

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: COUNTY FACILITIES

DATE: AUGUST 14, 2014

COMMITTEE MEMBERS PRESENT:

SUPERVISORS GIRARD
WOOD
WESTCOTT
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
AMANDA ALLEN, DEPUTY CLERK OF THE BOARD
FRANK E. THOMAS, BUDGET OFFICER
SUPERVISORS BEATY
FRASIER
SEEBER
SIMPSON
TAYLOR
MICHAEL SWAN, COUNTY TREASURER
TRAVIS WHITEHEAD, TOWN OF QUEENSBURY RESIDENT
NICK PASCO, APEX SOLAR POWER
CHARLENE DiRESTA, SR. LEGISLATIVE OFFICE SPECIALIST

COMMITTEE MEMBER ABSENT:

SUPERVISOR MONROE

Mr. Girard called the meeting of the County Facilities Committee to order at 9:31 a.m.

Motion was made by Mr. Westcott, seconded by Mr. Strough 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 the Department of Public Works (DPW), who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Commencing the agenda review, Mr. Tennyson stated the purpose of this meeting was to initiate the Court Space Expansion Project. He advised they had been moving quickly because time was of the essence. He informed of an initial project meeting which had taken place and included himself; Paul Dusek, County Administrator; Kevin Hajos, Deputy Superintendent of Engineering; Shawn Raymond, DPW Staff Engineer; Frank Morehouse, Superintendent of Buildings; and Max Mullen and Jon Norris, Engineers for Clark Patterson Lee (CPL). Mr. Tennyson apprised that at the initial project meeting they had discussed the time line and key milestones for the project. Following the meeting, he continued, Mr. Dusek had relayed the discussions to the Office of Court Administration (OCA). He said the first step was to get a Letter of Agreement (LOA) in place with CPL, as the County's Periodic Professional Multidiscipline Engineering Firm.

Mr. Tennyson advised that two LOA's from CPL had been included in the agenda packet. He informed the first LOA pertained to Task 1 - Program Needs Assessment which would be completed in conjunction with OCA to determine the current and future court space needs and ensure minimum standards for operating conditions were met. The second LOA, Mr. Tennyson continued, pertained to Task 2 - Exploration of Options which would be an initial scope and review of all of the available options for additional court space. He noted that following the completion of Tasks 1 and 2, some approvals would be necessary from the Board of Supervisors, OCA and the courts in order to proceed to the preliminary design phase.

Mr. Girard advised that the previous Committee Meeting did not include a lot of discussion on the Court Space Expansion Project because the County was in the process of receiving judicial approval from a District Court Judge in Albany and OCA in New York City. He said Mr. Dusek could bring the Committee up to date as to how the County would proceed and the process of conveying the information to the architects.

Mr. Dusek explained Warren County would receive an additional Family Court Judge commencing January 1, 2016 and there was the possibility that an additional Supreme Court Judge would also need to be accommodated. He stated there was no available room in the current court space to accommodate either of the two judges. He noted when Judge Muller was elected it had been difficult to find suitable office space for him and his staff. He commented the current court space was not adequate for the existing judges and staff and the layout of the Family Court area was very poor. He opined it was not a good environment and was not conducive for court practices.

Mr. Dusek informed there were four entities involved with the approval process for the Court Space Expansion Project, as follows:

- ▶ the Warren County Board of Supervisors who were obligated under law to provide adequate court space;
- ▶ the Office of Court Administration who operated out of New York City and had their own on-staff architect;
- ▶ the 4th Judicial District Administrative Judge and his staff who were also involved in any type of court improvement project and had oversight of the judges and the facilities for them; and
- ▶ the local judges who had input and approval as to whether or not the space was adequate to meet their needs.

Mr. Dusek explained the four groups would work together in order to determine the most appropriate and financially feasible option. He reminded the Committee members the first step had been to meet with the local judges who in turn had communicated with the 4th Judicial District Administrative Judge. He noted he had personally been in contact with the OCA and their architect and Mr. Norris from CPL had participated in that conversation. He apprised all parties were in agreement that the next step should be the completion of a Program Needs Assessment to determine the space needs for the courts. Mr. Dusek informed New York State by rules and regulations had adopted certain minimum requirements for court rooms, judges chambers and various facilities associated with the courts. He assured the Committee members that all of the involved parties were aware that the Court Space Expansion Project should be completed in the most financially responsible manner possible. He stated the OCA required the completion of some sort of study to determine the court space needs. He mentioned if the project was completed in the correct manner, it was possible to be reimbursed 22% to 33% of the interest rates associated with bonding the project costs by the OCA.

Mr. Dusek reiterated Warren County would have an additional Family Court Judge beginning January 1, 2016 which meant there was a lot of work to be completed in a short amount of time. He opined it was important to not rush to the point that poor decisions were made. Depending on the nature of the options, he continued, it would be determined if the new court space would be available in time or if temporary space for the Family Court Judge would be necessary. He explained temporary space could be rental of outside facilities or relocation of offices in the Municipal Center in order to make adequate room for the judge and his staff. He opined the critical next step was the Program Needs Study and the Exploration of Options. He apprised once the County had the information, the Board would be in a much better position to make the appropriate decision.

Mr. Girard stated multiple meetings with the local judges had been held over the course of several years. He said the current Family Court space was not functional and the additional Family Court Judge would compound the issue. He commented the construction of a new building for use by Family Court had been discussed. He noted this concept had been presented to the engineers to determine if it was viable and the local judges had been consulted to determine if the current Family Court space, once vacated, would be appropriate for use by the Supreme Court. He stated the engineers and local judges had collectively agreed that the construction of a new building would be the best option. He added CPL had also been consulted and had agreed new construction was the best way to proceed. He pointed out the 4th District Administrative Judge had been consulted and he felt new construction was the best way to move forward. He expressed the consensus seemed to be that the smoothest way to proceed was to construct a new building for the Family Court and renovate the existing Family Court space for the Supreme Court's needs.

Mr. Tennyson explained the first thing an architect or engineer would do was to backwards plan from the proposed completion date of January 1, 2016. He noted the County's options were constrained by the schedule. He opined the experience of CPL and the local judges would improve the options for completing the construction on time. He stated there was a process which must be completed and all options needed to be reviewed. He opined the critical factor in completing the construction on schedule would be the involvement of OCA and the 4th District Administrative Judge. He said it was important to keep these parties informed and he noted some special Committee Meetings would need to be scheduled in order to complete the project on time. He advised the key to completing the project on time was good communication between all of the involved parties. He commented the longer it took to make a decision as to which way to proceed, the less construction time there would be to complete the project. He anticipated a decision would be made in November as to how to proceed after the review of Task 2 - Exploration of Options.

Mr. Dusek apprised that as the options were revealed in Task 2, this Committee and the Board of Supervisors would be involved in making the selection of the options. He said Tasks 1 and 2 would show the needs and options and all of it would be reviewed by the Committee, along with cost options.

As part of the Committee's due diligence, Mr. Taylor suggested they look into all of the options. He pointed out that at one time, the County had been trying to attract the Judicial District to relocate their offices to Monument Square in the City of Glens Falls. He advised there were currently two to three vacant floors at Monument Square and he requested the Committee consider that location as one possible option.

Mr. Beaty informed he believed the Old Court House in Lake George was currently not in use and could be used as the new Family Court building. He acknowledged some amount of renovation would be necessary but he opined it was easier to renovate an existing building than to construct a new one. Mr. Dusek stated both these options could be reviewed during Task 2.

Mr. Westcott informed that Richard Schermerhorn, of Schermerhorn Real Estate Holdings, owned a parcel on Glenwood Avenue in the Town of Queensbury and was willing to construct a building to suit the needs of the tenant. He noted the new facilities for Family Court did not necessarily need to be a newly constructed building and could be an existing one. Mr. Dusek agreed the County was not obligated to construct a new building. Mr. Westcott said an assessment of the available office space in the area should be completed. He said this was the first time he was seeing the LOA's from CPL and he added it looked like great work. He commented he was unaware the court space issue would be discussed today and had thought the purpose of the meeting was to discuss an Airport fuel

tank issue. He stated he understood the sense of urgency for the court space issue but he had no idea if \$80,000 was an appropriate cost for the work outlined for Tasks 1 and 2. He opined it was difficult to vote in favor of something which cost \$80,000 when you were just reviewing it for the first time. He asked if this work should have been part of an RFP (Request for Proposals) process and inquired as to why CPL had been selected. Mr. Tennyson explained CPL had been awarded a competitive contract from Warren County through the RFP process (WC 64-11) for Periodic Professional Multidiscipline Engineering Services (term architects). In that capacity, he continued, CPL's services were utilized for small and large County projects. He acknowledged that if the County had the luxury of time, they would have initiated an RFP process for this project. He informed that CPL had completed prior studies on the court systems and Mr. Norris was very familiar with all of the existing County buildings. He stated the contract with CPL was already in place, they had the necessary expertise and their fee schedule was reasonable. He noted it would take months to initiate an RFP process in order to select a different architect for this project which would impact the overall costs.

Mr. Dusek apprised the concept of issuing an RFP for this work had been discussed; however, he continued, for the preliminary work everyone had agreed the contract with CPL for Periodic Professional Multidiscipline Engineering Services was appropriate. He commented that Mr. Tennyson had contacted the County Attorney to determine if the RFP which led to the contract with CPL was sufficiently broad enough to allow them to complete the entire project or if it would be necessary to release an RFP for engineering services for the Court Space Expansion Project. Mr. Tennyson reported the current contract with CPL would expire on December 31, 2014 and the project would still be ongoing. He explained another RFP for Periodic Professional Multidiscipline Engineering Services would be released this fall. At that point, he continued, the County would have the option of utilizing the services of the firm awarded the contract or there was precedence to allow the County to continue the project with the existing contractor, as work would already be underway. He anticipated the RFP would be released in the fall and awarded around November, at which time the Board could make the appropriate decision.

Mr. Westcott said it made sense to look for a new facility for the Family Court and renovate their existing office space for use by the Supreme Court. He stated he struggled with the concept of paying \$80,000 for a Program Needs Assessment and Exploration of Options. He commented it seemed the County was directing CPL to move forward in a certain direction and then the needs assessment and exploration of options would be completed and he would have preferred for CPL to look at the project objectively.

Mr. Girard stated CPL had already completed a lot of work as they had completed an assessment and developed a proposed plan to expand the court space in conjunction with the construction of the Human Services Building. He noted the cost of both was estimated at \$50 million and the Board had decided to postpone the court expansion at that time. He noted the first step in moving forward was to develop a plan with the approval of the local judges. He commented the next step was to receive the approval of OCA and the 4th District Administrative Judge. He added they had met with CPL who were familiar with the court space issue and they agreed the most efficient way to proceed was the construction of a new building for Family Court. He said all of the involved parties were in agreement and were ready to move forward.

Mr. Tennyson stated one of the key factors in deciding to use the services of CPL was that this was not their first time looking into the issue. He noted they had reached prior conclusions in 2005 and 2006 and now they would be updating the previous studies completed. He pointed out one of the reasons CPL was able to move forward so quickly was because they had studied the issue

previously. He informed Tasks 1 and 2 should be completed around the end of October; in the winter there would be the preliminary and final design phases and the RFP process; construction would commence in early Spring of 2015; and construction should be completed by the end of 2015. He agreed the County should not pigeon hole into one particular option but he pointed out there was a lot of prior experience and previous study of this issue. He advised the initial meeting that was held was to discuss if it were even possible to construct a new building by January 1, 2016. He said he felt the prior experience and previously completed work would be the necessary advantage to completing the project on schedule. He noted there was a deliberate process which must be undertaken and part of that process was exploring all of the available options.

Mr. Dusek apprised it was important to convey to CPL that they would need to attend a Committee Meeting to address the options mentioned during this meeting, such as Monument Square and the Old Court House in Lake George. He said in order for the Committee and the Board of Supervisors to be comfortable, they would need to review the pros and cons of each option. He noted although there seemed to be a consensus that the construction of a new building was the best option, that did not necessarily mean this option would be selected. He added if there was a compelling reason to select an alternative option then it should be explored. Mr. Tennyson advised he was sure the intent of CPL in completing Task 2 would be to explore all of the available options. He explained that in looking at the possibility of renting space, it would be necessary to keep the requirements of OCA and the court's needs in mind. He noted it would also be 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 and the Probation Department. Mr. Tennyson pointed out an additional building would increase the staffing needs, such as security which should also be considered. He added other items to be reviewed included: construction costs; building renovation costs; and the construction schedule. Mr. Westcott asked if Task 2 would include a review and evaluation of all of these items and Mr. Tennyson replied affirmatively.

Mr. Tennyson advised he would need to establish Capital Project No. H350.9550 280 - Court Space Expansion in the amount of \$80,000 and appropriate funds in the amount of \$80,000 to fund the establishment of the Capital Project. He noted \$80,000 would cover the cost of Tasks 1 and 2 and he added he was unsure what the source of funding would be. Mr. Girard asked if the requests would be forwarded to the Finance Committee and Mr. Dusek replied the resolutions would be presented at the August 15, 2014 Board Meeting.

Mr. Strough commented the scope of work listed on the LOA's for Tasks 1 and 2 were vague and did not present a clear picture of what the County would be getting for \$80,000. He said although Task 2 clearly stated what was excluded from the scope of work, the items which were included were not clearly explained. He noted there was no detail as to what outcomes would be provided to the County and it appeared the LOA's were drafted quickly. He stated he had been through similar processes in the past and usually what the municipality thought they would receive was not the same thing as what was actually presented. He opined that for \$80,000 he would like to see more detail as to what the County would actually get out of this process. Mr. Girard explained this issue had been delayed for a number of years and now the County was under a strict time line to provide the necessary space. He opined the \$80,000 would be a minimal expense if the County continued to delay the issue. He said CPL had a good standing with the County and Mr. Tennyson could attest to the scope of work which would be provided. He commented that he understood the feeling of being rushed to a decision but in 2016 there would be additional costs.

Ms. Wood apprised the point was the County did not know exactly what they were asking for and would be exploring options, such as using existing properties. She said her understanding was that

Task 2 would take a look at the available options and the Committee would make a decision based on that report. She asked if she was correct in her evaluation and Mr. Girard replied affirmatively.

Mr. Tennyson reiterated Task 1 was the Program Needs Assessment which involved determining the current and future space needs for the court. He added part of the interview process for Task 1 would be to review the OCA requirements and the functional differences between our court system and those of other counties. Mr. Strough stated Mr. Tennyson's explanation was more understandable than the LOA from CPL.

Mr. Dusek said that after speaking with OCA, it seemed that Task 1 - Program Needs Assessment was a requirement. He apprised he understood Mr. Strough's hesitance with the LOA's and he explained that CPL had been requested to prepare them on short notice. He agreed the LOA for Task 2 did seem to focus more on the possibility of new construction. He suggested the Committee approve the establishment of the Capital Project with the requested \$80,000 and authorize the completion of Task 1 which was an OCA requirement. He advised Task 1 could include the assessment of the existing buildings mentioned during this meeting and he noted there was the possibility there would be an additional fee. He advised the Committee could review the results of Task 1 and obtain further information as to what would be included in Task 2. He acknowledged this approach might require a Special County Facilities Committee Meeting and possibly a Special Board Meeting in order to keep the project on schedule but he felt this approach would satisfy everyone's concern. Mr. Strough clarified the Committee would authorize the expenditure of \$22,000 today for the completion of Task 1 - Program Needs Assessment and Mr. Dusek replied affirmatively. Mr. Strough asked if the intention was to allocate but not necessarily approve the expenditure of the \$58,000 for Task 2 - Exploration of Options and Mr. Dusek replied affirmatively. Mr. Dusek stated the additional \$58,000 for Task 2 could not be expended without Committee approval. He stated there was a possibility that \$22,000 would not be sufficient to cover Task 1 because the Committee was requesting the inclusion of assessing the existing properties previously mentioned: Monument Square in Glens Falls, the Old Court House in Lake George and the build-to-suit location on Glenwood Avenue in Queensbury owned by Mr. Schermerhorn. He suggested the Committee authorize an expenditure of up to \$27,000 for the completion of Task 1 to provide a \$5,000 leeway to cover the assessment of the existing properties.

Mr. Westcott stated Mr. Dusek's suggestion was a good one and would provide the Committee members with the opportunity to read the LOA's more thoroughly and prepare questions. He said it sounded as if Task 1 already assumed the construction of a new building and Mr. Dusek countered that Task 2 assumed the new construction and Task 1 would assess the needs of the courts. Mr. Dusek noted the assessment of the existing buildings could be included in Task 2 but he was suggesting it be completed in conjunction with Task 1. A brief discussion ensued.

Mr. Strough apprised some time had been spent considering off-site facilities and he opined that this would result in problems with communication, transportation and personnel. He stated it would be much more efficient to have the Family Court facilities on the Municipal Center campus. He said he did not want to spend funds when the answer was already clear. Mr. Dusek apprised that when Mr. Taylor first suggested Monument Square as a possible location for the Family Court, he had considered the possibility of relocating all of the courts facilities there because Mr. Taylor indicated there were two to three vacant floors. Mr. Strough stated he had considered Mr. Schermerhorn's property because it would be built-to-suit and leased for \$3 per square foot.

Mr. Tennyson cautioned he did not think the \$22,000 for Task 1 - Program Needs Assessment would include any assessment of the options. He noted Task 1 was to understand the current and future

needs of the courts. He advised that splitting out a few of the options early could be problematic because the Committee would still not have a full comparison of all of the options. He said Task 1 and 2 had been established to first look at the needs of the courts and then review all of the available options together in order to make a comparison. He encouraged the Committee to consider a different approach and initiate Task 1 at a cost of \$22,000. He said he appreciated the comments on the lack of detail in the Task 2 LOA but he explained they had met with CPL on Friday, August 8th and asked them to complete the LOA's in less than a week. He stated if Task 1 was initiated another project meeting could be arranged with CPL to refine Task 2 so that all of the options were assessed. He opined the Committee members would be disappointed if they only reviewed a few key properties and not all of the available options. He added OCA would want to be assured that a full comprehensive review of all of the options had taken place. He advised the more refined Task 2 LOA could be reviewed by the Committee at the August 22, 2014 Meeting. Mr. Dusek agreed with Mr. Tennyson and stated it was critical to complete Task 1 as it was a requirement of OCA. He said they would meet with CPL to ensure all of the options the Committee wanted to pursue were reviewed and that new construction was not the primary focus.

Mr. Westcott stated he would be in favor of establishing the Capital Project and appropriating the necessary funds based on CPL attending the next Committee Meeting. Mr. Girard clarified this was to establish the Capital Project, appropriate the necessary funds and approve the expenditure of \$22,000 for Task 1 - Program Needs Assessment and Mr. Westcott agreed and added with CPL attending the next Committee Meeting to explain the scope of work for Task 2. Michael Swan, County Treasurer, asked the source of funding for the \$80,000 necessary to establish the Capital Project and Mr. Dusek replied it would be the General Fund (A.909.00). Mr. Westcott asked the technicalities in bypassing the Finance Committee and Mr. Dusek replied that if the full Board of Supervisors voted on the presented resolution it could bypass the Finance Committee.

Motion was made by Mr. Westcott, seconded by Ms. Wood and carried unanimously to establish Capital Project No. H350.9550 280 - Court Space Expansion in the amount of \$80,000; appropriate funds in the amount of \$80,000 from the General Fund (A.909.00) to Transfers-Capital Projects (A.9950 910) to fund the establishment of Capital Project No. H350.9550 280 - Court Space Expansion; and to approve the commencement of Task 1 - Program Needs Assessment by Clark Patterson Lee relative to the Court Space Expansion Project. *Copies of the resolutions request forms are on file with the minutes and the necessary resolutions were authorized for the August 15, 2014 Board Meeting.*

Mr. Girard commented the Town of Lake Luzerne had a beautiful courthouse and facilities. He said most of the options discussed so far had been for a temporary solution until permanent facilities could be completed. He explained in discussions with the judges and their staff a lot of issues had been brought up which added to the complications. He mentioned the District Attorney's Office, Probation Office and Public Defender's Office all interacted with the courts on a regular basis. He stated the judges and staff had made a compelling argument that off-site facilities would become difficult and expensive. He commented Tasks 1 and 2 were the proper approach in order to do the best job of evaluating the options and getting all of the involved parties on board. He agreed that Task 2 should be more detailed and said it was important to ensure the Committee was going in the right direction.

This concluded the Buildings & Grounds portion of the Committee Meeting and the Airport portion of the Meeting commenced at 10:30 a.m.

Mr. Tennyson reported there had been recent developments regarding the aviation fuel tanks at Floyd Bennett Memorial Airport. He explained there were two fuel tanks at the Airport: one was 100 Low Lead and the other was Jet A fuel. He said there had been some concerns regarding the condition of those tanks. He noted Ross Dubarry, Airport Manager, had previously presented a request to submit a grant application for replacement of the fuel tanks which was currently being reviewed by the FAA (Federal Aviation Administration). Mr. Tennyson apprised testing had been completed on the secondary containment system for the fuel tanks and it was determined that one of the secondary containment tanks was leaking. He expressed this was the secondary containment system and there had been no fuel leaks or issues in operations. He explained this was a back up tank which caught anything that leaked out of the primary tank. Because there was a failure in the secondary tank, he explained, the New York State Department of Environmental Conservation (NYS DEC) was immediately notified. He said NYS DEC had visited the Airport and determined it would be necessary to remove the faulty tank from service and replace it.

Mr. Tennyson stated they had been working with Rich Air over the last couple of weeks to determine a cost effective way of keeping the fuel flowing at the Airport. He said they were awaiting the grant determination from the FAA which was anticipated for early to mid September. He noted the FAA had allowed the grant application to be amended to indicate the desperate need for replacing the tank and he was hopeful this information would be considered for the grant award.

Mr. Tennyson informed that per contract, the temporary measures for the fuel tank system would be the responsibility of the County. He commented they had worked with Rich Air to review all of the feasible options. He listed some of the options which had been reviewed, such as, the purchase of a new skid tank, fixing the existing tank which NYS DEC would not allow, renting a tanker truck and renting of a tanker trailer. He stated the most cost effective and beneficial option from an operational stand point would be to rent a tanker trailer at a cost of approximately \$2,000 per month. He explained he had reviewed the budget with Mr. Dubarry and they were confident that they could cover the expense through this fall. Mr. Tennyson said they would keep the Committee apprised of developments in this matter. He said no further decisions would need to be made until it was determined if the FAA grant would be awarded. He mentioned he was hopeful the grant award would be determined by the September 19, 2014 Board Meeting. He added if the grant was awarded, they would quickly proceed to the design and construction of the new fueling system. In the meantime, he noted, they would carry the \$2,000 per month expense in the operating budget. Mr. Dubarry pointed out the grant application had been submitted to the New York State Department of Transportation, Aviation Bureau and not the FAA.

As there was no further business to come before the County Facilities Committee, on motion made by Ms. Wood and seconded by Mr. Strough, Mr. Girard adjourned the meeting at 10:35 a.m.

Respectfully submitted,
Charlene DiResta, Sr. Legislative Office Specialist