

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: COUNTY FACILITIES

DATE: SEPTEMBER 30, 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
JOANN MCKINSTRY, ASSISTANT TO THE COUNTY ADMINISTRATOR
AMANDA ALLEN, DEPUTY CLERK OF THE BOARD

SUPERVISORS BEATY
BROCK
CONOVER
DICKINSON
FRASIER
KENNY
MCDEVITT
MERLINO
SEEBER
TAYLOR

MATTHEW SMULLEN, CLARK PATTERSON LEE
HON. DAVID B. KROGMANN, WARREN COUNTY SUPREME COURT JUDGE
HON. ROBERT J. MULLER, WARREN COUNTY SUPREME COURT JUDGE
JOANNE MANN, CHIEF CLERK, WARREN COUNTY SUPREME AND COUNTY COURTS
SALLY BOIVIN, CHIEF CLERK, WARREN COUNTY FAMILY COURT
MARK LEVACK, WARREN COUNTY RESIDENT
BRUCE LEVINSKY, PRESIDENT, MERLIN DEVELOPMENT
DAVID KLEIN, WARREN COUNTY RESIDENT
R. KEVIN LYNN, 333 GLEN STREET ASSOCIATES, LLC
TRAVIS WHITEHEAD, TOWN OF QUEENSBURY RESIDENT
DON LEHMAN, *THE POST STAR*
CHARLENE DIRESTA, SR. LEGISLATIVE OFFICE SPECIALIST
FOR ALL OTHERS PRESENT PLEASE SEE ATTACHED SIGN-IN SHEET

Mr. Girard called the meeting of the County Facilities Committee to order at 10:54 a.m.

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

Mr. Girard noted that Matthew Smullen, of Clark Patterson Lee (CPL), was in attendance to address any questions pertaining to the Court Space Needs Assessment. He commented a core meeting had been held to address some of the concerns from members of the Board of Supervisors. Mr. Girard pointed out the owners of six offsite facilities had contacted the County to inform of their available properties.

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.*

Mr. Tennyson recalled that at the August 28th County Facilities Committee Meeting he had informed that the Court Space Needs Assessment was in progress. He advised representatives from CPL had conducted a series of interviews with Court staff members as part of this Assessment. He said draft documents of the Court Space Needs Assessment had been emailed the prior day and the information in the Assessment had been gathered from the interviews and the minimum standards of the New York State Office of Court Administration (NYSOCA). He stated the goal was to receive comments and feedback on the recommendations included in the Court Space Needs Assessment, in order to determine the best course of action and the next steps. He commented that Mr. Smullen was in attendance to answer any initial questions and provide a summary of the information contained in the Assessment. He advised the next task would include the review of existing County-owned space in Warren County.

Mr. Girard explained the matter to be discussed today was the possibility of relocating the courts offsite, whether it be only the Family Court or the entire court system. He stated the Honorable David B. Krogmann and Robert J. Muller, Warren County Supreme Court Judges, had been requested to attend this meeting in order to comment on the possibility of relocating the court system.

Judge Krogmann thanked the Committee members for the opportunity to address this very important subject. He stated all of the judges and supervisors of the court system had the pleasure of working with Jon Norris, of CPL, who he commented, was courteous, informative and a great listener. Judge Krogmann apprised it was great that the County was addressing the long term solution for the court space needs; however, he continued, it would be necessary to address the short term solution, as it was unlikely the issue would be resolved in the 15 months remaining before the new Family Court Judge took office on January 1, 2016.

Concerning the possibility of dividing the court system, Judge Krogmann urged the Committee members to give serious pause and consideration to any division of the court system and facilities. He pointed out there were several valid reasons to not divide the courts, many of which were common sense and some of which were financial. Judge Krogmann stated that speaking on behalf of every other judge in the Warren County Court System, which included decades of experience, they unanimously recommended the court facilities not be divided. He commented he understood why the Committee would want to explore the option of offsite facilities, as the County had a statutory responsibility to provide court facilities to the State. Pertaining to the possibility of relocating the entire court system offsite, Judge Krogmann said that although the Committee could weigh the options and potentially make this determination, he did not see any reason why the courts should be relocated offsite. He mentioned he had been a judge for over 30 years and had worked in the Warren County Court System at the current location for over 12 years. He explained the 4th Judicial District contained 11 counties and the location of court facilities was crucial to the operation of the court system. He added the Warren County Court System in its current location was very effective and he noted several attorneys had commented on the accessibility of the location. He expressed the majority of the attorneys that appeared before the Supreme Court were not local attorneys and many commented on the ease of finding the court facilities and the availability of parking space. Judge Krogmann apprised relocating the entire court system to a more populated area could possibility make the facilities less accessible, less easy to find and could result in parking issues. He opined the support staff was crucial to the operation of the court system and it would not make sense to require the staff to travel to an offsite location.

Judge Krogmann advised that many years prior he had been part of the City of Glens Falls Court System at which time it had become apparent to the Glens Falls Police Department (GFPD) that on any given day there were 10 to 25 convicted felons, serving time in State facilities, who were within

the City limits for various reasons. He noted some of these felons were inpatients who were under guard at Glens Falls Hospital or they were being transported for medical treatment. He commented this awareness of GFPD led to the formulation of contingency plans to ease the residents fears of having the prisoners within the City limits. Judge Krogmann apprised relocating the court system to a more populated area would not be in the best interest of the residents of Warren County and he pointed out the current facilities were located right next to the Warren County Sheriff's Department. He urged the Committee members to consider all of these points when determining the possibility of relocating the entire court system or dividing the courts and relocating the Family Court. He pointed out all of the other Warren County Judges agreed it was inadvisable to divide the courts and it was also the position of the NYSOCA. He stated the division of the court system would not be in the best interest of the County, the taxpayers of Warren County or the Warren County Court System. He commented it was up to the Board of Supervisors to determine the possibility of relocating the entire court system; however, he reiterated the current location was effective and he said whoever had made the original decision to locate the court system on the Municipal Center Campus had been brilliant. He mentioned the current facilities were not outdated, they were merely too small.

Judge Muller said he was in attendance to support the comments made by Judge Krogmann, who had spoken on his behalf, as well. He stated the division of the court system would be a terrible idea. He commented he was in favor of the court system remaining on the Municipal Center Campus and he hoped the Committee was not seriously considering the possibility of relocating the entire court system.

Mr. Girard requested Mr. Smullen to address the possibility of dividing the court system. He noted the possibility was being considered due to the square footage requirements and the type and size of the required building. Mr. Girard asked Mr. Smullen to address the amount of square footage required if the court system was divided, if the entire court system was relocated or if the Municipal Center was expanded to accommodate the court space needs.

Mr. Smullen reported on the current status of the Tasks which were requested of CPL by the Board of Supervisors. He explained Task 1 was the Court Space Needs Assessment which was 90% completed and reflected in the handout distributed to the Supervisors; *a copy of the Court Space Needs Assessment is on file with the minutes*. He noted the reason Task 1 was considered to be 90% complete was because CPL had not yet received comments from the Board of Supervisors regarding the Assessment and he added this was the appropriate time for those comments. Task 2, he continued, was the exploration of onsite options for expansion of the court facilities. He noted CPL had commenced work on Task 2 and they were prepared to continue this work. He commented that Task 2A would be the exploration of offsite alternatives for which CPL had proposed a \$62,000 fee. He mentioned the deliverable on Task 2A would have been to give the Board of Supervisors all of the necessary information to make an informed decision. He added this would have been a comprehensive review of all of the structural, mechanical, electrical, plumbing, etc. features of each of the proposed offsite facilities. Mr. Smullen stated CPL understood this was not a fee the County was prepared to pay at this time and during a working group meeting, it had been decided that a more stepped approach should be taken. With this in mind, he continued, CPL was proposing Task 2A.1 at a fee of \$8,850 and he explained this task would include the following:

- ▶ development of a list of criteria for evaluation and selection of potential properties;
- ▶ review of information provided by the property owners;
- ▶ review of the existing floor plans for each property; and
- ▶ site investigation of each property by CPL's architect.

Mr. Smullen advised the list of criteria would include such items as the required amount of square footage. He apprised Task 2A.1 would narrow the list of potential properties to 2 or 3 locations which would be adequate for the courts needs. Mr. Smullen opined sub-dividing the Tasks and completing Task 2A.1 would be a reasonable approach to the Court Expansion Project.

Mr. Girard asked if CPL required a directive from the Committee pertaining to their intentions, such as relocation of the Family Court or relocation of the entire court system. He informed that Mr. Strough had suggested the possibility of relocating the entire Warren County Court System to a combined facility which would also house the Queensbury Town Court. Mr. Smullen advised any needs assessment for the Queensbury Town Court would not be included in the current scope of work being performed by CPL. He added if the Town of Queensbury had already completed a needs assessment and the square footage requirement was known, then CPL would be happy to evaluate all three possibilities: relocation of Family Court; relocation of the entire Warren County Court System; and a location to house the combined Warren County and Queensbury Town Court Systems. Mr. Girard acknowledged the possibility of combining the County and Town of Queensbury Courts was not included in the current scope of work for CPL. He said the Committee would need to make a decision on the possibility and he acknowledged a needs assessment for the Queensbury Town Court would need to be completed.

Mr. Strough stated the consideration of the relocation of the County Court System should be the primary concern. He said he had mentioned the possibility because the Queensbury Town Court had also outgrown their existing facility. He commented the priority should be to determine the best interests of the County Court System and the residents of Warren County. He said he understood the position of the judges and support staff of the Warren County Court System. He opined if the costs of expanding the Municipal Center and relocating to an offsite facility were comparable, then the preference of the judges and support staff to remain at the Municipal Center should be honored. Conversely, he continued, if it was determined that it was significantly less expensive to relocate the entire court system to an offsite facility, then the County would need to make the fiscally responsible decision. Regarding Task 2A, Mr. Strough stated he did not feel that a comprehensive evaluation of the offsite properties was necessary, as a cursory evaluation would suffice. He agreed the stepped approach outlined by Mr. Smullen as Task 2A.1 might give the County the necessary information to determine the feasibility of relocating the entire court system offsite. Mr. Girard stated if the Queensbury Town Court was to be included in the possibility of an offsite location then there would be additional work to be completed. Mr. Strough suggested Queensbury Town Court could be included if a facility was found which was significantly larger than the square footage required by the Warren County Court System.

Mr. Westcott concurred with Mr. Strough's statements and added that he took the opinions offered by Judge Krogmann and Judge Muller very seriously. He commented he had asked for a cost benefit analysis which compared the possibility of expanding the Municipal Center for the courts versus relocation to an offsite facility which could be less expensive. He noted some of the Supervisors had questioned the legality of dividing the court system. He recalled at a prior meeting he had requested a review of the legality of this option and he asked if this had been completed. Mr. Girard asked Judge Krogmann if it would be necessary to receive approvals from the NYSOCA and the 4th Judicial District before taking any actions which would divide the court system. Judge Krogmann responded he would prefer to defer the question to Paul Dusek, County Administrator, who had recently spoken to Bill Clark, of the NYSOCA, about the matter. Mr. Westcott stated his interest in the possibility of relocating the court system to an offsite facility was primarily economic. He commented constituents had approached him in the past to discuss prior construction projects undertaken by the County and he felt it was important for the Board of Supervisors to explore all of the options before proceeding. Mr. Westcott stated he had voted in favor of the resolution which had authorized the additional

\$62,000 to be transferred into Capital Project No. H350.9550 280, Court Space Expansion, at the September 19, 2014 Board Meeting, in order to keep the option of Task 2A on the table but he said he did not think it was necessary to expend \$62,000 in order to evaluate the offsite properties. He pointed out he had requested several people in the commercial real estate profession to attend this meeting. He agreed with Mr. Strough that a cursory exploration of the properties would suffice and would be inexpensive in comparison.

Mr. Monroe suggested the Committee should reject the concept of dividing the court system because this option was not feasible. He said he had worked in the court system for 10 years and he felt it would be a big mistake to relocate the court system to an offsite facility. He noted he did not have any objection to a cursory exploration of the offsite properties but he felt the concept of dividing the court system should be rejected. Ms. Wood stated she was completely opposed to dividing the court system and her preference would be to retain and expand the existing court facilities. She commented she was not opposed to a cursory exploration of the offsite facilities but she did not want to expend a lot of money doing so as the funds would be better utilized towards an onsite expansion project.

Mr. Beaty mentioned that a constituent had approached him with the concept of relocating other County departments offsite in order to make room for the courts in the existing Municipal Center space. He said it would be fairly simple to review this possibility as the current square footage of the Municipal Center was known. He opined there were departments which could be relocated easily, such as the Department of Motor Vehicles (DMV). He commented these departments were essential to the County but not as essential as the court system. He apprised this option would retain the court system on the Municipal Center Campus, relocate a few departments to offsite facilities and would save a significant amount of money.

Ms. Seeber said she was glad Mr. Beaty brought up the possibility of a fairly easy solution. She advised she had attended the Annual Meeting of the Jury Assembly and it had occurred to her that the existing courtyard space of the Municipal Center could be used for expansion of the court system. She apprised the current court system was efficient, as was attested to by Judge Krogmann and Judge Muller. She said Warren County was a leader in the Criminal Justice professional field and the location was ideal as there was easy access to the Northway. She questioned why the County would want to expend \$62,000 researching an option that the judges were opposed to. She asked if it would be possible to use DPW staff and CPL to research the possibility of utilizing the courtyard space to expand the existing court space.

Ms. Wood asked Mr. Tennyson if the County had previously reviewed the possibility of dislocating some County departments in order to expand the courts. She said her understanding was that the review had mostly pertained to the departments located on the second floor of the Municipal Center and she recalled security had been one of the concerns. Mr. Tennyson responded several studies had been completed, one of which would have displaced the Board of Supervisors. He added studies had also been completed regarding the inner courtyard space. Regarding expansion into the courtyard space, Mr. Tennyson expressed this might be a viable option if there were not excess land available to expand the building outward. He noted there was plenty of space around the existing Municipal Center which could be used to construct additions to the existing court space, which he noted would be more efficient. Ms. Wood mentioned the County was on a tight time line and voiced her concern that shuffling the departments around might make the project take more time than was necessary. Pertaining to Mr. Beaty's suggestion of relocating the DMV to an offsite location, Ms. Wood pointed out the DMV, the Office of the County Clerk and the Records Storage Center were all tied together and relocating all of the offices would incur a considerable amount of funds and time.

Mr. Tennyson acknowledged there was a definite time constraint. Mr. Strough asked why the space previously occupied by the Old Jail was not being considered as the County continued to heat this space in the winter. Mr. Monroe replied there were issues with lead and asbestos contamination in the Old Jail which would need to be abated before the space could be utilized. A brief discussion ensued pertaining to the Old Jail.

Mr. Girard stated the Committee would first need to decide if they were in favor of or opposed to the possibility of dividing the court system by relocating the Family Court to an offsite location. Mr. Taylor advised the preference of the judges to remain on the Municipal Center Campus should not be taken lightly. He stated the Committee should commence planning to expand the existing court space by deciding the necessary amount of square footage required. Once the necessary square footage was determined, he continued, the Committee should decide whether they would construct an addition to the Municipal Center for the necessary space or if they would relocate other County departments offsite in order to free up the necessary space for the court system.

Mr. Westcott pointed out there were other State agencies occupying space in County-owned buildings. He said he was unsure of the length of the lease contracts for these agencies; however, he suggested the possibility that some of these agencies could occupy available space in the community thereby creating more available space in the County-owned buildings. He commented the solution could be a combination of finding available space at the Municipal Center and constructing a smaller addition. He stated the County was attempting to explore all of the options in order to save taxpayer dollars while providing the court system with the necessary space. Mr. Girard asked if Mr. Westcott had formed an opinion on the option of dividing the court system by finding an offsite location for the Family Court. Mr. Westcott replied he had not completed a review yet but he believed there had to be other counties with divided court systems that worked well. He added these court systems should be reviewed to determine if this was a viable option for Warren County.

Mr. Dickinson expressed that if the County was discussing the possibility of constructing a new Municipal Center, there was no doubt in his mind that the current location was ideal. He noted the location was right off the Northway and was easy to find. He commented the facilities for the Town and Village of Lake George were divided through the community and staff members spent a large portion of the day directing people to the appropriate building. He referred to the current configuration of County departments and the court system as "one stop shopping" and said he felt it was important to retain that and to listen to the expertise of the judges. He expressed the County was under a tight time constraint and should not waste time and money reviewing other options that would not work. He stated there would be issues with moving any of the courts or County departments offsite. He advised the Committee first needed to decide if they wanted to divide the court system and he opined this was a ridiculous concept. He commented the idea of relocating the entire court system offsite was also ridiculous. He apprised the County had the necessary amount of property and should re-design or expand the existing Municipal Center to create the necessary space for the court system. He stated it was not a good idea to spend the additional funds for Task 2A.1 in order to review offsite facilities. Mr. Monroe expressed he saw no circumstances for which he would vote in favor of dividing the court system and he suggested the Committee reject the concept.

Motion was made by Mr. Monroe and seconded by Ms. Wood to reject the concept of dividing the Warren County Court System by relocating the Family Court to offsite facilities.

Mr. Girard mentioned there were businessmen in attendance who had taken the time to attend the Committee Meeting and he offered the opportunity for input from these members of the public.

Mark Levack, Warren County Resident, said he had attended the meeting today in an effort to help save the County taxpayers some money and to offer some thoughts and suggestions on the pre-solicitation process. He stated once the Committee had established the criteria for the proposed offsite facilities, the process of looking at the market would take a short amount of time. He informed the Federal Government had hired a private brokerage firm in New York City-Jones, Lang and LaSalle. He said these brokers could look at the Upstate New York market and very quickly and readily determine which properties were available to suit the needs of their client. He explained the brokerage firm would develop a map and review the available properties within a short period of time. He stated the pre-solicitation process generally took one to two weeks depending on the time frame established by the client. Mr. Levack said the market in Warren County was very finite but there were facilities which might warrant a second look. He reiterated the pre-solicitation process was quick and easy and would not cost the taxpayers anything.

Bruce Levinsky, President of Merlin Development, said he was here to represent the property known as Monument Square, at 333 Glen Street in the City of Glens Falls, also referred to as the Traveler's Building. He noted the discussion being held at this meeting was virtually the discussion held by every tenant at some point in time. He informed Merlin Development had the privilege of investigating the possibility of relocating the court system currently located at Saratoga State Park to space located in the Monument Square Building. He explained they had thoroughly vetted the possibility and the primary issue of concern had been security which Merlin Development had been able to satisfy. He stated the Monument Square Building could accommodate the security issues of the Warren County Court System and they would delineate the details if they reach that point in discussions. Mr. Levinsky recalled several people had mentioned the favorable location of the Municipal Center in proximity to the Northway and how easy it was to find. He remarked with the availability of GPS (Global Positioning Satellite) today, it was possible to find any location. He advised this reason was not a valid reason to eliminate the Monument Square Building for the relocation of the court system or other County departments. Mr. Levinsky mentioned the time constraint for this project and opined the County would be unable to construct a facility in the available amount of time. He said he felt offsite facilities were a viable option and fit the circumstances and he added offsite facilities would be the least expensive alternative. Mr. Levinsky requested his associate, R. Kevin Lynn, of 333 Glen Street Associates, LLC, to speak because he had a great deal of experience in relocating tenants. Mr. Levinsky explained the campus at 333 Glen Street was 6.5 acres in the middle of the City of Glens Falls and had onsite parking in the form of a 350 car garage.

Mr. Lynn agreed with Mr. Levack's statement that the cost for analysis of the available properties should be minimal and the report should be a 3 or 4 page document to weed out the number of available properties. He said a point system could be used to determine criteria, such as the geographic location, available parking, square footage, infrastructure, etc. He stated he had been a commercial real estate broker for over 25 years and had procured about a million square feet of space for various State agencies. He said he was familiar with the process which was not difficult and could be completed without spending any additional funds. As a broker, Mr. Lynn commented, all he needed to know was the needs of his client. He mentioned if the County sent a document informing of the need of 80,000 square feet, then 333 Glen Street would not meet their needs; however, he continued, if the document informed of the need of 50,000 square feet, then he would be interested. He apprised they would be willing to discuss any of the options, such as relocating the entire court system, relocating other County departments or housing State agencies. Mr. Lynn acknowledged the County needed an intermediary broker or agency with no conflicts of interest. He suggested the County complete Task 1, the Court Space Needs Assessment, and complete the pre-solicitation process as outlined by Mr. Levack. He opined 15 months would be a difficult time frame to construct the necessary amount of square footage for the court system.

Judge Krogmann said he was glad the time constraint for this project was being highlighted by all of the concerned parties. He commented the Hon. J. Timothy Breen, Warren County Family Court Judge, had court today and could not attend but his support staff were present. He suggested the Committee defer to Judge Breen for his recommendation for a short term solution, as well as to his staff as they were aware of the needs of Family Court. Judge Krogmann followed up Mr. Levinsky's observation regarding negotiations by the NYSOCA for space within the building at 333 Glen Street. He stated the discussion at that time had pertained to the relocation of the administrative offices of the 4th Judicial District from their current location in Saratoga to the City of Glens Falls. He explained this possibility would not have involved the functioning of a court system or the transport of prisoners. He advised any security issues that had been addressed were the security issues pertaining to administrative personnel.

Mr. Strough requested an explanation of the pre-solicitation process. Mr. Levack responded the first step was to develop the needs and wants criteria and it sounded as if the County had completed this step. He advised the next step was to engage the brokerage or development community with a basic list of desired features, such as: the amount of required square footage; the required amount of parking spaces; the location within a defined area; ancillary services desired; distance to restaurants; and distance to parking. Mr. Levack stated this list could be as long or short as the County wanted to make it. He added the potential property options should be discovered and compiled in order to determine if any of the properties fit the criteria. He said the pre-solicitation process could be completed in a very short time frame at no cost to the County. Mr. Strough asked if the pre-solicitation process was something which could be completed by Mr. Levack and Mr. Levack replied this was something the brokerage community did when hired by a tenant to go for pure space. Mr. Levack stated that as a County resident he would be happy to engage in this process and assist; however, he added, as a broker he would not want to be placed into a conflict of interest position as it was possible he would represent one of the potential landlords. Mr. Strough asked if the pre-solicitation process was free of cost and Mr. Levack replied affirmatively. Mr. Levack reiterated the number of properties in Warren County which would meet the criteria were finite but he added the list of potential properties was currently unknown. Mr. Strough commented he understood the inclination but it was the responsibility of the Committee to ensure that due diligence was completed for the sake of the taxpayers and it was important to review the offsite facilities for the sake of due diligence.

Mr. Girard recalled there was a motion on the floor to reject the concept of dividing the Warren County Court System by relocating the Family Court offsite. He noted Mr. Dusek had spoken with representatives from the NYSOCA and the 4th Judicial District about the possibility of dividing the courts and he requested Mr. Dusek to advise the Committee about those discussions. Mr. Dusek informed he had recently had a phone conversation with Mr. Clark from the NYSOCA and Mr. Norris from CPL to discuss this possibility. Mr. Dusek noted he had informed Mr. Clark of the status of the project in order to ensure the NYSOCA was up to date. He advised of the NYSOCA's concern pertaining to the possibility of dividing the court system or relocating the entire court system offsite. Mr. Dusek stated it had been made clear to him by Mr. Clark that the NYSOCA would not support the concept of dividing the court system. He apprised he had asked Mr. Clark about the approval process and was informed the final decision would be made by a Board which would convene in order to decide the issue. Mr. Dusek apprised Mr. Clark was adamant that this Board would recommend against any division of the court system. He continued that he had inquired about the possibility of relocating the entire court system offsite and a clear objection was not indicated.

Sally Boivin, Chief Clerk for the Warren County Family Court, apologized for the absence of Judge Breen and noted he had a very busy calendar. She informed that Judge Breen was also an acting Supreme Court Judge and separating the courts would mean if he had a Supreme Court case it

would require travel between the two courts. She commented the division of the court system would be an extreme inconvenience because the staff would be required to ensure that Judge Breen had proper coverage. She pointed out Judge Krogmann and the Hon. John S. Hall, County Court Judge, were used to cover Family Court in the event of an emergency to issue orders of protection. She advised that Judge Breen was totally against any division of the court system. She acknowledged the current court space was inadequate with a small waiting room and no holding cells; however, she opined, the issues could be resolved with renovations or additions to the current space.

Mr. Dusek apprised Mr. Clark had made one additional point that the NYSOCA's costs for security and administration would be increased if the courts were divided. As a former practicing attorney, he continued, he could attest to the fact that having all of the courts located together was beneficial. He commented it was not unusual for an attorney or law firm to have several cases in various courts in the same day. He mentioned having the courts located together also allowed for the sharing of rooms, such as conference rooms or attorneys rooms. He commented supporting County departments, such as the Probation Department and the District Attorney's (DA's) Office should also be considered. He said he understood the opposition of the NYSOCA to dividing the courts and he also understood why there would be some hesitation to considering relocation of the entire court system. He commented if the entire court system was relocated the question would be to decide if it would be necessary to also relocate the supporting County departments. Mr. Dusek agreed with Mr. Strough that it would be necessary to balance all of those issues with the need to prove that all possible options had been explored.

Mr. Westcott stated he would support the motion which was on the floor. He said he had felt it was important that the possibility of dividing the courts be discussed in depth and he acknowledged that it had. He commented he liked the concept of working with a commercial real estate broker to examine the available office space in Warren County. He apprised the County would then be able to ensure the taxpayers that they had explored every available option before proceeding. He mentioned there had been facilities which had been constructed by the County and were later criticized and he wanted to be able to address the taxpayers concerns.

Ms. Seeber said an inclusive picture would include such things as the possible mileage reimbursements to State and County employees for traveling to and from the court system. She noted Mr. Levack had mentioned there would be no cost to the taxpayer for the pre-solicitation process; however, she continued, there was always a cost to the County associated with the use of consultants. She questioned the meaning of "courts" when discussing the possibility of relocation and listed County departments which could be included in the definition, such as: the Probation Department; the DA's Office; the Department of Social Services (DSS); etc. Ms. Seeber asked if these supporting departments had been consulted to determine if the concept of relocating the entire court system was feasible. She said it would be necessary to know the necessary square footage for relocating the courts, as well as the amount of additional square footage which would be necessary to also relocate all of the supporting departments. She also inquired about the possible costs involved with renovating the current court space if it were vacated in order for the space to be usable by other County departments. She reiterated the County needed an all inclusive picture.

David Klein, Warren County Resident, said he was an engineer and a commercial property owner and it seemed obvious to him that the court system should not be divided and should remain on the Municipal Center Campus. He apprised the County should also look at minimizing the costs and he noted construction on the Municipal Center Campus would require the County to pay prevailing wage rates. He continued by saying that new offsite space would not require prevailing wage rates and refurbished space could be available for a lot less money. Mr. Klein stated that courtrooms were fairly large spaces and he did not believe there would be adequate space available in the existing

buildings of the Municipal Center Campus. He apprised if the County constructed an addition for courtroom space or rebuilt courtrooms offsite it would be fairly expensive. He added it would also be expensive to refurbish the existing courtrooms in order to be used as office space for other County departments. He suggested the County try to minimize the new construction on the Municipal Center Campus and look at the possibility of relocating other County departments, such as the DMV as suggested by Mr. Beaty. He noted this would free up space within the Municipal Center which could be utilized by the court support staff. He recalled a few years prior there had been some discussion about relocating the Tourism Department offsite and he opined he did not feel it was critical for the Tourism Department to be located on the Municipal Center Campus.

Mr. Girard pointed out that Mr. Smullen would need to explain how CPL intended to proceed with the Tasks and there were some legal questions which needed to be answered. He explained the concept of offsite facilities had not included an RFP (request for proposals) process as the properties in question had either been suggested by Supervisors or the owners/brokers had contacted the County directly. He said the core group had given CPL the directive to prepare to evaluate certain properties and the NYSOCA had approved of the evaluations. He stated the first decision to be made pertained to the motion which was on the floor to determine if the court system would be divided by relocating the Family Court to an offsite facility. Mr. Monroe clarified the intent of his motion had been to reject the concept of dividing the court system on a permanent basis and he acknowledged it might be necessary to do so on a temporary basis given the time constraints.

Mr. Monroe amended his motion and Ms. Wood amended her second to the motion to reject the concept of dividing the Warren County Court System by relocating the Family Court offsite on a permanent basis with the understanding that it might be necessary to do so on a temporary basis. Mr. Girard called the question and the motion was carried unanimously.

Mr. Girard informed making the decision to reject the concept of dividing the court system gave CPL a clearer picture of how the County wanted to proceed. He said there were currently 6 properties to be evaluated as possible offsite locations and he asked Mr. Dusek if it would be necessary to release an RFP to determine if there were other potential properties which might meet the needs of the court system. Mr. Dusek agreed it was important to ensure the process was open and was handled in the correct manner; however, he continued, he was unable to provide a response as to the legal requirements of the process at this time. He advised that Martin Auffredou, County Attorney, would need to review the legal requirements. He noted there were County law provisions pertaining to the rental or lease of property and Mr. Auffredou would provide his opinion on the matter.

Mr. Strough suggested CPL could review 6 or 7 properties and eliminate half of those for obvious reasons. He said this would narrow the focus to 2 or 3 properties which had the potential to meet the needs of the court system. Mr. Smullen agreed that Mr. Strough's suggestion made sense. Based on the comments made during this meeting, he continued, it would not make sense for the County to request CPL to complete Task 2A at the proposed fee of \$62,000. He stated the proposed Task 2A.1 was more of a cursory evaluation of the properties and seemed to be the best way to proceed. He said CPL could develop the list of criteria and quickly eliminate 4 or 5 of the potential properties based on those criteria. He added then CPL could proceed with site visits of the remaining properties which would provide more detail as to the next step.

Mr. Dickinson commented the decision to reject the concept of dividing the court system was a good one; however, he questioned why the Committee felt they could relocate the entire court system offsite and continue to be efficient and effective. He apprised relocating the entire court system would move it away from the Sheriff's Department, the Jail, the DA's Office, the DSS and other

supporting departments. He stated the relocation of the entire court system would be inefficient and he questioned why the County would even consider the possibility.

Mr. Conover commented the most efficient model for the Warren County Court System was on the Municipal Center Campus and he noted an analysis would need to include more than just square footage. He said he would want to know how much additional work time would be required by County staff in the supporting departments if the entire court system were relocated offsite. He added information of this type would paint a clear picture of why the court system should remain on the Municipal Center Campus. He suggested that if an analysis was conducted it should be a complete one; however, he opined an analysis was not needed because common sense indicated the most efficient model for the court system was on the Municipal Center Campus.

Mr. Monroe agreed with Mr. Conover's statement and suggested all the supporting County departments be queried to determine the specific impact to them if the entire court system were relocated offsite. Ms. Wood stated she was very much in favor of retaining the court system on the Municipal Center Campus. She said Supervisors had repeatedly commented that all options should be explored yet the Committee was straying away from completing a more formal RFP process. She said it was wonderful that certain property owners had offered their properties as potential locations and she was sure the number of suitable locations were limited; however, she continued, she felt that not completing a formal RFP process would invite as much criticism from the public as not evaluating any offsite options would. She stated she would not be in favor of exploring the option of offsite facilities unless a formal RFP process was included.

Mr. Klein suggested the County and CPL look at a needs assessment for the other County departments which were not as critical as far as retaining their offices on the Municipal Center Campus. He said this would allow the County to relocate those departments and open up additional space for the court system thereby minimizing the construction of additional space.

Judge Muller commented that sometimes the word "courtroom" was used in the abstract. He said viewing the Warren County courtrooms only highlighted courtrooms which were problematic. He informed that Washington County had a court system which worked efficiently and he suggested the involved parties visit the Washington County Court System for a better understanding of functional court facilities. He noted Essex County also had a court system which functioned efficiently but the population of Warren County was more comparable to that of Washington County.

Mr. Girard stated if the County decided to relocate the courts offsite it would be for the entire court system. He said 6 properties had been identified as potential locations and the County Attorney would determine if an RFP process was required. He questioned the next step in this process and Mr. Tennyson suggested the Committee engage the services of CPL for Task 2A.1 as proposed for a fee of \$8,850. He commented Task 2A.1 would look at some of the criteria which had been discussed and he noted informal comments could be received from any members of the public pertaining to the development of the criteria. He mentioned some site visits could be conducted by himself; Frank Morehouse, Superintendent of Buildings; and some of the DPW staff engineers over the next week or two which could provide a clearer picture for the development of an RFP. He said the proposals received from an RFP process may reveal other properties which might be suitable for relocating the entire court system or some other combination of County departments. He stated they had been trying to maintain momentum with the project. He expressed there was the Court Space Needs Assessment which required comments and could be used to guide the screening criteria to be developed as part of Task 2A.1. Mr. Tennyson mentioned it was clear the County still wanted to review the onsite construction options and CPL would continue with Task 2. He stated by the time Task 2, the review of onsite construction options was completed, there might be time to

complete a rapid RFP for the remaining viable properties. He suggested an additional Committee Meeting could be held at the end of next week to review an initial assessment and decide if there were any properties which warranted further consideration. He said he felt the County should undergo a formal RFP process to place it into the hands of the property owners and their brokers to present their properties to the Committee.

Mr. Westcott recalled that Judge Krogmann had expressed the need for a short term solution. He said it seemed the Committee was moving towards the possibility of expanding the existing court space. He asked what the alternative or short term solution would be if the expansion of the existing court space was not completed in 15 months. He commented it seemed as if the best option for the short term solution would be to evaluate offsite facilities. He stated he was not in favor of expending a lot of time on the evaluation of offsite properties. He said he had talked to some of the commercial real estate brokers and it was possible to quickly look at the potential properties and determine if they were viable options. He mentioned it would be his preference to focus on "squeezing" all of the available space in the Municipal Center in order to keep the court space together. Mr. Westcott commented he had felt it was important to evaluate offsite locations in order to ensure due diligence was completed. He added the priority now was to decide how to proceed with the Court Space Expansion Project in order to complete it within the next 15 months; however, he said, he would like CPL to focus on the short term options, as well.

Mr. Brock commented on the inconvenience that would be involved if the DA was required to travel to the City of Glens Falls in order try cases. He compared this scenario to a professional sports team practicing in two separate locations. He said the concept of spending money to save money did not make sense and he wondered about the potential cost of bad decisions. If the County was to proceed in evaluating offsite properties, he continued, it did not seem fair to simply evaluate the known properties without releasing an RFP. He opined by releasing an RFP the County would basically be letting the landlords do the work for them by listing the criteria that their property met.

Mr. Dickinson stated he would like to see the Committee vote on the concept of expanding the current court facilities at the Municipal Center and evaluating the offsite properties as potential short term solutions. He said once the County committed to the concept of expanding the current court facilities, the professionals would be able to focus their efforts and would have the necessary time to consider the short term solutions. Mr. Monroe remarked that a comment had been made pertaining to the possibility of offsite construction being subject to prevailing wage rates. He said he was unsure if this statement was true and he requested the opinion of the County Attorney.

Mr. Girard informed that potential properties had been solicited to the County for various reasons. Generally, he continued, the County would release an RFP in circumstances such as this. He commented the Committee's purview was to vote on the release of an RFP based on criteria to be developed by CPL from information gathered during the Court Space Needs Assessment. He mentioned the full Board of Supervisors could then vote on the resolution at the October 17, 2014 Board Meeting. He said the Board of Supervisors could discuss the issue at the Board Meeting and make a decision at that time. Mr. Strough pointed out that according to the Court Space Needs Assessment developed by CPL, the DA's Office would be relocated with the rest of the Warren County Court System. Judge Krogmann commented he had liked Mr. Brock's analogy of a sports team practicing in two locations. In terms of the short term solution for Family Court, he expressed that Ms. Boivin was the Chief Clerk for the Family Court and if the short term solution was offsite facilities there would be difficulties in operations. He noted that Ms. Boivin's office and staff would need to be divided between the two locations in order to accommodate both Family Court Judges. He advised the two Family Court Judges would require offices which were all in one location in order to function properly.

Joanne Mann, Chief Clerk of the Warren County Supreme and County Courts, mentioned that if the entire court system were relocated to offsite facilities it would not be just the DA's Office that needed to relocate with them. She noted there were other departments and agencies that practiced regularly with the courts, such as: the Probation Department; the Public Defender's Office; DSS; the County Clerk's Office; the Sheriff's Office; and the Jail. She apprised it did not make sense to relocate offsite because a property met the courts current criteria. She added many years from now the court system would likely expand further and the County should be thinking about the possibility of that future expansion.

Ms. Wood asked if there was a certainty that the County would require offsite facilities on a temporary basis. She questioned if the decision was made to retain and expand the current court facilities on the Municipal Center Campus would offsite facilities be necessary for the relocation of other County departments. Mr. Smullen responded it was not certain that offsite facilities would be required on a temporary basis. He explained CPL had developed an aggressive schedule and he noted the possibility of temporary onsite facilities had been discussed, as well. Ms. Wood stated the Committee should establish the need for offsite facilities prior to releasing an RFP. Mr. Girard said his suggestion for the release of an RFP pertained to possible permanent offsite facilities. A brief discussion ensued.

Mr. Tennyson informed that Board of Supervisors approval was not required for the release of an RFP and this could be completed immediately. He noted an RFP process did not obligate the County as they had the authority to reject all proposals. He said the RFP could be developed with the assistance of CPL and any outside informal resources. He pointed out the minimum time frame for an RFP was 10 days. Mr. Girard apprised his suggestion to present the RFP to the full Board of Supervisors was merely to determine the interest in relocating the court system offsite versus expanding the existing court facilities at the Municipal Center. He added if the majority of the Board was opposed to offsite facilities then the RFP process would be a waste of time. He stated he did not currently feel that the Committee had vetted all the options properly.

Mr. Dusek agreed with Mr. Tennyson that Board approval was not necessary for the release of an RFP. He suggested the possibility of scheduling a Special Board Meeting in order to keep the matter moving forward. He informed that the Personnel and Finance Committees would meet on October 8, 2014 and the Budget Committee would meet on October 7, 2014. He noted typically the majority of the Board of Supervisors attended those Committee Meetings and a Special Board Meeting could be scheduled for either day. Mr. Monroe advised it was important to develop an assessment of the impact to the other County departments if the court system was relocated offsite. He said it seemed the Committee was leaning towards eliminating the possibility of constructing offsite facilities and he opined this option should be ruled out. He commented the Committee was still discussing the possibility of leasing offsite facilities. He said he was in favor of scheduling a Special Board Meeting in order to discuss the matter further and keep the project moving forward; however, he requested information pertaining to the impact to other County departments if the court system was relocated offsite be available for review at the Special Board Meeting. He mentioned the possibility that this information may reveal the impact would be too great to allow consideration of this option.

Motion was made by Ms. Wood and seconded by Mr. Westcott to schedule a Special Board Meeting to discuss and make decisions pertaining to the best way to proceed with the Court Expansion Project.

Mr. Strough stated his understanding was that CPL would complete Task 2A.1 and provide the Committee with a cursory opinion on the affordability and practicality of evaluating 2 or 3 offsite facilities for the possible relocation of the entire court system. Mr. Girard agreed but said the

possibility of an RFP process was being discussed in the name of fairness and to determine if there were properties available in addition to the 6 which were known. Mr. Dusek stated it was possible to engage CPL to complete Task 2A.1 in order to obtain further information and if offsite facilities seemed to be a potential long term solution then an RFP could be released to list the criteria and solicit the specific terms of the lease or purchase. Mr. Brock remarked the entire court system including the supporting County departments should be queried to determine the impact of relocating the court facilities offsite. He added if the majority of the responses were negative, then the point was moot.

Mr. Smullen offered to work with the County to assist with the development of an RFP without signing the Task 2A.1 and there would be no cost to the County. He commented if the County received responses to the RFP and determined that none of the properties were viable then there would be no need to complete Task 2A.1. He suggested Task 2A.1 be reserved until after the responses from the RFP were received. Mr. Westcott said he liked this option and he noted there would be little expense other than the cost of an advertisement. In the meantime, he continued, the Special Board Meeting could be scheduled in order to determine the opinions of the entire Board of Supervisors and to determine if there was any interest in pursuing offsite facilities. He commented the other supporting County departments could be solicited for feedback pertaining to the possible impact prior to the Special Board Meeting so that information could also be discussed.

Ms. Seeber asked about the possibility of Mr. Dusek sending an email survey to all of the involved Department Heads to inquire about the impact to their Department if the court system was relocated offsite. She noted the possibility that responses could be received within a 2 to 3 day time frame. She stated it was best to go directly to the Department Heads and request their professional opinions. She suggested the County could simply expand the existing court facilities further into the parking lot by constructing one courtroom and a few additional offices.

If the process resulted in the County constructing an addition to the Municipal Center, Mr. Levack asked the Committee to consider the possibility of having a private contractor construct the addition and lease it to the County with a fully advertised master lease wherein the County would be able to buy the addition for \$1 at the end of the lease term. He said the County would control the addition and would own it in every aspect with the exception of holding the title. He added this concept might save the County some money. Mr. Monroe advised the Committee would require the opinion of the County Attorney before considering this option because it seemed to be a means of avoiding the prevailing wage rate.

Mr. Conover opined the decision had already been made and he did not feel the release of an RFP was warranted until after the internal analysis was completed and it was determined if offsite facilities could be efficient. He stated the releasing of an RFP for offsite facilities would propose that the court system vacate the considerable facilities which were already owned by the County in order to determine the cost of replicating or leasing similar facilities elsewhere with some additional space. He apprised the supporting County departments should be asked if they could operate as efficiently at two separate locations with two separate staffs. He stated the answer would definitely be no.

Mr. Girard noted there was a motion on the floor to schedule a Special Board Meeting and Mr. Dusek commented the most practical date to schedule the meeting would be Wednesday, October 8, 2014 following the Personnel, Finance and Invasive Species Sub-Committee Meetings. He noted the meeting would probably best be scheduled in the early afternoon due to the other Committee Meetings scheduled and he suggested 1:00 p.m. would be an appropriate time.

Ms. Wood amended her motion and Mr. Westcott amended his second to the motion to schedule a Special Board Meeting to discuss and make decisions pertaining to the best way to proceed with the Court Expansion Project to be held on Wednesday, October 8, 2014 at 1:00 p.m. in the Board of Supervisors Room. Mr. Girard called the question and the motion was carried unanimously.

Mr. Girard asked Mr. Smullen if he would be able to attend the Special Board Meeting and Mr. Smullen replied affirmatively. Mr. Dusek requested clarification on what information should be prepared to be presented and discussed at the Special Board Meeting. He said the Court Space Needs Assessment was available and could be discussed, along with the general issues associated with the Court Space Expansion Project. He asked if the analysis of the impact on the various departments by relocating the court system to offsite facilities was being requested for the Special Board Meeting and he commented this would not be as simple as sending an email to the Department Heads. He explained he would need the assistance of Mr. Smullen or Mr. Tennyson as this would include associated costs, additional man hours, etc. which would need to be analyzed and calculated out over a period of time. He said he was unsure if the analysis could be completed by October 8, 2014. Mr. Smullen opined the information would be in-house and said that based on the information gathered to date, CPL could provide the estimated per square foot cost of new construction. He added there had been discussion about involving the County Treasurer to estimate the cost of a 20 year lease. A brief discussion ensued pertaining to the amount of detail to be included in the impact analysis of supporting County departments.

Mr. Beaty apprised he would love to have the entire court system remain on the Municipal Center Campus. At the Special Board Meeting, he continued, he would like to determine which other County departments or State tenants could be relocated offsite to enable the entire court system to remain on Campus. He commented the Board of Supervisors Room was large and was only used once a month. He acknowledged he was unsure whether this analysis would be completed by Mr. Dusek or Mr. Tennyson but he requested the departments or tenants currently being housed on the Municipal Center Campus which could potentially be relocated be designated for review at the Special Board Meeting. He said he believed the majority of the Board would agree that the entire court system should remain on the Municipal Center Campus. Mr. Dusek advised he was willing to complete whatever was requested of him but he commented the analysis would take time. He pointed out that at one time a review had been completed to consider the option of using the second floor of the Municipal Center as court space but it was determined there would be some issues with that concept. He agreed there were some departments which could potentially be relocated offsite but he said it would be necessary to decide if they would consider only departments located within the Municipal Center or if they would also include departments located in the Human Services Building. He noted the matter could potentially become quite complex. He commented that in order to make additional room for the courts without constructing an addition, the County would need to relocate the Probation Department, the former Sheriff's Office and clear that entire wing of the Municipal Center Building. He advised the first question should be if this scenario would work for the courts needs. He said Mr. Morehouse could look up the prior studies which had been completed on that scenario. Mr. Beaty acknowledged there would be challenges regardless of what the Board decided to do in order to create space. He said if there was the potential to save a significant amount of money by relocating a few County departments then the Board should look into the possibility. Mr. Dusek apprised the first step would be to determine if it would be possible to make the portion of the Municipal Center available for use by the courts and if so would that space meet the needs of the court system.

Mr. Smullen briefly reviewed the Court Space Needs Assessment which had been distributed to the Committee members at the beginning of the Meeting and he noted the documents had been prepared by Mr. Norris. He explained the existing Family Court space was 4,992 square feet and the

proposed space would be 16,108 square feet. He noted the Assessment contained a breakdown of the current and proposed square footage of each office, courtroom and facility. He continued the current and proposed square footage was also completed for the Court Security and Public Entrance, as well as the Surrogate, Supreme and County Courts and the space for Jurors. He pointed out the analysis also included court related departments, such as: Assigned Counsel; the DA's Office; the Probation Department; and the Public Defender's Office. He advised the Court Space Needs Assessment resulted in approximately 70,000 total square feet for the court system which included the court related departments.

Mr. Westcott exited the meeting at 12:56 p.m.

Mr. Monroe said it looked as if the Assessment had analyzed the square footage requirements of remaining on the Municipal Center Campus versus relocating to offsite facilities and Mr. Smullen replied that was correct. Mr. Monroe commented it appeared as if the square footage for relocation offsite was substantially higher. Mr. Smullen responded the on-Campus needs were listed under the proposed column and the biggest change pertained to the scenario of only the Family Court relocating offsite. A brief discussion ensued.

This concluded the Buildings & Grounds portion of the Committee Meeting and the Airport portion of the Meeting commenced at 12:57 p.m.

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

Mr. Girard stated the only item on the agenda was to receive a report on the Adirondack Balloon Festival. Mr. Dubarry reported the approximate total revenue collected at the Adirondack Balloon Festival was \$17,000 and had been generated by a combination of parking revenues and donations. He added there were still outstanding revenues from a couple of busses to be added to this amount. He said the Festival had been successful and commented that 2 launches had occurred out of the 4 scheduled launches. He pointed out that vehicle counters had been used this year but the data was not currently available. He said he would provide this data to any of the Supervisors who requested it.

As there was no further business to come before the County Facilities Committee, on motion made by Mr. Monroe and seconded by Ms. Wood, Mr. Girard adjourned the meeting at 12:59 p.m.

Respectfully submitted,
Charlene DiResta, Sr. Legislative Office Specialist