2016. He advised of the possibility of a third Supreme Court Justice in Warren County due to the fact that Judge Krogmann was turning 70 years old and was able to renew his position in two year intervals for up to six two year terms.

Mr. Westcott asked if the expansion costs would be incurred by Warren County and Mr. Tennyson responded there currently was no funding source identified and the cost of the construction would be a County expense, most likely funded by a bond. Mr. Westcott said he understood the necessity but he cautioned against rushing into the construction and suggested that the source of funding be determined prior to proceeding. Mr. Girard expressed the need to expedite the process as the Courts were currently in need of space and with the addition of another Family Court Judge in January of 2016, the cost of temporary space could be exorbitant. Mr. Dusek said his office would take the lead on determining a source of funding for the construction and would complete a thorough review of the costs and the options. He stated as long as the process proceeded efficiently he believed it was possible to complete the construction as quickly as possible to avoid any unnecessary additional costs. A brief discussion ensued.

Mr. Westcott asked if there was further information available which could be provided to the Committee members. Mr. Dusek explained that as soon as the new Judge assumed office, the County was required by law to provide him with chambers and office space. He continued by saying the legislature had already approved a second Family Court Judge for Warren County commencing in January of 2016 and the County was required to provide space for that Judge. He noted if the County was unable to provide the Judge with office space within the Municipal Center, it would be necessary to rent the appropriate office space for him. He pointed out that if Warren County had another Supreme Court Judge and Judge Krogmann decided to continue his tenure, then additional space would be needed. He stated the current Court space was not adequate for the existing Judges and support staff and he noted the additional Judges would also require space for their staff. Mr. Dusek advised the Fund for Modern Courts had evaluated Warren County's Court space several years prior and had found it inadequate at that time.

Mr. Monroe opined this was a very large unfunded State mandate and he asked if this circumstance would be an exception to the mandated tax cap. He noted there was already a large unfunded mandate pertaining to the Jail and the staffing for it and he questioned how Warren County would be able to decrease their budget by 1% with these additional mandates. He commented that in the past the Court System had been a County function but since the OCA had taken over administration of the Court System there were rules and regulations to follow, such as mandated salaries. Mr. Dusek agreed but said he felt the Budget Team would be up for the challenge.

Mr. Girard said CPL would complete the needs assessment which would be approved by the Judges and OCA. He pointed out the need to establish the bond for the project and he requested Mr. Tennyson to report on the progress. Mr. Tennyson stated he had contacted CPL, as the County's Architect, and he noted CPL's experience which included the construction of the HSB. He explained he had a meeting scheduled with CPL in the next couple of weeks. He informed that once OCA's level

of involvement in the project was determined, he would request the establishment of a capital project for approval at the September 19, 2014 Board Meeting. Mr. Tennyson advised there was concern about the expense of the project; however, he continued, due to the January of 2016 deadline the options were limited. He anticipated he would present some initial options with cost and construction schedule estimates at the next Committee Meeting. He noted there were certain methods of proceeding which would be faster for both design and construction and he felt those options should be identified. He pointed out the possibility that he might recommend a more expensive form of construction which would meet the timeline and avoid the need to find temporary housing options. He explained normally this would be a 2½ to 3 year process which would include an exhaustive needs assessment, engineering and development of alternatives phases, followed by final design and construction; however, he added, it was necessary to expedite the process in order to avoid the additional costs.

Mr. Girard reminded the Committee they had met with the Judges several months prior and Judge Krogmann had advised against proceeding until it was determined if Warren County would have the additional Family Court Judge. Mr. Monroe commented the cost of temporary off-site chambers for the new Family Court Judge would be high. Mr. Tennyson advised the cost of temporary chambers would include the rent for the space, as well as transportation costs and additional staffing costs. A brief discussion ensued.

Concluding the agenda review, Mr. Tennyson pointed out there were two pending items, the first of which pertained to the possibility of relocating the NYS DOL and ETA Offices to the HSB as previously discussed; he requested this item be deleted from the pending items list. The second item, he continued, pertained to solar power conversion for CCE and other County facilities and should be updated to reflect the pending release of the RFP. Mr. Girard informed that National Grid had completed a lighting audit for the CCE Building which would be presented to the Budget Committee. He noted CCE had also completed a New York State Energy Research and Development Authority (NYSERDA) audit to determine other insulating advantages which would be presented, as well.

This concluded the Buildings & Grounds portion of the Committee Meeting and the Airport portion of the meeting commenced at 11:07 a.m.

Privilege of the floor was extended to Ross Dubarry, Airport Manager, who distributed copies of the agenda packet to the Committee members; *a copy of the agenda packet is on file with the minutes.*

Commencing the agenda review, Mr. Dubarry reported that a public hearing for the Environmental Assessment (EA) Land Acquisition Off Airport Obstruction Removal & Miscellaneous Improvements Project would be held on September 10, 2014 at 6:30 p.m. at the Queensbury Activities Center, 642 Bay Road in the Town of Queensbury. He advised the Federal Aviation Administration (FAA) and C&S Engineers had completed the final review of the draft EA for the Land Acquisition Off Airport Obstruction Removal & Miscellaneous Improvements Project. He said the finishing touches were being made to the document which would be available for inspection beginning August 9, 2014. He mentioned the County would publish the Notice of Public Hearing on August 9, 2014 and make the document available in hard copy at the Clerk of the Board's Office and the Queensbury Town Clerk's Office. He added the document would also be available on the County website. Mr. Dubarry explained the purpose of the September 10th Public Hearing would be to introduce the project, give a technical presentation and receive public comments and questions. He noted the Public Hearing would remain open until September 20, 2014 at which point, McFarland Johnson, Inc., as the County's Engineering Consultant, would assist with the preparation of formal responses to the public comments and questions.

Mr. Westcott said he was aware that by law the County was not required to answer the public's comments and questions during the public hearing; however, he asked that to the extent possible, comments and questions be addressed during this public hearing. Ms. Wood opined it would be better to wait for the formal responses and she noted the possibility of questions being asked at the public hearing which the County was not fully prepared to answer. She mentioned that trying to respond to a comment or question on the floor without having the proper documentation to ensure the answer given was correct was inadvisable. Mr. Westcott agreed the County should not respond to questions for which they did not have the appropriate answer at the time; however, he added, if the answer was clear and the information was available, he saw no harm in responding immediately. Mr. Monroe agreed that if the answer to the question was a simple matter, the County should respond during the public hearing. Mr. Strough commented that sometimes the tone and temperament at public meetings was not very polite and tended to be antagonistic and interrogative. He said he would prefer to leave the decision of whether or not to respond to questions during the public hearing to the comfort level of those conducting the meeting. Mr. Westcott voiced his opinion that in many instances when the public's questions were not answered or acknowledged, it lead to a certain level of frustration for those asking the questions. He stated that for the majority of the Airport related meetings he had attended the tone had been civil and professional and when comments or questions became otherwise, the Committee members had requested order during the meeting.

Mr. Girard said that because the public hearing was a legal proceeding for which the written responses would be posted to the County website, he requested Martin Auffredou, County Attorney, to present his opinion on the possibility of responding during the public hearing. Mr. Auffredou stated he tended to agree with Ms. Wood and he advised this was a public hearing and not a debate or question and answer session. He opined it was better to gather the information and present a formal response to the comments and questions; however, he continued, if the Committee decided that responses would be given during the public hearing, then a caveat should be announced prior to commencing informing that the County officials and representatives reserved the right to modify or supplement their responses when the formal responses were drafted by the County. He noted there were limited circumstances where the County officials and representatives might feel comfortable responding to a comment or question; however, he added, they should not be compelled to do so. More importantly, Mr. Auffredou said, if they chose to respond, they should have the ability to modify or supplement their answers in the formal written responses. Mr. Westcott stated there was no legal obligation to respond to comments or questions during the public hearing; however, he opined, this was a matter of good governance and if the information was available there was no harm in sharing it at the public hearing.

Motion was made by Ms. Wood, seconded by Mr. Strough and carried unanimously to approve the request to set a Public Hearing for the Environmental Assessment Land Acquisition Off Airport Obstruction Removal & Miscellaneous Improvement on September 10, 2014, as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the August 15, 2014 Board Meeting. (Note: Subsequent to the meeting it was determined that a resolution was not necessary and this request was provided for the Committee's information only.)*

Mr. Dubarry advised the formal responses to comments and questions from the July 1, 2014 Off Airport Avigation Easement/Land Acquisition Eminent Domain Procedure Law for the Forest Enterprises Management Parcel Public Hearing, as prepared by C&S Engineers, were included in the agenda packet. He noted the formal responses were for both the verbal and written comments and questions received during the open comment period. He stated he had reviewed the responses and found them acceptable. He said he had consulted with C&S Engineers and R.K. Hite about the

procedures and appropriateness of grouping the comments and questions into categories and providing one response for each category as opposed to providing written responses for each comment and question received and had been assured the methodology was appropriate. He commented the benefit of this approach was that it provided the reader with a manageable level of responses which would better enable informed decisions. Mr. Dubarry explained the next step in the process would be for the County Facilities Committee and the Board of Supervisors to consider a resolution adopting determinations and findings. He added after the determinations and findings were reviewed they would be distributed to the full Board for review and he anticipated presenting a resolution request form to adopt the determinations and findings at the next month's Committee Meeting.

Mr. Girard inquired about the pending item pertaining to FAA approval of the draft EA for the Runway 1 Extension and Mr. Dubarry advised they were awaiting the FAA and C&S Engineers to complete the draft document. Mr. Dubarry stated they were trying to avoid having the public hearings for the two projects overlap in order to avoid any unnecessary confusion. Mr. Girard asked when the final draft was anticipated and Mr. Dubarry replied within the next two to three weeks.

Mr. Westcott indicated there had been email correspondence between himself and Mr. Dusek on Friday, July 25, 2014 requesting Mr. Dusek to look into the series of events leading up to the July 18, 2014 Board Meeting. At the July 3, 2014 County Facilities Committee Meeting, he continued, he had requested that specific information be provided to him and he noted he had not received the information prior to the July 18th Board Meeting. He stated he had asked Mr. Dusek to look into the matter and determine a process for Supervisors to request information from Department Heads. He opined that any Supervisor requesting information from a Department Head should receive the information in a timely manner. He commented he appreciated the fact that Mr. Dusek had agreed to meet with him to discuss the matter.

Mr. Westcott stated he also wanted Mr. Dusek to look into the matter of two Sheriff's Patrol Officers following up on a harassment complaint made by Mr. Dubarry against Travis Whitehead, Town of Queensbury Resident. He noted Mr. Whitehead had posed a number of questions which he had reviewed and forwarded to Mr. Dusek. He added he had followed up with his own questions and had copied the other Supervisors from the Town of Queensbury. He pointed out Ms. Seeber had forwarded the email to the remaining Supervisors on the Board and he thanked her for this effort. Mr. Westcott stated he wanted to know the policies involved and the steps taken during these types of events and he opined it seemed as if extreme measures had been taken. He said he wanted the rationale and purpose for sending two Sheriff's Patrol Officers to Mr. Whitehead's home to be investigated. He asked if Mr. Auffredou had any comments and Mr. Auffredou stated he was sure Mr. Dusek would investigate the matter and respond. Mr. Dusek stated his office was looking into the matter and would complete a thorough review and be responsive. He encouraged everyone to refrain from jumping to conclusions at this point because the facts were currently unknown.

Mr. Strough informed that the *Plattsburgh Press Republican* had reported that Plattsburgh was receiving millions of dollars in Federal and State funding for improvements at their airport. He advised Plattsburgh had recently received funding for the study and remediation to allow the airport to meet FAA regulations. He stated that Senator Schumer had said making sure airports were as safe as possible was one of his top priorities. He noted the article also discussed removal of potential dangers to the runway and obstructions, such as trees or structures which might compromise safety in order to ensure the passengers and pilots were safe. He quoted from the article, as follows: "keeping this airport in top shape will allow it to continue to serve as a major economic driver for all of Clinton County". Mr. Strough informed that Senator Gillibrand had said airport safety should always be a top priority. He advised the article had said funding supported the basic upkeep that

allowed these facilities to continue uninterrupted service for business people, residents and all of the tourists who traveled to the area. He indicated the article discussed compliance with FAA regulations and providing the safest possible operating environment for aircraft and how the airport bolstered the ability to attract additional businesses and jobs to the north country. Mr. Strough stated the North Country Chamber of Commerce had said that every bit of Federal support for Plattsburgh was helpful and welcomed. Mr. Strough noted he had presented the information from this article to show what some of the neighboring Counties were doing to improve their airports.

Ms. Seeber said she appreciated Mr. Dusek's comment about not jumping to conclusions until all of the facts were known. She stated she did not feel the Board of Supervisors should be telling employees that they did not have the right to contact the Sheriff's Office if they felt unsafe at work. She opined everyone should have the ability to contact the police if they felt threatened. Mr. Dusek agreed and said he did not mean to imply that the police should not be contacted if an employee felt unsafe. He emphasized his review of the matter would be impartial and he reiterated his encouragement not to jump to conclusions until all of the facts were known. He stated it had been a standing rule in Warren County that if any employee felt unsafe there were a number of mechanisms for them to request assistance, including contacting the local authorities. He said he would never tell an employee that they could not contact the Sheriff's Office if that was what they felt was necessary in order to ensure their safety.

Mr. Westcott agreed with Ms. Seeber's comments; however, he pointed out, in this case the Sheriff's Office had not been contacted because an employee felt unsafe, they had been contacted because Mr. Whitehead had entered an unauthorized area on Airport property. He said Mr. Whitehead had his authorization to meet at the Airport Manager's Office and had been directed by an employee at the front desk to proceed upstairs to Mr. Dubarry's Office. Mr. Westcott mentioned he wanted a better understanding of the circumstances and to determine if there were other details involved which he was unaware of.

In reference to Mr. Strough's comments regarding the *Plattsburgh Press Republican* article, Mr. Beaty informed that Saratoga and Columbia Counties had rejected Federal funding for airport improvements. He opined some counties did not see the relevance of spending millions of dollars when not needed.

Mr. Beaty thanked Mr. Dusek for his pending examination of the events and said he looked forward to the response. Concerning different levels of harassment, he opined that filing harassment charges or a complaint against someone for calling you a name was extreme. He noted that everyone had been called a name at some point in their lives and if everyone filed a harassment charge the Sheriff's Office would be very busy following up on the complaints. He reiterated he looked forward to Mr. Dusek's complete report on the matter and he said he hoped the report would be forthcoming in a timely manner. Mr. Dusek stated there were key people he would need to contact during the investigation and availability was an issue. He opined that in circumstances such as this, it was better to take a very careful look at all of the facts. He pointed out Mr. Beaty's assessment that the harassment charges were filed based on being called a name, may or may not be the facts of the matter. He noted there were a lot of things which came into these types of evaluations in terms of whether or not a person felt safe.

In response to Mr. Westcott's comments regarding the timeliness of the receipt of the document requested, Mr. Tennyson asked that Mr. Westcott not wait for Mr. Dusek's determination on the issue and advised that Mr. Westcott could pose any questions he had. He said he was willing to meet with Mr. Westcott immediately following the Committee Meeting. Mr. Tennyson stated he had reviewed Mr. Westcott's request by obtaining the audio from the July 3, 2014 County Facilities

Committee Meeting which had been transcribed verbatim in order to determine exactly what was requested. He informed he had emailed Mr. Westcott the map which was requested on July 7, 2014 and had emailed it a second time on the morning of the July 18th Board Meeting. Mr. Tennyson told Mr. Westcott if he needed a different map or further information to see him immediately and he would provide the requested materials or information. Mr. Westcott thanked Mr. Tennyson for his comments and agreed to meet immediately following the Committee Meeting. Mr. Westcott explained he had received two maps the morning of the July 18th Board Meeting via email and he had immediately replied to the email indicating that these were not the maps he had been looking for; however, he continued, he did not receive a reply to this. Mr. Westcott explained that on the day of the previously discussed incident involving Mr. Whitehead, he had called Mr. Dubarry twice and had left a message saying that he would be coming to the Airport to see him. Mr. Westcott stated this matter could have been avoided and handled more easily if all of the parties had met for five to ten minutes to discuss the actual map he had requested.

As there was no further business to come before the County Facilities Committee, on motion made by Mr. Strough and seconded by Ms. Wood, Mr. Girard adjourned the meeting at 11:31 a.m.

Respectfully submitted,
Charlene DiResta, Sr. Legislative Office Specialist