

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: COUNTY FACILITIES

DATE: August 28, 2014

COMMITTEE MEMBERS PRESENT:

SUPERVISORS GIRARD
WOOD
WESTCOTT

COMMITTEE MEMBERS ABSENT:

SUPERVISORS MONROE
STROUGH

OTHERS PRESENT:

JEFFERY TENNYSON, SUPERINTENDENT OF THE DEPARTMENT OF PUBLIC WORKS
FRANK MOREHOUSE, SUPERINTENDENT OF BUILDINGS
AMANDA ALLEN, DEPUTY CLERK OF THE BOARD

SUPERVISORS BEATY

BROCK
FRASIER
KENNY
MCDEVITT
MERLINO
SEEBER
SIMPSON
TAYLOR

MICHAEL SWAN, COUNTY TREASURER
SHAWN RAYMOND, DPW ASSISTANT ENGINEER
MATTHEW SMULLEN, CLARK PATTERSON LEE
JON NORRIS, CLARK PATTERSON LEE
TATIANA COFFINGER, WARREN COUNTY SUPREME COURT
R. KEVIN LYNN, 333 GLEN STREET ASSOCIATES LLC
RONALD MONTESI, DEPUTY SUPERVISOR, TOWN OF QUEENSBURY
DON LEHMAN, *THE POST STAR*
SARAH MCLENITHAN, SECRETARY TO THE CLERK OF THE BOARD

Mr. Girard called the meeting of the County Facilities Committee to order at 11:06 a.m.

Motion was made by Mr. Westcott, 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 Jeffery Tennyson, Superintendent of Public Works, 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. Tennyson apprised that representatives from CPL (Clark Patterson Lee) were in attendance today to provide an update on the Court Space Needs Assessment and answer any questions and/or concerns of the Committee members. He stated as part of Task 1 - Program Needs Assessment, CPL had commenced interviews with the Court staff in order to access the current and future needs of the court. He said the main purpose of today's meeting was to authorize the initiation of Task 2 - Exploration of Options, by CPL, as well as ensure the Committee was informed and comfortable with the scope of work.

Mr. Girard asked how CPL would address the suggestion of renting existing space off campus for the court. He said the other locations suggested were the building owned by Richard Schermerhorn on Glenwood Avenue located in the Town of Queensbury, space available in the Monument Square building located in the City of Glens Falls or space available in a building located at 101 Ridge Street in the City of Glens Falls owned by Dr. Stephen Serlin. Mr. Tennyson advised he felt the best way to address this was to review what the original plans were for Task 2 - Exploration of Options. He

reminded the Committee to ensure the project proceeded on schedule, funds in the amount of \$80,000 were transferred into Capital Project No. H350.9550 280, Court Space Expansion. He suggested discussing any questions and/or concerns the Committee had with the proposed work in Task 2 - Exploration of Options, prior to granting approval to proceed with the project.

Mr. Westcott stated he would like to ensure that Mr. Strough's suggestion regarding the possibility of the Town of Queensbury and the County working together on a joint courthouse facility which would meet both municipality's needs was addressed. Mr. Girard apprised the main purpose of the meeting today was for CPL to elaborate on the scope of work included in Task 2 - Exploration of Options, which had a proposed cost of \$58,000.

Mr. Tennyson referred the Committee members to a copy of the scope of work CPL proposed completing in Task 2 - Exploration of Options; *a copy of which is on file with the minutes*. He introduced Matthew Smullen and Jon Norris, who were in attendance representing CPL. He stated Mr. Smullen had worked with the County for a number of years on term contracts and Mr. Norris was the technical lead for the project. He noted Mr. Norris had extensive knowledge of the facility, as he had worked on the previous studies completed by the County.

Mr. Smullen advised CPL's initial understanding was that since Warren County was receiving an additional Family Court Judge commencing January 1, 2016 scheduling was crucial. He reminded the Committee as previously discussed, to meet this timeframe CPL felt the most suitable option available was constructing a new addition on to the existing space; therefore, he stated, the proposed scope of work for Task 2 - Exploration of Options was based upon this.

Mr. Westcott questioned whether this scope of work addressed Supervisor Strough's suggestion of the Town of Queensbury and the County working together on a joint courthouse facility which would meet both municipality's needs and Mr. Smullen replied in the negative. He explained Task 2 - Exploration of Options, would require modifications to include reviewing existing space off campus. He commented he would like to review the proposed scope of work for Task 1 - Program Needs Assessment, with the Committee prior to discussing Task 2 - Exploration of Options's, as he felt it was necessary for everyone to be aware of the entire process.

Mr. Norris advised he would be conducting interviews with the County Judge, the Family Court Judge, the Supreme Court Judge and their respective staff regarding the current needs, as well as the proposed future needs. He explained the interview process would include Court Security, the Commissioner of Jurors, the Law Library, the District Attorney's Office, the Probation Department, the Public Defender's Office and the Department of Social Services because the needs assessment involved the entire court system. He stated they were reviewing existing floor plans to ensure they had accurate records to commence with. He said a portion of Task 1 - Program Needs Assessment, consisted of developing room sketch plans in order to determine square footage. He continued, an overall plan would be prepared to include the proposed total square footage requirement for the courts, as well as a comparison to the existing square footage. He added an adjacency diagram contained within the scope of work for Task 1 - Program Needs Assessment, would display the relationships inside the courts and court related functions. He mentioned the comment phase would close this stage out.

Mr. Westcott asked whether efficiencies would be achieved by reviewing the data from the previous studies that were completed. Mr. Norris advised one of the previous studies encompassed utilizing a portion of the first and second floor of the Warren County Municipal Center for the Family Court. He said another study was completed, as well; however, he pointed out the work had ended

abruptly and no feedback was provided. He stated CPL would be once again reviewing the caseloads, the needs for visiting judges, the drug court, etc., as programs and litigation had changed over the years. He commented they wanted to get a sense of the process and the current and future projected staffing needs for the Clerks and the Judges.

Mr. Girard stated the off campus suggestions were not included in the \$58,000 for Task 2 - Exploration of Options. He asked CPL to address how they would develop a plan and timetable for a location of campus, as well as their suggestions on how to proceed. Mr. Smullen asked Mr. Girard to clarify if he meant with or without the off campus options. Mr. Girard explained those that had been previously involved in the process and had a history understood many of the issues and/or difficulties that were brought forth. He said he understood what staying focused and remaining on the campus contributed towards the timetable and accomplishing the goal because he was familiar with the history when other options were explored; however, he apprised, there were Supervisors without this previous knowledge who wanted to explore other options they felt would provide a more efficient solution. He advised he felt CPL should explore these other options and report back to the Committee in a timely manner so that a decision could be rendered as to how to proceed. Mr. Westcott added there were three off campus facilities identified as possible locations. He said he felt there should be a cross benefit analysis, as he understood there may be inefficiencies if an off campus facility was utilized; however, he stated, it could be determined the use of an existing facility would be less expensive and provide efficiencies above that of the efficiencies realized from constructing a new addition to the existing space.

Mr. Smullen apprised if they were to review this option it would add cost, as well as additional time to the timeline. He pointed out it was not uncommon to spend more on renovation and design of an existing facility than new construction. He said there were other inefficiencies to consider such as additional security, cleaning and maintenance and transportation, particularly of inmates. He advised the three alternatives they had developed for Task 2 - Exploration of Options, were as follows: a single story addition; a two story addition; and renovations of the existing space. Mr. Norris mentioned in order to proceed, CPL would require the square footage of the existing facilities that were under consideration, as well as their parking availability and floor plans. He pointed out certain criteria would need to be examined if an existing facility was to be considered such as floor loading issues, live load requirements for the type of usage, as specific circulations were required. He stated emphasis would need to be placed on any obstructions present, mechanical systems, multiple entrances, as well as reviewing the analysis of what future needs may be and how that would be impacted by a remote location.

Mr. Westcott advised one of the facilities being considered was owned by Mr. Schermerhorn, who had a history of working well with the County. He said Mr. Schermerhorn's facility included a large parking lot; he noted Mr. Schermerhorn indicated he would be willing to build to suit. He asked whether he should copy Mr. Tennyson on an email to Mr. Schermerhorn requesting the information Mr. Norris had mentioned and Mr. Tennyson replied affirmatively. Mr. Tennyson added his staff could assist with compiling the information required on the other facilities, as well.

Mr. Tennyson suggested they proceed with Task 2 - Exploration of Options, as presented today with the notion that CPL would develop another Task to address exploring the existing facilities and the cost associated with them. He pointed out although there were cost benefits to utilizing an existing space there were also many disadvantages that should be factored in. He noted because of the unique use of a court space there were a great deal of issues that could arise. He stated renovations of an existing facility generally required the facility to be updated to meet current building code requirements. He advised the costs of renovations increased substantially when items such as

sprinkler systems and alarms were added to older structures that were constructed under a completely different code system. He stated the advantage of constructing an addition to the current facility was they were aware of the current codes and the costs associated with construction of a structure similar to the HSB (Human Services Building). He said because they were unfamiliar with the other facilities suggested other issues could arise that they were presently unaware of. Mr. Norris pointed out items such as ductwork, confidentiality, wall thickness, etc. could create problems. Mr. Tennyson added if existing floor plans were modified it might require a reworking of the entire HVAC (heating, ventilation, air conditioning) of the facility. He suggested CPL develop Task 2A to address exploring the existing off site facilities and the cost associated with them so a comparison of both options could be used to make a final determination.

Mr. Girard advised the goal for today's meeting had been to obtain approval for the Task 2 - Exploration of Options, at a projected cost of \$58,000, which had been approved by the higher courts; however, he said, he believed reviewing the other off site facilities warranted review, as well. He stated his concern that if the Task 2 - Exploration of Options, was authorized for its original intent and it was later determined an existing facility could be retrofitted for use they would have wasted funding on the work. He suggested it might be beneficial to consider another study to determine the feasibility of using existing space.

Ronald Montesi, Deputy Supervisor for the Town of Queensbury, apprised he felt the concept should be to approve Task 2 - Exploration of Options, at a cost of \$58,000 so the estimated cost of constructing a new addition could be established. He continued, once this was completed the other off site facilities could be explored to ensure a side by side comparison was available to assist with making a final determination.

Mr. Smullen added the County would not be spending the funds inappropriately on Task 2 - Exploration of Options, as it would provide an analysis of the cost of the new addition, as well as what the alternatives on campus were. He stated Task 2A could be developed to address utilizing an existing off site facility. He said once this was completed a side by side comparison of the two options could be reviewed. He pointed out there would be some overlapping between Task 2 - Exploration of Options, and Task 2A.

Mr. Tennyson stated the key to him was remaining on schedule and having the two concepts available for review when the time came to make a final determination on how to proceed with the project. He said he was concerned too much time would be lost if they waited until Task 2 - Exploration of Options, was completed to commence review of Task 2A. He said he felt it was essential to initiate work on Task 2 - Exploration of Options, and 2A concurrently so that a side by side comparison was available to review when the time came to make an informed determination.

Mr. Girard pointed out approval was required for Task 2A since there was an additional cost associated with it. He questioned whether CPL could develop an analysis similar to what was presented at today's meeting for Task 2 - Exploration of Options, and the associated costs and Mr. Smullen replied affirmatively. Mr. Girard asked what the timeline for completing this additional analysis was and Mr. Smullen responded it could be ready within the next couple of weeks.

Mr. Tennyson advised since there would be an additional cost associated with Task 2A he felt the goal should be for CPL to present Task 2A and the associated costs before the Finance Committee on September 10, 2014. He pointed out once the funding was in place for the additional work and Committee consensus was granted CPL could proceed with the project.

Mr. Girard advised the off site facilities under consideration were office space available in the Monument Square building in the City of Glens Falls, office space available for lease at 101 Ridge Street in the City of Glens Falls, the Old Court House in Lake George , as well as a building owned by Mr. Schermerhorn located on Glenwood Avenue in the Town of Queensbury. He reminded the Committee Mr. Strough's suggestion of the possibility of the Town of Queensbury and the County working together on a joint courthouse facility which would meet both municipality's needs was under consideration, as well. Mr. Norris advised it would be helpful if hazard surveys were available and any geotechnical information for the off site facilities under consideration, as it would impact the costs for construction.

Mr. Girard questioned whether the Committee felt the correct action was to proceed with Task 2 - Exploration of Options, as presented with the notion that CPL would return with a detailed analysis of Task 2A and the costs associated within the next few weeks to discuss how to proceed with the project and the Committee members concurred. He noted approval from the Courts would need to be obtained for whichever direction was selected. He reminded the Committee the Courts had previously granted approval for constructing a new addition to the current facility; therefore, he said, should they determine an off site facility was the more favorable option, approval would need to be granted by the courts, as well to proceed.

Mr. Montesi apprised he felt the public would like to know the current space available, as well as the total amount of the proposed additional space. Mr. Smullen stated this information would be available once the Task 1 Needs Assessment, was completed. Mr. Montesi questioned what the current square footage was and Mr. Norris said he was unsure. Mr. Montesi pointed out some of the off site properties could be eliminated if it was determined they did not have a sufficient amount of square footage available to meet the courts needs. Mr. Norris stated the existing Family Court Space was about 5,000 square feet.

Mr. Tennyson interjected he felt all interested parties were agreeable that this was an insufficient amount of space for the current Family Court; therefore, he said, he felt it would be determined the Family Court required a substantial increase in square footage to meet their future needs. Mr. Tennyson explained the results from the Task 1 - Program Needs Assessment, would determine the current and future court space needs and ensure minimum standards for operating conditions were met, as well as if there was an insufficient amount of space available in any of the proposed off site facilities. Mr. Norris added he felt the 10,000 square feet available at the 101 Ridge Street location in the City of Glens Falls would not suffice, as one of the previous studies conducted required more than 10,000 square feet just for the Family Court. He noted this study was conducted prior to the addition of another Family Court Judge. Mr. Girard pointed out renegotiating leases after their terms ended should be considered, as well because this had played a role in why the County elected to construct their own HSB rather than lease a facility Mr. Schermerhorn offered to construct for the County. Mr. Smullen apprised he believed the results from Task 2 - Exploration of Options, would provide a synopsis to assist with making a final determination as to which direction should be pursued.

Motion was made by Ms. Wood, seconded by Mr. Westcott and carried unanimously to approve proceeding with Task 2 - Exploration of Options, in an amount not to exceed \$58,000 with the funding provided by Capital Project No. H350.9550 280 - Court Space Expansion.

Tatiana Coffinger, Court Attorney, apprised Supreme Court Justice David Krogmann, had been surprised by the suggestion that an off site facility be considered, as a previous study completed that divide up the courts into separate locations was rejected by the Office of Court Administration

because of various concerns with transportation, security and finances. She noted this was not a matter of moving a Department such as the Tourism Department off campus, as it would entail moving a central department. She advised it was necessary to consider the function of the court offices and how they worked in conjunction with other County offices, such as the District Attorney's Office, Probation Department, the County Attorney's Office, the Public Defender's Office and the Department of Social Services, as well as each other. She pointed out the Judges covered for one another during absences and/or vacations. She said moving a portion of the court off site was more than just an inconvenience, as it involved moving personnel and security. She continued, the State budget for the courts were very restrictive; therefore, she stated, she did not believe funds would be available to provide for the additional personnel and security required if a portion of the courts was shifted to an off site facility. She opined it should not be overlooked that a great deal of the benefits realized would not be in the form of saving money. She advised careful consideration needed to be given to bringing incarcerated felons to downtown Glens Falls, as this would impact the safety of the general public, as well as the court staff and the incarcerated individuals. She said in order for the court system and the County offices they worked in conjunction with to function correctly they needed to remain on the same campus. She added although the current facility was rather crowded it functioned somewhat well, as it provided convenience for the court offices, as well as the county offices they worked in conjunction with. She reiterated moving a portion of the courts to an off site facility would cause issues with transportation, security, etc. She added she was pleased to hear this would not extend the timeframe for the study because it was imperative that additional space be available to accommodate the additional Family Court Judge in January 2016, as well as the other future court spacing needs.

Mr. Westcott advised he felt Ms. Coffinger had articulated the courts concerns in a sufficient manner. He stated their worries were duly noted; however, he said, he thought it was their responsibility to the taxpayers to do due diligence and explore all options that had been brought forth. He stated although it may increase the total project cost slightly to explore all of these options, he felt they should explore and exhaust all options prior to making a final determination. Ms. Seeber suggested inquiring whether the State would approve the use of an off site facility for a portion of the court prior to expending money on a study for other locations, as they had previously rejected such a plan. Mr. Girard asked whether Ms. Coffinger was aware if Judge Krogmann would be in regular contact with the higher courts throughout the process to ensure they were agreeable to the option that was chosen and she replied affirmatively. She explained she had been unaware the County was considering utilizing an off site facility; however, she said, Judge Krogmann would touch base with the Committee upon his return. She added she agreed with Ms. Seeber's statement that she was unsure why this would move forward if it was going to be rejected by the higher courts. Mr. Taylor suggested considering moving the entire court system to another location that could accommodate their needs.

Proceeding with the Agenda review, Frank Morehouse, Superintendent of Buildings, advised he had been contacted by the County Administrators Office regarding the possibility of leasing space available in the HSB to the New York State Justice Center. He explained Committee approval was required prior to proceeding with researching whether a sufficient amount of vacant space was available in the HSB to lease to them. He said this matter was referred to his Department from the Sheriff's Department, as the New York State Justice Center investigated crimes against individuals with special needs. He said he was unsure whether the matter should be pursued any further since other Departments may be relocated due to the court space expansion. He noted they were requesting about 1,400 square feet of office space.

Ms. Wood asked whether there was a sufficient amount of vacant office space available in the HSB

to accommodate their request and Mr. Morehouse replied affirmatively. Mr. Westcott stated he felt the matter should be researched further to determine whether their request could be accommodated. Ms. Seeber advised should it be determined it was feasible, she felt the County should pursue an agreement with the New York State Justice Center, as they had a history of working with law enforcement, as well as the court system in the County.

Mr. Tennyson apprised there was a very limited timeframe available, as the New York State Justice Center indicated they would like to have something in place by October 1, 2014. He suggested he reach out to their staff within the next week to verify their needs and discuss a possible lease rate and term. He said because of the limited timeframe between now and October 1, 2014 a decision would need to be rendered at the September 19, 2014 Board meeting.

It was the consensus of the Committee that Mr. Morehouse and Mr. Tennyson review available space at the HSB to determine if it is possible to meet the needs of the New York State Justice Center, as well as to report on lease rates and terms.

The final Agenda Item, Mr. Tennyson stated, referred to an update on the RFP (Request for Proposal) for solar energy. He said the RFP relating to solar energy was currently in draft form, as they were awaiting a few technical details regarding the flood plains that were present on the County Fairgrounds property and their potential impact on the RFP. He said they were also awaiting word as to whether NYSERDA (New York State Energy Research and Development Authority) placed restrictions on installing solar energy panels in flood plains. He pointed out the options available may be narrowed by the flood plains, as he felt this may exclude some of the smaller options that were previously discussed. He stated he anticipated the RFP would be sent out by the end of next week.

As there was no further business to come before the County Facilities Committee, on motion made by Ms. Wood and seconded by Mr. Westcott, Mr. Girard adjourned the meeting at 11:53 a.m.

Respectfully submitted,
Sarah McLenithan, Secretary to the Clerk of the Board