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John Margeson

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JUL 25 2006
ALLEGANY COUNTY
ADMINISTRATOR

NOT APPROVED

COURT FACILITIES

AD HOC COMMITTEE

July 17, 2006

Committee Members Present

C. Crandall, P. Fogarty, W. Hall, T. O'Grady, D. Pullen

Others Present

Steve Decker *(Ciminelli)*, Kate Hollis, Rick Hollis, Andrew Isenberg *(NYS 8th Judicial District)*, Mark Kukuvka *(LaBella)*, Salvatore LaBella *(LaBella)*, John Margeson *(Allegany County Administrator)*, Kevin Marren *(LaBella)*, Carolyn Miller *(Chief Clerk – Family & Surrogate Courts)*, Brenda Rigby Riehle *(Allegany County Clerk of the Board)*

Overview

County Administrator John Margeson indicated that at the request of Chairman Curtis Crandall, he has compiled all of the options available to the committee for the situation that faces us with the Court System. Options for consideration include:

1. Refusing to comply and ramifications of not complying.
2. Dedicating entire Courthouse for renovations.
3. Acquiring an existing structure and renovating. (Former Belmont Central School)
4. Constructing a new facility for Court operations with accommodations for ancillary agencies.
5. Dedicating and renovating floor space in current County Office Building for Court operations.
6. Constructing an addition to the current Courthouse.

Mr. Margeson stated that the Court Facilities Ad Hoc Committee has as its primary charge the request to prepare recommendations as to how the County should proceed. Mr. Margeson stated that the County has retained LaBella Associates to investigate three specific options (options 4, 5 and 6 above) regarding the situation with the Courts, and he turned the meeting over to Mark Kukuvka.

LaBella Associates Presentation

Mr. Kukuvka explained that to be compliant with the Office of Court Administration's requirements, the Courts would need approximately 48,000 square feet which is about the size of the County Office Building not counting the jail.

The first option Mr. Kukuvka presented was to build a new Courthouse at an estimated cost of just under $14 million. When the cost was adjusted for a comparative analysis with the three scenarios, the effective cost comparison adjusted for value was approximately $10.5 million. Several factors used for consideration in the comparative analysis for option one included:

- Ideal Courthouse circulation and security.
- Good future expandability for courts and some at existing campus.
- Poor adjacency between Court and County Clerk.
- Excellent space efficiency.
- Parking increased by 129 spaces without expansion of existing campus.
- Additional parking at existing campus difficult to develop.
- No occupants displaced.

- No buildings demolished.
- Good provision of space.
- Much vacated space available.
- No disruption to courts during construction.
- Phasing/Schedule – Build new building and relocate courts, then occupy vacant spaces.

The second option presented was to put an addition on the back of the Courthouse at an estimated cost of approximately $15 million. When the cost was adjusted for a comparative analysis with the three scenarios, the effective cost comparison adjusted for value was approximately $16.4 million. Several factors used for consideration in the comparative analysis for option two included:

- Good Courthouse circulation and security.
- No future expandability for Courts or at existing campus.
- Good adjacency between Courts and County clerk.
- Fair space efficiency.
- Additional parking required on campus beyond that proposed – few options.
- Additional parking at existing campus almost impossible to develop.
- Some occupants displaced.
- Two buildings demolished – where to put new Maintenance Building?
- Good provision of space.
- Some vacated space available.
- Some disruption to court during construction.
- Phasing/Schedule – Build new Maintenance Building, relocate, demolish, then build new addition and then relocate Courts.

The third option Mr. Kukuvka presented was to renovate the County Office Building at an estimated cost of approximately $10.7 million. When the cost was adjusted for a comparative analysis with the three scenarios, the effective cost comparison adjusted for value was approximately $27.7 million. Several factors used for consideration in the comparative analysis for option three included:

- Poor Courthouse circulation and security, poor isolation from other uses.
- Some future expandability for Court and some at existing campus.
- Good adjacency between Courts and County Clerk.
- Poor space efficiency.
- Additional parking required on campus – OFA site remains.
- Additional parking at existing campus difficult to develop.
- Many occupants displaced.
- No buildings demolished.
- Marginal provision of space.
- No vacated space available.
- Some disruption to Courts during construction.
- Phasing/Schedule – Develop new space for displaced occupants, renovate vacated space, and then relocate courts.

Salvatore LaBella stated that one of the biggest factors against option 3 is the people that will be displaced. Mr. LaBella indicated that if you look at the initial figures before considering other factors, it boils down to option one and three, and option two does not seem feasible with either scenario. Comparing options one and three you have to ask what it will cost to build new, and what it will cost to find a place for those displaced.

Andrew Isenberg representing the Court System stated that they would be very concerned about option three due to the number of people that could access the building unscreened. Mr. Isenberg noted that all capital projects must be reviewed by their security staff, and a Capital Review Board would have to sign off on any renovation projects. For new capital projects, the security staff is looking for everyone entering the building to be screened.

Committee members discussed some of the individual items associated with the different options. It was noted that sanctions for non-compliance would result in $13 to $14 million in state aid being withheld from the County. Legislator David Pullen stated that not complying with the Office of Court Administration would force us to do in one year what we can do over 30 years. We would be looking at a $13-$14 million expense over 30 years as opposed to $13-$14 million cold turkey.

Chairman Curtis Crandall said the first thing the Committee should do would be to have John Margeson report back to the committee with an outline of where the money would come from, and what it would cost on an annual basis. The Committee needs to be able to say for each option that it will cost the County "X" amount of dollars every year for "X" number of years. Legislator William Hall requested Mr. Margeson to also include a general set of figures of what it would cost to secure funding, etc. so that we may begin to move forward.

It was noted that the County no longer has any "wiggle room." We are the last County government to comply with regulations, and we are one of the top three or five projects.

Future Meetings

The Court Facilities Ad Hoc Committee will plan to meet again on Monday, August 7, at 3 p.m.

Adjournment

There being no further business to come before the committee, the meeting was adjourned.

Respectfully submitted,
Brenda Rigby Riehle, Clerk of the Board

NOT APPROVED

John Margeson

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AUG 09 2006
ALLEGANY COUNTY ADMINISTRATOR

COURT FACILITIES

AD HOC COMMITTEE

August 7, 2006

Committee Members Present

C. Crandall, P. Fogarty, W. Hall, T. O'Grady, D. Pullen

Others Present

Steven Dechert *(Ciminelli)*, Andrew Isenberg *(NYS 8th Judicial District)*, Mark Kukuvka *(LaBella)*, John Margeson *(Allegany County Administrator)*, Carolyn Miller *(Chief Clerk – Family & Surrogate Courts)*, Seth Pullen *(Guest)*, Brenda Rigby Riehle *(Allegany County Clerk of the Board)*, Mark Tayrien *(LaBella)*

Debt Levels

County Administrator John Margeson distributed amortization schedules summarizing our annual Debt Service commitment using total borrowing at $13 million and $14 million calculated using both a 25 and 30 year repayment schedule.

Later in the meeting Andrew Isenberg stated that the state currently reimburses about 33 percent of the interest expense on these types of capital projects so committee members will want to work closely with the Office of Court Administration when we are ready to finance the project to ensure that we will qualify for the state aid.

There was a brief discussion regarding the maximum number of years the County could take to repay the loan noting that the advantages of increasing the number of years may not be beneficial due to the increased interest you would pay.

LaBella Associates Presentation

LaBella representative Mark Kukuvka briefly summarized the information discussed at the July 17 meeting and distributed a sheet summarizing the information that was updated or changed on the comparative analysis of the three scenarios as a result of that meeting. Mr. Kukuvka explained that in addition to the items discussed at the July 17 meeting, they made changes based on their dialogue with the Office of Court Administration on a macro level, and they also had representatives from Ciminelli adjust the old 2005 figures used on the first comparative analysis to reflect current and future year dollars.

Mr. Kukuvka introduced Mark Tayrien, Planning Services Manager for LaBella Associates who was not able to attend our last meeting. Mr. Tayrien presented the updated information developed after the July 17 meeting as follows:

1. **Update 2005 Square Foot Project Cost Estimates to 2007/2008 values**
   - Increases reflect 15% on new construction, 20% on delayed renovations.

2. **Confirm Conceptual Court Project with Andrew Isenberg of Eighth Judicial District**
   - Increase Hearing Room and Examiner/Magistrate to two.
   - Include DA (Grand Jury/Jury Assembly already in).
   - Include Public Defender.

- Include Integrated Domestic Violence.
- Include Satellite offices for: County Attorney, DSS Child Protective Services, Support Collections.
- New building program was 51,200 GSF, now 60,718 GSF based on program additions.
- Option 1 cost of $13,968,350 now $19,049,801 (reflects both updated costs & program) *Mr. Tayrien noted that this figure would have increased to $16,063,603 based on updated square footage costs alone.*

3. **Option 1 Refinement**
   - Other spaces to consider including in new Court Building.
     a. Support Collections
     b. Probation
   - Would increase new building program further from 60,718 GSF to 71,368 GSF.
   - New building cost would be $22,391,157 with Support Collections and Probation.

4. **Review of Updated 2007/2008 Costs**
   - Option 1 New Building Cost updated from $13,968,350 to $19,049,801.
     a. Reflects both revised program GSF and the updated costs.
     b. Cost above does not include Support Collections or Probation.
   - Option 2 Addition Cost updated from $15,012,742 to $17,369,646.
     a. Does not accommodate Program to same level as Option 1.
     b. Involves some segregation and circulation compromises.
   - Option 3 Renovation Cost updated from $10,662,802 to $12,665,447.
     a. Does not accommodate Program to same level as Option 1.
     b. Involves some segregation and circulation compromises.
     c. Requires "Housing of Displaced" project to proceed in advance.

5. **Option 3 Refinement – Housing of Displaced Occupants**
   - After review, GSF of displaced revised down to 49,855 GSF (not 62,919).
   - Expansion: 2002 Program for displaced operations is 1.94 times occupied space.
   - Taking expansion into account increase GSF from 49,855 to 96,700.
   - Cost to house displaced after expansion $26,110,799 vs. $13,460,827 without expansion.

6. **Budget Assumptions**
   - Off site utilities not included (Option 1).
   - No asbestos abatement has been budgeted for (Options 2 and 3).
   - MEP:
     a. Cooling to be provided at all new and existing spaces (Options 2 and 3)
     b. Small emergency generator provided (all Options).
     c. Buildings to be 100% sprinklered (all Options).

Mr. Tayrien noted that Options 2 and 3 have the most constraints and that one change, changes something else. Estimates of cost can vary more greatly than in Option 1. Regardless of which option is chosen, it will have to be fine tuned.

Andrew Isenberg brought up the following points after Mr. Tayrien's presentation:

- Looking at Option 1, the equivalent GSF made available does not reflect the additional space created if Support Collections and Probation were moved to the new facility.
- Option 1 includes Program revisions and Options 2 and 3 do not.
- No amendment to account for "swing space."
- Option 1 does not account for advantages of close proximity of Courthouse to Jail.
- Option 3 does not address renovation of untouched spaces, and Option 1 does not address renovation of vacated space.

- Does Option 2 account for how inmates will be transported?
- Option 2 does not include any costs for central point of access screening.

Analysis of Three Scenarios

The comparative analysis of the three scenarios revealed that the effective cost comparison adjusted for value was $18.9 million for Option 1, $19.1 million for Option 2 and $34.4 million for Option 3. Committee members agreed that in addition to the many disadvantages of Option 3, the high cost does not make Option 3 a feasible choice.

It was noted that Option 1 is the most expeditious, and we would need to talk about replacing parking before renovating in Option 2.

Legislator David Pullen asked Mr. Isenberg how likely we would be to get approval for Options 2 or 3 from the Office of Court Administration (OCA). Mr. Isenberg answered that he does not believe the OCA would approve Option 3, and they probably wouldn't sign off on Option 2 unless things were changed to screen everyone entering the building. Mr. Isenberg stated that when capital renovations are done, he believes the OCA requires everyone entering the building to be screened. We would also need to determine how access to other doors in the building would be dealt with. Mr. Isenberg indicated that asbestos and SHPO (State Historic Preservation Office) issues could also present problems with Options 2 and 3.

Legislator William Hall asked if we should be concerned with the availability of services. County Administrator John Margeson stated that he is in the process of discussing these issues with the Mayor of Belmont. The Village of Belmont plans to upgrade and expand their water and sewer systems and will take our needs into account. Our sewer arrangements for the Jail may also be adequate for the Courthouse as a Courthouse would not have as high use as the Jail so the requirements may be much lower.

Mr. Isenberg and committee members also discussed County Law 216 which addresses where a Courthouse needs to be located, and the necessary requirements to locate a Courthouse outside the Village. Mr. Isenberg stated it might be possible to pass home rule legislation, and he will plan to discuss the matter further with his legal counsel and suggested the County might want to investigate the matter further with the County Attorney. Legislator Timothy O'Grady expressed concern regarding the results of a referendum if it becomes necessary. Committee members requested Mr. Margeson to discuss the matter with the County Attorney.

Chairman Curtis Crandall stated that we have to consider the space needs of our other departments as well as the needs of the Courts. Displaced workers have to have a place to work while construction is going on. In Option 1 you are freeing up space in this facility, and in Option 3 you are taking space away. Mr. Crandall indicated that we have to look at the costs associated with creating more space for other departments noting that the space needs study we had done called for 90,000 square feet of space.

Other Options

Chairman Crandall stated that we need to prioritize the options given. Mr. Crandall indicated that the old Belmont school has come up in several conversations and the feasibility of using the school for the Courts needs to be addressed.

Mark Kukuvka from LaBella stated that the Belmont school building is approximately 100,000 square feet. In 2003 or 2004, the cost to renovate just 64,000 square feet of the building for regular offices was estimated at approximately $6.6 million. At that time, the estimated to build a new building

was about $1.5 million, and with the figures so close, it did not seem prudent to renovate an older building when there are so many unknowns. Other items such as asbestos abatement could put you way over the $1.5 million difference.

Mr. Kukuvka stated that they could use the old figures and calculate a comparative figure using today's dollar. Mr. Kukuvka stated that they would also need to account for the relative difference between office space and court space and come up with some differential. Mr. Kukuvka indicated that they could create a set of bullet points with the adjusted figures as well as a comparison between cost differences and lost efficiencies.

Motion to Move Forward

A motion was made by Pullen, seconded by Benson and carried to pursue Option 1 (Building a new Courthouse) as the most viable choice as our recommendation to the full Board. Legislator William Hall commented that Option 1 is the only realistic option, and now it's time to move forward to determine what the total cost will be, what it will cost each year, and what support we can expect form the state.

Future Meetings

The Court Facilities Ad Hoc Committee will plan to meet again on Monday, September 18, at 3 p.m. At that meeting committee members plan to review/discuss the following:

1. A bullet list prepared by LaBella regarding the old Belmont school.
2. Necessary legal arrangements to move the Courthouse out of the Village.
3. Water and sewer possibilities if a new Courthouse was constructed by the new Jail.
4. Development of Option 1.
5. More concrete figures for Option 1 and financing options.

A presentation to the full Board is tentatively scheduled for October 9.

Adjournment

There being no further business to come before the committee, the meeting was adjourned.

Respectfully submitted,
Brenda Rigby Riehle, Clerk of the Board

John Margeson

NOT APPROVED

COURT FACILITIES

AD HOC COMMITTEE

October 3, 2006

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OCT 24 2006
ALLEGANY COUNTY ADMINISTRATOR

Committee Members Present

G. Benson, C. Crandall, W. Hall, T. O'Grady, D. Pullen *(Absent: P. Fogarty)*

Others Present

Kathleen Johnson *(Chief Clerk – County & Supreme Court)*, Mark Kukuvka *(LaBella)*, John Margeson *(Allegany County Administrator)*, Kevin Marren *(LaBella)*, Carolyn Miller *(Chief Clerk – Family & Surrogate Courts)*, Brenda Rigby Riehle *(Allegany County Clerk of the Board)*, Mark Tayrien *(LaBella)*

Others Present via Video Conferencing

William Clark *(NYS Unified Court System, Counsel for Capital Planning)*, Andrew Isenberg *(NYS 8th Judicial District)*, Ed Rodman *(NYS Unified Court System, Chief Architect)*

Court Facilities Tour

Legislator William Hall, Chairman of the Court Facilities Ad Hoc Committee, mentioned the tour that was given of the current Court facilities on September 25 noting that Mr. Isenberg did an excellent job of conducting the tour and pointing out the deficiencies in our current facilities. Mr. Hall commented that some of the issues the Office of Court Administration has with our facilities were even more evident as we came to the Law Library to hold this meeting while court was in session.

Options for Replacing Court Facilities

LaBella representative Mark Tayrien distributed copies of slides outlining the three remaining options out of the seven originally considered for replacing the current Court facilities. Mr. Tayrien plans to show the slides as part of his presentation to the Committee of the Whole on October 23. The three options reviewed were:

1. Continued use of Courthouse and renovation/conversion of County Office Building spaces for Court use.
2. Continued use of Courthouse and Courthouse addition.
3. New facility on new site.

Mr. Tayrien stated that the Court Space Program slide summarizes what departments and/or programs will be included with the Courts:

Included (per OCA): Court, Grand Jury, District Attorney, Public Defender

Satellite Only: Social Services, County Attorney, Support Collections

Not Included: Support Collections (full), Probation

Several of the slides show the new space versus the old/used space for each of the options considered. Another slide summarizes the factors used in a value comparison of the three options as follows:

- Parking Provided:
  Renovation & addition only maintain 292 existing parking spaces.
  New Courthouse provides additional 160 spaces.

- Buildings Demolished:
  Addition demolishes Buildings & Grounds and Office for the Aging.
  No buildings demolished with new Courthouse or renovation.

- Occupants Displaced:
  Renovation displaces County Treasurer and all current County Office Building occupants.
  Addition displaces County Treasurer, Buildings & Grounds, and Office for the Aging.
  None displaced in new Courthouse option.

- Space Made Available:
  Renovation
  All space now vacant and occupied in County Office Building will be used.
  No additional space vacated in Courthouse or County Office Building.

  Addition
  Space now vacant in County Office Building remains available.
  No additional space vacated in Courthouse or County Office Building.

  New
  Space now vacant in County Office Building remains available.
  Additional 13,800 NSF vacated in Courthouse and County Office Building.

Using the above factors, effective cost comparisons for each of the options resulted in the following:

Option 1: Renovation - $25,087,923
Option 2: Addition - $19,843,549
Option 3: New - $15,324,954

Committee members also discussed the costs associated with renovating the old Belmont School if it were used to house the employees (County Treasurer's Office and County Office Building occupants) that would be displaced if the Court project renovation option were chosen. It was noted that the original 2003 study of the Belmont School did not include all of the occupants that would be displaced by a Court project renovation option. Some of the required improvements included a roof, parking, HVAC, electrical, fire alarm, hardware, etc. The older part of the school not included in the estimates would still need to be maintained, the opportunities to develop new parking are poor, and there is still some asbestos remaining in the building. Following this discussion, committee members noted that the option to renovate would be disqualified just on the basis of economics. Mr. Tayrien added that the renovation scenario may actually be underestimated when all changes needed to be compliant with OCA requirements are included.

Mark Kukuvka from LaBella noted that several changes were made to the renovation and addition options to reflect previous conversations regarding features that would not be acceptable to the Office of Court Administration. Mr. Kukuvka requested the representatives from the OCA to confirm that each of

the scenarios presented would satisfy their requirements. Chief Architect Ed Rodman stated that he believes with a few changes, the scenarios presented would meet the needs of the OCA. Mr. Rodman indicated that the options to renovate or build an addition do not leave us with a perfect situation; however, he believes we could work with the OCA to make these options feasible. Segregated circulation and security are very poor with the renovation option, they are better with the addition option, and the new option provides the best segregated circulation and security. Shared corridors between the private judicial staff and incarcerated would not be acceptable. It was noted that the option chosen will be based on numbers, and specific floor plans can be redesigned and perfected once an option has been selected.

Mr. Tayrien presented the following summary of the three options considered for replacing the current Court facilities:

- ***Renovation*** - Cost of new and renovated space is significantly less than building, but housing of many displaced occupants (a separate project) is required. The renovation option does not increase the level of available parking, leaves no space open within the County Office Building, limits the size of many court spaces and would delay development of court facilities.
- ***Addition*** – Cost for new and renovated space nearly same as a new building, but acquisition of adjacent land for parking, demolition of two buildings and housing of displaced occupants required. Addition option leaves only a little space open within the County Office Building, does not increase the level of available parking, eliminates future expansion opportunities on campus and limits some court spaces.
- ***New*** – provides additional parking, vacates existing court spaces for County Office Building expansion and allows development of court space to proceed.

Mr. Isenberg and Mr. Clark conveyed the necessity of continuing to show forward movement. Mr. Clark asserted that he doesn't want to see the momentum stop, and he talked about the need to develop concrete milestones. Mr. Clark stated that he wants to have a clear sense of how Allegany County plans to move forward so that he can report back to his people. Mr. Clark explained that the Court Facilities Capital Planning Board expects to see a plan with a schedule and list of milestones. Mr. Isenberg and Mr. Clark asked committee members how soon the Board will be ready to take the project to the next level – to something that is much more concrete that will take us in a definitive direction.

Ad Hoc Committee Recommendation

Following a lengthy discussion on the best way to proceed, a motion was made by Pullen, seconded by Crandall and unanimously carried to adopt as the recommendation of this special ad hoc committee to move forward with the option to build a new facility, and to ask the Board to enter into contract with LaBella for plans and program or road map for moving ahead to come into compliance with the Court Facilities Capital Review Board. County Administrator John Margeson, Chairman Curtis Crandall and Legislator William Hall will work with County Attorney Daniel Guiney to develop a draft resolution that can be distributed to legislators following the presentation on October 23 and then pre-filed for the first Board meeting in November. All of the legislators on the special Court Facilities Ad Hoc Committee plan to be listed as a sponsor of the resolution.

Building Sites

Committee members discussed potential building sites for a new Courthouse. The best and most economical location appears to be next to the new Allegany County Jail and Public Safety Facility. It was noted that a referendum would be required to move the Court Facilities out of the Village. Mr. Clark expressed concern that given the unpopularity of providing new Court facilities, the vote to move the Courthouse out of the Village may have a difficult time passing. Mr. Clark expressed the importance of

having an alternative plan noting that if the County decides to head down a path that runs a high risk of additional delays, the sanction process might begin. Mr. Clark reiterated the fact that the County has run out of time, and they must continue to show that they are moving forward to meet the demands of the OCA.

Committee members discussed the importance of holding informational meetings and/or public hearings to answer questions and educate the citizens of Allegany County regarding this important matter. Committee members assured Mr. Clark and Mr. Isenberg that they understand the seriousness of the OCA's demands and that even if the public voted "no" to moving the Courthouse out of the Village, the process would not stop – we will continue to move forward. Committee members very briefly discussed the possibility of alternative locations.

Creation of Additional Committees

It was noted that the charge of the special Court Facilities Ad Hoc Committee was to make a recommendation to the full Board regarding the best option to meet the demands of the Office of Court Administration regarding Court facilities in Allegany County.

An additional committee or committees will be created once the full Board has adopted a resolution to move forward with a particular option.

Adjournment

There being no further business to come before the committee, the meeting was adjourned.

Respectfully submitted,
Brenda Rigby Riehle, Clerk of the Board