

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC SAFETY (JOINT MEETING WITH WASHINGTON COUNTY)

DATE: MARCH 10, 2009

COMMITTEE MEMBERS PRESENT:

SUPERVISORS VANNESS
BENTLEY
O'CONNOR
SOKOL
GIRARD

OTHERS PRESENT:

BRIAN LAFLURE, DIRECTOR OF THE OFFICE OF EMERGENCY SERVICES/FIRE COORDINATOR
PATRICIA NENNINGER, SECOND ASSISTANT COUNTY ATTORNEY
JOAN SADY, CLERK OF THE BOARD
MEMBERS OF THE WASHINGTON COUNTY PUBLIC SAFETY COMMITTEE

COMMITTEE MEMBERS ABSENT:

SUPERVISOR BELDEN
THOMAS

ROGER WICKES, WASHINGTON COUNTY ATTORNEY
PHYLLIS COOPER, WASHINGTON COUNTY TREASURER
DEBRA PREHODA, WASHINGTON COUNTY CLERK OF THE BOARD
RAY RATHBUN, WASHINGTON COUNTY FIRE COORDINATOR REPRESENTING THE REGIONAL EMERGENCY SERVICES COMMITTEE:
CHARLES T. MELLON, CO-COMMITTEE CHAIR
BUTCH CHASE, CO-COMMITTEE CHAIR
SEAN MAGUIRE, NEW YORK STATE DEPARTMENT OF STATE (NYS DOS) SHARED SERVICES COMMITTEE
JAMES CLARKE, LABERGE GROUP, MANAGING ARCHITECT
SARAH MCLENITHAN, LEGISLATIVE OFFICE SPECIALIST

Mr. VanNess called the joint meeting of the Public Safety Committee to order at 1:00 p.m.

Motion was made by Mr. Bentley, seconded by Mr. Sokol and carried unanimously to approve the minutes from the February 26, 2009 meeting of the Public Safety Committee, subject to correction by the Clerk of the Board.

James Lindsay, Chairman, Washington County Public Safety Committee, asked Roger Wickes, Washington County Attorney, to give an update on the Emergency Services Training Center (ESTC). Mr. Wickes advised that it had been necessary to schedule the joint meeting to discuss the ESTC project and that James Clarke, Managing Architect from the LaBerge Group was in attendance to give an update on the ESTC and to answer any questions. He noted that it was important that everyone involved with the project be on the same page.

Privilege of the floor was extended to Brian LaFlure, Director, Warren County Office of Emergency Services/ Fire Coordinator. He explained that the first part of Phase 1 of the ESTC was completed and it had been determined that no fatal flaws existed on the site. He stated that approval was necessary from both Committees to move into the final portion of Phase 1 for the project to stay on schedule.

Mr. Clarke outlined the fourteen separate categories of study that had been undertaken to complete Phase 1 of the project to make the determination that no fatal flaws existed within the site. Mr.

VanNess advised that the Federal Aviation Administration (FAA) had notified the LaBerge Group that no negative impact existed with the proposed site.

Mr. LaFlure apprised that prior to applying for stimulus and additional grant funds, a plan would be necessary. He pointed out that because no fatal flaws existed, they could seek additional funds through elected officials.

Mr. Clarke explained that the ESTC would be a campus-like facility that contained state of the art equipment. In response to an inquiry pertaining to the second portion of Phase 1, Mr. Clarke stated that it consisted of soil sampling and proceeding with the regulatory reviews to ensure that all of the necessary requirements were applied to the ESTC. He advised that the most important component of the second portion of Phase 1 was the finalization of the space and site program of all entities that would be using the site and how it would be utilized. He stated that law enforcement, emergency medical technicians (EMT's), and firefighters would have to be reviewed so that the final project component could be created. He noted that this would allow for a budget schedule to be developed.

When asked if the Department of Environmental Conservation (DEC) had signed off on the fatal flaws in regards to the wetlands, Mr. Clarke stated that the DEC had signed off on the site. He noted that the Army Corps of Engineers would be returning in the summer to complete their final review of the site.

Motion was made by Mr. Bentley, seconded by Mr. Sokol and carried unanimously to authorize the site analysis and concept plan of the contract with the LaBerge Group be completed for a total amount not to exceed \$67,257 and the necessary resolution was authorized for the March 20, 2009 Board meeting. **Please note that the Washington County Public Safety Committee approved the same resolution.**

Mr. Lindsay asked Mr. Wickes to advise what was necessary to address so that future conflicts would not arise. Mr. Wickes referred the Committee to page three of the handout they had received, which outlined the outstanding project issues that would need to be addressed sometime in the near future. Charles Mellon, Co-Committee Chair of the Regional Emergency Services Committee, stated that although some portions of the site could not have buildings on it, they would be used for training components, such as search and rescue.

Mr. VanNess mentioned that the Sub-Committee had discussions with different entities that may be interested in using the site for training and he noted that scheduling had been discussed to prevent future disagreements. He pointed out how important it was that each County had an equal share in all Phases of the ESTC. Mr. Wickes noted that the Supervisors from each County would need to come to some form of agreement on things, such as the maintenance of the site to prevent future issues. Mr. LaFlure advised that he had a meeting with the Administration of Adirondack Community College (ACC) and they stated that although the facility would no longer be located on their campus, they were still interested in being included in the administrative, maintenance and

operation of the facility.

Mr. Wickes reiterated that it was important that the outstanding project issues be addressed to avoid future conflicts. Mr. LaFlure apprised that the current goal was to get to the point in the project where both Counties were agreeable to seek funding for the next Phase of the project. He noted that if they waited too long it would become more difficult to secure grant funds for the project. Mr. Clarke stated that sufficient information would be available to seek additional grant funds when Phase 2 of the project began. Mr. Wickes suggested keeping elected officials apprised on the project so additional funding could be sought.

Mr. VanNess commented that both Warren and Washington Counties had provided their shares of the local match for the existing \$400,000 grant; due to budgetary constraints, he added, both Counties had decided to wait on contributing the \$50,000 each that they had done in previous years. Mr. VanNess suggested searching for grant funds that required little or no local match for the remainder of the project.

Mr. LaFlure stated that he was working with Sean Maguire, New York State Department of State (NYSDOS) Shared Services Committee, to Phase the construction portion of the project to be able to seek additional grants per each Phase of construction. Mr. Maguire advised that further discussions were necessary on how the previous grant was written and how future grants would be written. Mr. Maguire said that the program funding changed every year and he was unsure of how this year would compare to next year; however, he stated, if the NYSDOS Shared Services Committee could not provide a portion of the money, they would assist with seeking funds elsewhere for the project.

Patricia Nenninger, Second Assistant County Attorney, advised that she would be attending a meeting today to finalize program documentation for the actual grant contract which she anticipated would be filed with New York State within the next couple of weeks. She stated that construction for the ESTC had to begin prior to March 31, 2010 in order to validate the grant money. Mr. Maguire advised that this did not mean that the project had to be completed; however, he stated, it was necessary that all of the funds had been expended from the grant at that point. He commented that if the funds were not expended by that point, there was a strong possibility that the State may recall the grant funds.

Mr. Lindsay asked Mr. LaFlure if any other business was necessary to address and Mr. LaFlure requested that Warren and Washington County authorize the change order from the LaBerge Group in the amount of \$7,500 for additional wetland markings that were not included within the original scope of work. Mr. VanNess asked Mr. Clarke to explain what the additional work had entailed. Mr. Clarke stated that the contract had required that LaBerge place an estimated 200 markers on the site; however, he stated, due to the changes that the Army Corps of Engineers had made, an excess of 450 markers had been placed on the site, all of which had to be individually placed and marked on the map.

Gayle Hall, Washington County Budget Officer, questioned where the \$7,500 would be expended

from and Mr. VanNess replied that it was included in the local match. She questioned how many more change orders could be expected over the course of the project and Mr. VanNess responded that there was no way to predict the number of change orders the project would contain. She suggested delaying payment for charge orders until the end of the project so that the dollar amounts could be negotiated. Mr. VanNess questioned when the amount of matching funds had been expended whether grant funds could be used and Mr. Wickes responded in the affirmative. Ms. Hall voiced her opinion that once a contract was signed, there should be no additional funds necessary to complete the project.

Mr. Clarke stated that typically prior approval was sought for change orders; however, he stated, in this case it was necessary to perform the additional work without prior approval to prevent delaying the completion of the first section of Phase 1 until the spring of 2009.

Mr. Lindsay suggested that future change orders in the project receive approval before the work was completed. Responding to a concern that if the approval of both County Boards was necessary for change orders, the project would be delayed, Mr. VanNess proposed that authorization be granted for the Public Safety Chairman, as well as the Chairman of the Board, to sign change orders that were not included within the original \$116,000 scope of work or that an emergency Public Safety Committee meeting be scheduled to prevent delays in the project. Mr. Girard questioned if prior approval had been sought for the change order, would the project have been delayed and caused the project costs to increase and Mr. Clarke responded affirmatively.

Motion was made by Mr. O'Connor, seconded by Mr. Sokol and carried unanimously to authorize payment to the LaBerge Group in an amount not to exceed \$7,500, with Warren and Washington Counties splitting the costs evenly and the necessary resolution was authorized for the March 20, 2009 Board meeting. **Please note that the Washington County Public Safety Committee approved the same resolution.**

Motion was made by Mr. Bentley, seconded by Mr. O'Connor and carried unanimously to authorize the Public Safety Chairman and the Chairman of the Board to sign change orders not to exceed \$10,000, with Warren and Washington Counties splitting the costs evenly and the necessary resolution and the necessary resolution was authorized for the March 20, 2009 Board meeting. **Please note that the Washington County Public Safety Committee approved the same resolution.**

Mrs. Nenninger asked Mr. Clarke to clarify whether it was necessary to provide information from the different entities that would be using the ESTC on how they would be using the site to properly develop a concept for the second portion of Phase 1 and Mr. VanNess responded that the firefighters, law enforcement and EMS had already been asked to contribute their ideas to develop the site. He noted that the site would be available on a rental basis to businesses that would like to conduct their safety training on the site; however, he stated, those businesses had been notified that they would have to schedule their training when the site was not in use by the local firefighters, EMS and law enforcement.

Mr. Clarke advised that there were a number of entities that had been waiting to see if the project was developed so that they could use the site for their training needs. He stated that grant funds were more accessible now that the site had been adopted.

Mr. VanNess advised that he would report to the Committee on the progress of the project and if necessary he would call an emergency meeting of the Public Safety Committee. He apprised that the owner of the new WalMart that was being developed near the ESTC had requested that an access road be constructed on Queensbury Avenue and, he noted, this may save the Counties some funds in reference to utility lines.

As there was no further business to come before the Public Safety Committee, on motion made by Mr. Bentley and seconded by Mr. Sokol, Mr. VanNess adjourned the meeting at 2:07 p.m.

Respectfully submitted,

Sarah McLenithan, Legislative Office Specialist

