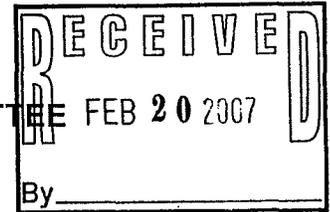


APPROVED

**COURT FACILITIES & COUNTY SPACE NEEDS COMMITTEE**  
**February 13, 2007**



**Members Present:** Chairman W. Hall, G. Benson, T. Hopkins, M. McCormick, T. O'Grady, D. Pullen, C. Crandall

**Others Present:** D. Fanton, A. Finnemore, J. Margeson, B. Riehle, J. Tucker; **Guests:** Joseph Rausch and Thomas Swift from Clark Patterson Associates; Mark Tayrien from LaBella Associates; **Media:** K. Doyle, Olean Times Herald; P. Jannace, Wellsville Daily Reporter (*No representative from Office of Court Administration was able to attend due to weather*)

**Call to Order:** The meeting was called to order at 3:05 p.m. by Chairman William Hall.

**Court Facilities – Clark Patterson Associates (Norman Ungermann's Proposal):**

Joseph Rausch (Structural Engineer) and Thomas Swift (Civil Engineer) from Clark Patterson Associates presented information on their review of Legislator Norman Ungermann's Court Facilities proposal to renovate the County Office Building Third Floor (former jail) and Courthouse Second Floor. (Copy of Clark Patterson Associates February 12, 2007 Update is attached to original minutes.) John Norris is the lead architect working on the review. He has experience with other court projects and has worked with OCA in the past, but he could not be present for today's meeting.

Mr. Rausch reported that they have found no stumbling blocks architecturally and no structural impediments with the proposal, only a few minor issues. In their full review to the Board, John Norris will present his evaluation on the structural capabilities of the County Office Building Third Floor. Following their preliminary review, Mr. Rausch reported there is plenty of weight capacity for the courts, the outdoor courtyard is adequate for use as courtrooms, and suggests that the block walls be taken out as they offer no weight bearing support for the "penthouse" above.

Mr. Norris's portion of the review is nearly done and will be ready for the formal presentation to the full Board of Legislators that they were told may occur on February 26. That presentation will include cost estimates and expectations in design relative to OCA requirements.

***Committee Chairman William Hall offered to forward information to Clark Patterson Associates relative to studies of what has been done in the past which included cost estimates. Although the studies aren't current and none of them included use of the jail floor, Clark Patterson may find them useful.***

Committee member concerns and comments included:

- Need to find the cheapest way to meet OCA's requirements.
- Need to find a solution that will last.
- Previous OCA review of any plans that involved renovation of present facilities concluded they would be cost prohibitive. If use of the former jail floor offers a way of using the existing structure that is cheaper than the alternatives, we need to see how this plan fits with OCA requirements.
- Concern with timing on presentation of this alternate plan to OCA. (Clark Patterson suggests the design not go to OCA until the Legislators are happy with it.)

- Concern with Clark Patterson's awareness of OCA's requirements, i.e. circulation of staff, public, and safety issues. (John Norris has worked with them in the past and has contacts there.)
- Structural weight bearing capacity - There are no structural weight bearing walls supporting the "penthouse," just columns spaced every 24 feet (except in the courtyard area) that would have to be worked around. Capacity isn't rated for the number of people that can be present in the building at one time, but in the number of exit units.
- Renovation of the former jail for the courts would also require that the floors below have sprinkler systems installed due to changes in building codes. That expense is simple to calculate, estimated on square footage. Water capacity may be an issue and may require booster pumps.
- The heavy density storage needs of the surrogate court were addressed by Clark Patterson by adding an area along with the added stairwell and outside elevator for secure entrance for the judges on the Courthouse side. If heavy density storage is needed on the County Office Building side, supports can be beefed up.
- Possibility of adding another floor to the County Office Building; cost impact?
- Clark Patterson Associates were willing to do a preliminary evaluation at no cost, but we'll need to know when we reach their limit.
- Clark Patterson feels they can have their presentation ready within two weeks, but they shouldn't be rushed. We want "real" numbers that can be relied on when they present their cost estimates. (The estimates will be per-square-foot cost estimates based on existing conditions. John Norris has been through the buildings with Mr. Ungermann.)
- We owe it to the taxpayers to explore all options.

Mr. Hall stated it is important to work with the OCA and make certain that what is proposed is efficient, meets the standards, is acceptable to OCA, and falls within our time constraints.

Board Chairman Curtis Crandall reiterated the importance of communication with the OCA. We need to establish a plan we like before it goes to the next step. This whole issue is not really what we want, but what the OCA requires. It's important to keep forward momentum with the parallel plan (new construction as recommended by the Court Facilities Ad Hoc Committee) as we are already spending time and money on that. Regarding this alternate plan, there seems to have been a lack of communication with this committee on presentation of information. Committee Chairman William Hall should be the contact person and be in direct communication with Clark Patterson Associates, and Mr. Hall will ensure that the Board knows what's going on. If not all the information is available yet, then the presentation should first come to this committee. If they want a special meeting after the Board, that's fine, but the OCA should be involved with what's presented to the Board by Clark Patterson. The OCA has had six months of history on the work with the current project proposal. We need feedback from the OCA as quickly as possible on the new proposal before too much more time is expended for nothing.

Committee Chairman Hall stated that another meeting should be scheduled including both Clark Patterson Associates' John Norris and Office of Court Administration's Andrew Isenberg to review plans and cost estimates to get a sense of where we are. If it's an option the committee would like to consider, it will be referred to the Board. Approximately two weeks from now was their previous target. Time is of the essence regarding OCA, as we need to show progress.

***Mr. Rausch will have John Norris contact Andrew Isenberg at OCA regarding the proposal.***

***It was decided to tentatively schedule a special meeting of this committee after the February 26 Board meeting at approximately 3:00 p.m. Clark Patterson Associates will notify Committee Chairman Hall when their presentation is ready and confirm the date. The date will also need to be confirmed with Andrew Isenberg.***

**Court Facilities – Update from LaBella and Associates (New Construction):**

Mark Tayrien from LaBella and Associates and County Administrator John Margeson updated the committee. LaBella and Associates were retained to provide schematic drawings, cost estimates based upon such drawings, and a timeline of the construction process of a new court facility which conforms to Office of Court Administration requirements. (Mr. Margeson presented their proposal at the 01/09/07 meeting of this committee.) Mr. Tayrien and Mr. Margeson have looked closely at the program for a potential new court facility to try to determine what we really need. They worked through the program to identify spaces that could be cut or reduced, trying to bring the size and cost down, starting on designing a floor plan with the needed areas without being overly generous. Spaces were also looked at for possible multiple use functions and common sense use of areas, such as the reasonable need for the number of attorney-client conference rooms. Yates County's court plans were used to some extent as a model, as their county is of comparable size with Allegany and they have approximately the same number of judges. Mr. Tayrien and Mr. Margeson are taking the position that we are only doing this once, and we will do it right. The next step will be to meet with an Office of Court Administration architect for feedback, to see if the results of their recent work are "out of bounds." ***LaBella and Associates will have an update and report on progress with the OCA architects at the next regular meeting of this committee on March 13, 2007.***

Mr. Pullen reported that attorneys on the County's Bar Association would like to have one of the County Judges be involved in this process in order to have an input on their needs. There was discussion on inviting representation from the Courts, in an advisory capacity, to attend these committee meetings.

Board Chairman Crandall noted that it will be important once information is firmed up to disseminate it to the public. Lack of information generates inaccuracies.

Mr. Hopkins suggested that when a course of action has been decided upon for the Court Facilities, the committee should look at the rest of the County's space problems as well, addressing vacated and left over spaces. If the County will be bonding funds for the court project, it would be advantageous to do everything at once.

Mr. Crandall mentioned the space needs study completed five years ago that needs to be folded into this issue. That study is still fairly current and lists the needs of each department, including adjacency concerns. Mr. Tayrien noted there may be some changes, but that study would be an excellent starting point. The committee could incorporate a list of the spaces that would be freed up by the Court Facilities project, compare it with departments' needs and adjacency concerns, and evaluate moves with attached costs. When and if a new facility is definite, all the information needed would be available to move forward with that study.

**EMS Training and Equipment Storage Space Needs:**

Emergency Services Director John Tucker addressed the committee on EMS training and equipment storage space needs. In the past, they were lucky enough to have facilities offer space, such as Alfred SUNY or the University, but lost those contacts due to staff retirements.

The operation was consolidated here in the Board Chambers or Room 8 on the ground floor of the County Office Building, but this was never a very professional environment. Now those spaces are lost due to use by the courts. Temporary space was found at the Crossroads Center north of Belmont, and that is working out well. Feedback has been good and there is adequate classroom space and storage space. Concern has been voiced about the financial compensation because in the past space was available at no cost. The state reimburses all EMT training expenses except classroom space and storage space. Mr. Tucker acknowledged that location of the EMT training program at the Crossroads Center is considered temporary, and asked if the committee wanted to address a more permanent solution.

Mr. Hopkins asked if Homeland Security grants were available to cover building costs. Mr. Tucker stated that prior to building the new Public Safety Facility, he investigated for possible grant sources but was unable to find any funding that would apply to new construction. There may be retrofit moneys available for expansions.

Mr. O'Grady mentioned that the reason this topic had been introduced was concern voiced by rescue personnel in Amity and Wellsville about the County's use of tax dollars to rent space for EMT training if space has been offered at no cost. Mr. Tucker responded that they looked at space at Amity Rescue, but there is no secure storage area and they would have had to work around Amity Rescue's priority use schedule. The Wellsville Fire Hall facility offer was not adequate for class size or storage. The Angelica School was also considered, but there were financial considerations.

Mr. Tucker also noted that in order for the County to offer training, we need to have a core sponsor. Presently the core sponsor is the County and the designated department is the Office of Emergency Services. In the past, Jones Memorial Hospital was approached, but was not interested. There are a lot of administrative requirements and financial logistics.

The question was raised about recouping the rent costs by having rescue companies charge for services. Mr. Tucker noted there were only six companies in the County that would be eligible to bill insurance companies. He felt it would also be unfair and unwise to charge trainees for the classes. We've always been able to offer classes at no cost to the volunteers (most rescue companies even pay for the text books). Volunteers are already in short supply.

Mr. Hopkins pointed out that the County rents space for other services, and maybe we should just look at this as the cost of doing business. It's also nice to have the classes centralized within the County. Mr. Tucker also noted that the size of the facility is important because they've never had to turn anyone away and we need to be able to continue that practice.

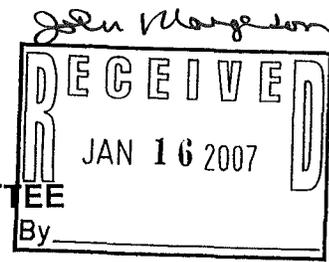
**Next Regular Meeting: March 13, 2007 at 3:00 p.m.**

**Adjournment:** Following a motion made by McCormick, seconded by Pullen and carried, the meeting was adjourned at 4:15 p.m..

Respectfully submitted,  
Adele Finnemore, Journal Clerk

**NOT  
APPROVED**

**COURT FACILITIES & COUNTY SPACE NEEDS COMMITTEE**  
**January 9, 2007**



**Members Present:** Chairman W. Hall, G. Benson, T. Hopkins, M. McCormick, T. O'Grady, D. Pullen, C. Crandall

**Others Present:** A. Finnemore, J. Mancuso, J. Margeson, B. Riehle, D. Roeske, N. Ungermann; **Media:** K. Doyle, Olean Times Herald; P. Jannace, Wellsville Daily Reporter

**Call to Order:** The meeting was called to order at 3:00 p.m. by Chairman William Hall.

**Court Facilities Space Needs – Alternate Proposal by Norman Ungermann:**

At a meeting of the Committee of the Whole on December 26, 2006, Legislator Norman Ungermann presented an alternate proposal, including floor plan drawings, to address the court facilities space needs. The proposal, which uses the third floor of the County Office Building (former jail) and the second floor of the Courthouse, was referred to this committee for further discussion.

Mr. Ungermann indicated that his proposed use of the former jail floor will save a lot of money; his estimated \$3.2 million is much less than the \$15 to \$18 million preliminary estimate for new construction. In developing his plan, Mr. Ungermann met with a judge and court personnel and actually marked out rooms, giving consideration to proximity of related offices, space needs, efficiency, and traffic flow. Although the drawings have not been officially reviewed for issues such as accessibility, a lot of those issues have been discussed. There are currently two handicap accessible entrances, and the old jail elevator offers a secure entrance for judges, which addresses some of the traffic flow and security concerns. It was noted that those two concerns – accessibility and security – were mentioned by the Office of Court Administration (OCA) in all previous proposals. Points of discussion are summarized below:

- Mr. Ungermann's proposal needs to be reviewed by an engineer. Professional endorsement would give the drawings more credence. There was some discussion on whether an engineer or the OCA should look at the proposal first.
- The OCA is requiring 62,000 square feet for the court facilities. The issue isn't whether we need the 62,000 square feet, but how any given proposal works under a full schedule involving 300 to 350 people. In addition to Mr. Ungermann's floor plans, the use of space on the County Office Building second floor (District Attorney) and first floor (Public Defender) would bring us close to OCA's space requirements.
- Mr. Ungermann's proposal may be a hard sell with the OCA, as none of the previous proposals which used the old court space seemed acceptable to them. Regardless, Mr. Ungermann's proposal is entirely different than what has been looked at before, and we need to explore it further, parallel with the current plan for new construction.
- Will this alternate plan segregate the general public, inmates, and court personnel enough to be OCA approvable?
- There are a lot of unanswered questions: costs, estimates, what's possible, OCA approval.

- We need to be ready to present the plan to the OCA, in person to allow for dialogue, and aggressively argue its merit. This would be greatly enhanced if an architect and engineer review the plan prior to presentation. The proposal may not give the OCA everything they asked for, but we also need to consider what the County can afford. There should be some room for compromise.
- Mr. Ungermann's study has dispelled the myth that the third floor can't handle the weight load. We need to confirm that – even if not for the court system – but for additional office space.
- The plan should be looked at by the OCA prior to the engineer or architect, to ascertain if there is any chance we can make it work.

Mr. Ungermann noted that he has already passed the drawings on to Clark Patterson for review. They are willing to do a feasibility study at no cost, and will have a response back in one to two weeks.

Mr. Hall stated that he also sees the need for engineering input prior to presentation to the OCA, with our argument developed relative to what they say. But, we also need to continue discussion and progress with the construction plan approved late last year to show that this new proposal is not a delay tactic, but merely another option being considered.

***A motion was made by Hopkins, seconded by Pullen and carried to authorize the engineering firm of Clark Patterson to review the alternate court facilities proposal developed by Legislator Norman Ungermann and develop a response for the realistic utilization of the third floor of the County Office Building. It is understood there will be no cost for this service.***

**Court Facilities – New Construction – Update on Progress with LaBella and Associates:**

Resolution No. 237-06, approved by the Board on November 27, 2006, authorized the County Administrator to retain LaBella and Associates to provide schematic drawings, cost estimates based upon such drawings, and a timeline of the construction process of a new court facility which conforms to Office of Court Administration requirements. LaBella was planning on attending this meeting to give an update, but should be at the next meeting. ***County Administrator John Margeson will invite LaBella representatives to attend the next meeting on February 13 at 3:00 p.m.***

Mr. Margeson presented LaBella's proposal including scope of services and fees for determining the final program, departmental adjacency configuration, and concept site layout for a new court facility (attached to original minutes). The proposal assumes the facility will be located on the same site as the new Jail and Public Safety Facility (to efficiently facilitate inmate transfers), but LaBella is aware that this is not yet an approved building site and the design should work there and potentially elsewhere. The maximum fee included in their proposal is \$25,000, including expenses. LaBella needs approval to proceed. This study phase of the project has already been approved by the Board (Resolution No. 237-06).

***A motion was made by Pullen, seconded by Benson and carried unanimously to approve the proposal presented by the engineering firm of LaBella Associates for professional services for conceptual site layout drawings for a new court facility to proceed with the authorizing Resolution No. 237-06.***

Mr. O'Grady questioned if all members of this committee are up to speed on all that was accomplished by the previous Court Facilities Ad Hoc Committee. Some of the material was presented at a Committee of the Whole meeting, but there were four months' worth of materials. Copies will be made available for the legislators that would like them.

Concern was voiced about the construction process and the possibility of minimizing our costs and getting the most for our dollar. In considering the least that can be done to comply with OCA requirements, consideration also has to be given to potential for future growth and a plan that will work for at least 40 to 70 years. The estimated cost of the new facility at \$15 to \$18 million is also the amount of state aid that will be withheld from the County for failure to comply. If that happens, the County would have to fund the \$15 to \$18 million all in one lump sum rather than being able to bond it over 25 to 30 years with some assistance with the interest from the OCA. If bonded, the County is probably looking at annual payments of around \$1 to \$2 million. Moving forward with the process is the responsible action; it may not be popular, but it is necessary.

Mr. Crandall stated that this committee needs to get information out to the public as the County moves forward with the court facilities project. We fell short in this respect with the jail project. The County can't rely exclusively on the press, but must take an official stand and disseminate the proper information, objectives, and goals, keeping the public "in the loop" with the process. Once we have more forward movement, we will need official press releases. The County is being mandated to conform and the public needs to understand.

#### **Assignment of Former Jail Kitchen and Freezer Room to Court System:**

A referral was received from the Public Works Committee meeting of January 3, 2007, requesting assignment of the former Jail kitchen and the room across from it that held the walk-in freezer, both on the first floor of the County Office Building, to the court system for use as a waiting room and offices. Room 8 in that same area has already been assigned to the courts for use as a small hearing room. Public Works Superintendent David Roeske and Deputy Superintendent John Mancuso presented some drawings prepared by Judge Griffith for renovation of the rooms. The Public Works Department had to make some changes due to space constraints and codes, but Judge Griffith approved them. All of this activity is only temporary until the new court facilities are completed. Also discussed was the placement of a magnetometer and temporarily blocking off one end of a hallway for security. The necessary extra deputies will be paid for by OCA. OCA will also help with the renovation costs, up to \$20,000, and it was noted that the project shouldn't cost much more than that. The work will be completed by Public Works staff; OCA would like it finished by March.

***A motion was made by McCormick, seconded by O'Grady and carried to authorize the renovations of three rooms on the first floor of the County Office Building (Room 8, the former Jail kitchen, and the former freezer room) to conform with the Office of Court Administration's request for temporary court system use.***

#### **EMS Training Space Needs:**

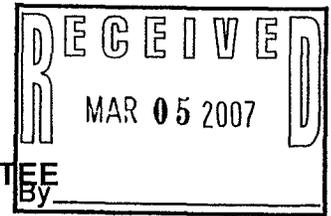
The need for space for EMS training and equipment storage was discussed, due to the loss of the rooms on the first floor of the County Office Building. A temporary solution has been found at the Crossroads Center north of Belmont. Mr. Margeson has been in contact with Development Director John Foels regarding room use fees and hopes to reach a compromise soon, but we will be paying something. Mr. O'Grady listed some other facilities he knew of that

have offered space, such as Wellsville Fire Department and SUNY Alfred; and use of space in the former jail could be considered. Mr. O'Grady stated he is against the County renting property when space is available at no cost. He asked if the temporary donation of space at Crossroads might be possible until a spot is found. **Emergency Services Director John Tucker will be asked to attend the next meeting for further discussion.**

**Adjournment:** The meeting was adjourned at 4:20 p.m..

Respectfully submitted,  
Adele Finnemore, Journal Clerk

**NOT  
APPROVED**



**COURT FACILITIES & COUNTY SPACE NEEDS COMMITTEE**  
**February 26, 2007 – Special Meeting**

**Members Present:** Chairman W. Hall, T. Hopkins, M. McCormick, T. O'Grady, D. Pullen, C. Crandall

**Others Present:** D. Aumick, D. Burdick, W. Dibble, A. Finnemore, G. Green, L. Gridley, K. Kruger, J. Margeson, C. Miller, B. Reynolds, B. Riehle, D. Roeske, D. Russo, P. Schmelzer, R. Truax, N. Ungermann; *(All Legislators were present except Benson and Fanton)*; **Guests:** Thomas McElheny, John Norris, and Thomas Swift from Clark Patterson Associates; Andrew Isenberg from the Office of Court Administration; **Media:** K. Doyle, Olean Times Herald; P. Jannace, Wellsville Daily Reporter

**Call to Order:** The special meeting was called to order at 3:00 p.m. by Chairman William Hall.

**Court Facilities – Clark Patterson Associates Review (Norman Ungermann's Proposal):**

Clark Patterson Associates Representatives, Thomas McElheny, John Norris, and Thomas Swift, were in attendance for a presentation on their analysis of Legislator Norman Ungermann's Court Facilities Proposal which utilizes the Courthouse Second Floor and County Office Building Third Floor. Mr. McElheny introduced the representatives and stated they were fortunate to have John Norris's help with this project. Mr. Norris has worked with other counties including Warren, Livingston, and Broome and understands the amount of coordination involved. Mr. McElheny and Mr. Norris, along with Joseph Rausch as a structural engineer, have all spent time in this building. Included are a summary of their activities so far and a review of their findings. Printed handouts show the crux of the plan (attached to original minutes).

*"Clark Patterson Associates has been investigating the following as an option for providing additional space for Allegany County Courts:*

- *Provide minor modifications at the existing Courthouse for Visiting Judge, Hearing, Drug Court, and Jury Court functions.*
- *Provide Court Clerk and County Court functions on the top floor of the existing County Office Building, formerly the County Jail.*

*Clark Patterson has performed the following activities:*

- *Clark Patterson Associates walked through with Norm Ungermann the existing Allegany County Courthouse and the existing adjoining County Office Building.*
- *Norm Ungermann provided answers to questions for orientation of Clark Patterson to the Court Operations at Allegany County.*
- *Clark Patterson Associates reviewed the sketch drawings issued to CPA by Norm Ungermann and provided comments on the plan per NYS Office of Court Administration Guidelines.*
- *Clark Patterson Associates performed conceptual New York State Code investigations should the County go in the direction of improvements to both the second floor of the Courthouse and the top floor of the County Office Building.*
- *Clark Patterson Structural Engineers have partially reviewed the existing structure framing based upon drawings received by the County. CPA Project Manager has responded to the CPA Structural Department review of existing condition structural live*

loads, and has proposed layouts of clerk spaces, including locations for the top floor of the County Office Building record storage.

- Clark Patterson has prepared conceptual sketch plans of one floor of the County Office Building and one floor of the Courthouse to respond to the plans prepared by Norm Ungermann.

Regarding the proposed plan for minor modifications to the existing Courthouse and providing Court functions at the County Office Building from an Office of Court Administration Guideline perspective:

- CPA would propose a side "security" addition to the existing Courthouse to serve: (a) judge access to the second floor courtrooms, (b) incarcerated holding and circulation to the second floor support courtroom, (c) life safety exit stair, and (d) handicap accessibility to the court floor of the existing Courthouse with elevator.
- One of the courtrooms in the former jail recreation yard could house a criminal trial jury box, four counsel tables, and approximately 25 spectators. The other courtroom could house three counsel tables and spectators not separated from well area. These courtrooms would need to be reviewed with local court staff and OCA.
- The County and OCA will need to discuss the proposed two security entrance requirements for accessing the Courts at Allegany County.
- The sketch plans for this approach still have some blending of circulation patterns of judge/juror/incarcerated/public, however, the approach is an improvement from existing conditions.
- CPA will be suggesting the continued use of the former jail elevator in the County Office Building for judge and incarcerated circulation/entry/jurors. CPA will be suggesting the continued use of the ground floor of the County Office Building for incarcerated holding, incarcerated entry, and judge/staff entry.

Regarding the proposed plan for minor modifications to the existing Courthouse and providing Court functions at the County Office Building from a New York State Code perspective:

- The Courthouse security addition would have a fire barrier wall separating it from the existing building.
- CPA considers work in the existing Courthouse minor alterations.
- CPA feels that all of the floors of the County Office Building would need to be sprinklered per code.
- The County Office Building on the top floor would be a change of occupancy from an Institutional to an Assembly Occupancy – the change in hazard would be to an equal or lesser hazard category; therefore, the height and fire area parameters of the existing building would be deemed to be acceptable per code. The existing jail occupancy is a pre-existing, non-conforming use. CPA would like to review this with County Code Officials for their approval.
- CPA needs to verify the construction classification of the Office Building with County Code Officials, including the extent of fireproofing. Earlier reports state 2a.

Update on Structural Investigations (findings noted are preliminary):

- Regarding the existing Courthouse: CPA Structural Engineers recommend that high density surrogate records occur in the CPA proposed incarcerated/judge/life safety security addition. High density record storage is generally at 250 lbs/SF as opposed to 60 lbs/SF standard live loading per current NYS Code.
- Regarding the existing County Office Building, CPA is using the following design live loads:

- ✓ Corridors: 80 psf
- ✓ Courtroom fixed seating: 60 psf
- ✓ Office: 50 psf
- ✓ Light storage: 125 psf
- ✓ Heavy storage: 250 psf
- *Regarding the top floor of the existing County Office Building:*
  - ✓ *Every structural beam on the top floor has been uniquely designed, and only a sampling of beams has been reviewed.*
  - ✓ *Columns and beams support the mechanical penthouse ... there are no structural bearing walls supporting the penthouse.*
  - ✓ *The former jail cells do not support the building structure.*
  - ✓ *Sixty percent of the beams can carry 125 psf light storage live loads.*
  - ✓ *Approximately six beams can carry only 40 psf live load, and will need to be strengthened from the underside for carrying office live loading.*
  - ✓ *The courtyard itself can carry 100 psf live load.*
  - ✓ *A majority of the girders appear to be sized for 100 lbs live load.*
  - ✓ *Structural drawings of the top floor of the County Office Building in former recreation yard and in cell areas show a 3" topping over a 5-1/2" concrete sub-base. Possible additional live load can be achieved with the removal of this topping. Further investigation needs to confirm this.*

*Other Issues: County Office Building:*

- *A public elevator would need to serve the top floor of the existing County Office Building. The structural engineer does NOT recommend adding a new elevator within the existing interior of the building due to existing caissons. Choices are either adding an elevator to the exterior of the building or carrying the existing passenger elevator upwards to the top floor.*
- *Disruption during construction at the County Office Building:*
  - ✓ *Service interruption to the public elevator for upgrades and modifications.*
  - ✓ *Disruption on each floor for additions of sprinklers.*
  - ✓ *Disruption to the floor below the proposed court floor for plumbing modifications and removals.*
  - ✓ *Construction noise.*
  - ✓ *Disturbing of existing hazards.*
- *Handicap accessibility for jurors, staff, public, and incarcerated. Involves:*
  - ✓ *Doors and hardware.*
  - ✓ *Turning radii for wheelchairs.*
  - ✓ *Toilet rooms.*
  - ✓ *Path of travel.*
- *Modifications to top floor exterior windows. Review of energy code needed.*

*Other Issues: Courthouse:*

- *Disruption to the Probation Department: creation of public access to the elevator.*
- *Disruption in location for creation of security screening for building.*
- *Handicap accessibility for jurors, staff, public, and incarcerated. Involves:*
  - ✓ *Doors and hardware.*
  - ✓ *Turning radii for wheelchairs.*
  - ✓ *Toilet rooms.*
  - ✓ *Path of travel.*

*Moving Forward:*

- *Discussions/Interviews with Court Staff and Court Security. Review of records, review of court calendar, review of staffing, review of incarcerated to court, review of circulation.*
- *Discussions with County Code Enforcement Staff.*
- *Discussions with County on security screening for both the Courthouse and the County Office Building. Review of proposed locations for screening.*
- *Discussions with County on historic significance of existing Courthouse and proposed addition.*
- *Documentation review on hazards and implications to renovations.*
- *Review of plan by engineers and architects – review of details of points of connections, service sizes, clearances, major piping/duct runs. Review of elevators. Prepare statements of design.*
- *Review of plan by site engineer. Review of Courthouse addition relative to site and access.*
- *Discussions with Office of Court Administration.”*

Committee Chairman Hall noted that we are under time constraints and need to move quickly. There are concerns with OCA parameters for the project and he would like to give them the opportunity to review this proposal. Then we will need OCA's feedback prior to putting much more time into this direction. We need their advice now. The County has worked closely with OCA in past and would like to keep communication open. Mr. Hall asked Andrew Isenberg if he would be willing to review the information on Mr. Ungermann's proposal.

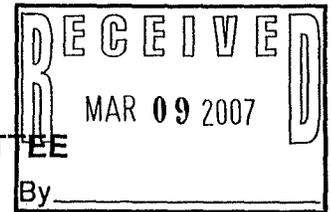
Mr. Isenberg stated that he met with Mr. Ungermann in January regarding the proposal, but is basically hearing the details now for the first time. He would like to forward the presentation materials to OCA representatives to be reviewed, and should be able to report back to this committee next week.

***A special meeting of the Court Facilities and County Space Needs Committee has been scheduled for March 6 at 3:00.***

**Adjournment:** Following a motion made by Pullen, seconded by Hopkins and carried, the meeting was adjourned.

Respectfully submitted,  
Adele Finnemore, Journal Clerk

NOT  
APPROVED



**COURT FACILITIES & COUNTY SPACE NEEDS COMMITTEE**  
**March 6, 2007 – Special Meeting**

**Members Present:** Chairman W. Hall, G. Benson, T. Hopkins, T. O'Grady, D. Pullen, C. Crandall (*Absent: M. McCormick*)

**Others Present:** D. Fanton, A. Finnemore, K. Kruger, J. Margeson, C. Miller, L. Murphy, T. Parker, B. Riehle, N. Ungermann via conference call, C. Ungermann-Gowiski;

**Guests:** Andrew Isenberg and Thomas Ciesla from the Office of Court Administration;

**Media:** P. Jannace, Wellsville Daily Reporter; R. Heineman, Alfred Sun

**Call to Order:** The special meeting was called to order at 3:10 p.m. by Chairman William Hall.

**Court Facilities – Office of Court Administration Response Re: Ungermann's Proposal:**

Andrew Isenberg reported back to the committee following Office of Court Administration review of information presented by Clark Patterson Associates at the February 26 committee meeting relative to Legislator Norman Ungermann's Court Facilities Proposal which utilizes the Courthouse Second Floor and County Office Building Third Floor. The review of Mr. Ungermann's proposal and Clark Patterson's presentation materials was conducted last week at the highest level of the Unified Court System including Ron Younkens and Ed Rodman.

Mr. Isenberg is reporting back that the Unified Court System is not able to support the proposal. He further indicated that if the County were to submit it as their Capital Facility Plan to the Capital Facility Review Board, the Unified Court System would disapprove it. Furthermore, it is highly unlikely that the Capital Facility Review Board would approve the plan if the Unified Court System has disapproved it.

Reasons the Unified Court System is unable to support the proposal:

1. The proposal fragments current court operations in the County resulting in the creation of a number of operational inefficiencies.
2. The proposal raises concerns with respect to circulation, although it was acknowledged that an effort was made to address circulation and the open and public access to the courts.
3. UCS questions the ability of the plan to work, citing the ceiling heights in the former jail area. Court ceilings are usually designed at 10-14 feet.
4. There is concern with the impact of the plan from a security perspective.

Mr. Isenberg noted they are prepared to work cooperatively with the County with respect to proposals to renovate existing space. There were plans developed in the early 1990s for renovation of the courts for additional court space, and they are willing to work with the leadership of the County (William Hall, Curtis Crandall, John Margeson) on reviewing any proposal that may come forward from County leadership.

Mr. Isenberg is hopeful we can continue to move the project forward, as time is of the essence. He noted his appreciation of the special meeting scheduling so he could report.

Committee Chairman William Hall stated he understands Mr. Isenberg's position between the County's interests and court mandates, and appreciates him taking the proposal and bringing a report back so quickly. Mr. Isenberg was as clear as possible about what went into OCA's response. Mr. Hall emphasized Mr. Isenberg's statement that we need to move expeditiously. We need to continue to move forward with the LaBella plans and schematic drawings for new courthouse construction as approved by Resolution No. 237-06.

**Mr. Hall is requesting that Board Chairman Curtis Crandall bring the 1990s report regarding court renovation to the committee meeting next week (March 13).** Everyone is looking for a plan to meet the requirements of the Court Facilities Review Board and the cheapest way to accomplish it. With only so much money available to respond to the mandate, the driving force will be cost. At the March 13 meeting, the committee can review what renovation options are available and incorporate ideas from Mr. Ungermann's proposal to determine if renovation would be feasible. Previously, the ad hoc committee looked at three options and found that new construction was the most feasible.

Mr. Kruger requested that Mr. Isenberg forward written documentation of OCA's response to Mr. Ungermann's proposal. Mr. Hall noted that the minutes of this meeting could be reviewed by Mr. Isenberg as well.

Mr. Pullen questioned if there is anything that can be done to adjust this proposal to make it comply with OCA requirements and if there is any point in pursuing it. Mr. Hall noted that Mr. Isenberg stated they'd be willing to work with us on renovations, but it will be through County leadership (Hall, Crandall, Margeson). We are also under time constraints.

Mr. Kruger noted that there is three to four feet of space above the ceilings in the jail – more room than there appears to be. Maybe there are other things that could be addressed.

Mr. O'Grady stated that although we should keep the main LaBella project moving forward, we owe it to County taxpayers to look at these other options. In the previous ad hoc committee, the three other renovation options considered costs for displacement and housing offices elsewhere while construction took place. Mr. O'Grady would like to look at the possibility of building a generic type office building where we're not held to specific ceiling heights and circulation patterns to house other departments allowing the courts to expand into the entire current building. There would be no displacement costs, office spaces are already arranged, and jail cells are in the process of being removed.

Mr. Hall mentioned time constraints and costs to have LaBella look at alternate plans. Possibilities for renovation will be discussed at next Tuesday's meeting, to look for options that may be less costly than new construction.

Mr. Crandall noted that he appreciates OCA's quick response regarding Mr. Ungermann's proposal, as we cannot afford to spend time and money to pursue an "unapprovable" plan. Although we received a negative response, Mr. Crandall doesn't see the effort that Mr. Ungermann and Clark Patterson Associates expended on this proposal as a waste or a futile attempt. In addition to court facilities, the County still needs to look at other space needs and these plans may play a part in utilizing available space. Regarding the court renovation plans developed in the 1990s referred to earlier, Mr. Crandall will gather the information as requested for the next committee meeting. If the committee does come up with another proposal, he asks that OCA come back as quickly as possible with a response so we

don't spend valuable County resources working in the wrong direction. We also can't chase every idea to its conclusion.

Mr. Pullen referred to last year's ad hoc committee meeting with LaBella Associates, where they reviewed different scenarios and looked at options that had been explored two to three years before. We're not starting from scratch. He's seen plans by Peter Sprague, a former judge, and knows others, such as District Attorney Terry Parker, have ideas that have merit. Mr. Pullen feels that this Board was handed "rewarmed" proposals identified by prior Boards, and some of the constraints that LaBella architects were working under, such as the retention of the old blue courtroom and monumental stairway, were put on them by those prior Boards. But from what he's seen from other plans, none use them. He's willing to lose the stairway and blue courtroom if it will cost 1 million to retain them in a current plan. There are other options. Although Mr. Pullen agrees we have to keep moving forward because the Unified Court System and Capital Review Board demands it, that does not eliminate the need for us to review other options and come up with the best solution for us. His feeling from past experience is that architects tend to want to build monuments. There are times that call for practical solutions to be considered, maybe developed by laymen and then looked at professionally. Mr. Pullen would like to feel that we come to a point where we believe we can't turn back (and we're not there yet), where all other options have been considered, before committing to the idea of building another facility outside the village. He does not think the voters will approve new construction, even if presented as the cheapest option.

Mr. Fanton noted that he has talked with voters and the majority are saying it would be the best option to put the new courthouse facility by the jail. There would be no transport charges and proximity to the jail would be advantageous. They are not saying to keep the old courthouse.

Mr. O'Grady agreed with Mr. Pullen that we do need to move forward, but we also need to look at other issues as they come up, to consider every option.

Mr. Hall stated that at next week's meeting, the committee will listen seriously to other proposals and possibly combine earlier proposals with Mr. Ungermann's. If we come up with something that's reasonable and will meet OCA requirements, fine, but he does not want to have two or three new proposals every time the committee meets. We cannot do that.

Mr. Crandall stated that there are two criteria that drive this process: cost to the taxpayers and acceptability to OCA. No other criteria, whether it's retaining portions of the old facility or where to put a new facility, should be the driving force. The Board is open to all ideas, but those two factors need to be known as soon as possible with any potential plan. OCA uses the statement that it's whatever Allegany County wants to do, but that's not the case.

Mr. Kruger questioned what exactly the upper level of OCA wants. Prior Boards and this Board have sent several proposals that were denied. We need to know what they want and then the committee can fashion something around those parameters.

Mr. Hall responded that the previous ad hoc committee heard a very clear statement from OCA on the issues we have not complied with, some of which are safety, requirement to have court paperwork maintained and accessible, inefficiencies, and adequate space for client conferencing. OCA states there are some basic models, and an expectation that needs to be complied with. The County has not given them realistic proposals that meet those standards,

although we are getting closer. Mr. Isenberg did give a list of problems on this latest proposal and stated they are willing to work with County.

Mr. Pullen agreed that the OCA and Court Facilities Capital Review Board have given us standards, but around the state, court facilities are very different - some very usable, others terrible - and OCA approved all of them. It's left to the discretion of each county to reach a solution that meets the standards. Mr. Pullen also noted that the court facilities can't be moved out of the village without a referendum, and he doesn't think the voters will approve it. Hopefully that's not the case if that's the cheapest option. If we have to do something in the village, there aren't a lot of options.

Mr. Kruger asked that if the County moves forward to build a new courthouse next to the Public Safety Facility, would we hold a special election for the referendum, or combine it with the November regular election. Mr. Pullen responded that it would be at the discretion of the Board as long as it meets the requirement of 60-70 days within the decision of the Board.

Mr. Hall stated that we have to make certain we communicate options and the decision making process to the voters so that they will make a decision that is best for the County.

Mr. Pullen noted that with the previous ad hoc committee, the Bar Association appointed Pat Fogarty as the liaison of the Bar Association. She has communicated with Mr. Pullen that she was unsure of her participation in these meetings and what her roll would be. Mr. Pullen recognized that Court Attorney Leo Murphy and Surrogate/Family Court Clerk Carolyn Miller were in attendance and asked what their place or function would be. Mr. Hall stated he would be glad to invite Ms. Fogarty to provide input, and also noted the meetings are open. Mr. Crandall clarified that the prior committee was an ad hoc committee and he had asked the County Bar Association to send a representative. This committee, as a standing committee, was comprised of appointments that were strictly legislators that will need to vote to move recommendations to the full Board. We have discussed that certain advisory and ex-officio members could be a part of this process as it moves forward; now may be the time to bring them in, and it may help give better direction. **Mr. Pullen requested that Clerk of the Board Brenda Rigby Riehle send a letter to Patricia Fogarty inviting her to attend the next meeting of this committee.**

Mr. Ungermann requested that if Mr. Isenberg would forward a written list of the deficiencies with his proposal, there are things that may be able to be worked out. For instance, the problem with the ceiling height: where the new courtrooms are proposed, there is no ceiling there right now (former jail recreation yard). With a written list, we can see how far out of the ballpark we are. Mr. Ungermann also noted he appreciates OCA's review and quick response.

***The next meeting will be held on March 13, 2007 at 3:00 pm.***

**Adjournment:** Following a motion made by Pullen, the meeting was adjourned at 4 pm.

Respectfully submitted,  
Adele Finnemore, Journal Clerk

NOT  
APPROVED



**COURT FACILITIES & COUNTY SPACE NEEDS COMMITTEE**  
**March 13, 2007**

**Members Present:** Chairman W. Hall, G. Benson, T. Hopkins, M. McCormick, T. O'Grady, D. Pullen, C. Crandall

**Others Present:** Dwight Fanton (Legislator), Adele Finnemore (Journal Clerk), Patricia Fogarty (Bar Association Representative), Andrew Isenberg (NYS 8<sup>th</sup> Judicial District), Kevin LaForge (LaForge Construction), John Margeson (County Administrator), Carolyn Miller (Chief Clerk – Family & Surrogate Courts), Leo Murphy (Court Attorney), Brenda Rigby Riehle (Clerk of the Board), Norman Ungermann (Legislator)

**Media:** K. Doyle, Olean Times Herald; P. Jannace, Wellsville Daily Reporter

**Call to Order:** The meeting was called to order at 3:00 p.m. by Chairman William Hall.

**Approval of Minutes:**

The minutes of January 9, 2007 were approved following a motion made by O'Grady, seconded by Hopkins and carried.

The minutes of February 13, 2007 were approved following a motion made by Benson, seconded by O'Grady and carried.

The minutes of February 26, 2007 (Special meeting) were approved following a motion made by McCormick, seconded by Hopkins and carried.

The minutes of March 6, 2007 (Special meeting) were approved following a motion made by Hopkins, seconded by O'Grady and carried.

**Court Facilities – Exploration of Other Options:**

Mr. O'Grady stated that in looking back at the three original options presented by LaBella Associates that were considered in the previous ad hoc committee, the cost that drives building renovation is displacement cost (or the cost to house displaced occupants), which was estimated at \$17 million. He offered two suggestions: to renovate the County Office Building into court facilities and look at ways of lowering displacement costs. If we build a new Courthouse, we still have space needs and renovation of the County Office Building third floor to deal with. Mr. O'Grady spoke with a developer in the Wellsville area that proposed renovating the former Belmont School for office space and leasing it to the County on a long-term lease or rent-to-own basis. Another option would be to build other buildings on the new jail site to house the Health Department and/or Social Services, etc. He distributed photos of different types of Morton buildings. When comparing the cost of erecting several of these buildings with displacement costs, Mr. O'Grady feels the cost would be significantly less than the \$17 million figure quoted by LaBella.

Mr. Hall noted that when considering different alternatives and utilization of space, we need to look at them relative to several main areas of concern, which are:

- Costs, including displacement costs
- Costly to renovate the current structure to meet circulation and safety requirements
- Public access to other facilities
- Sufficient space for courts

Mr. Pullen presented a proposal developed by District Attorney Terrence Parker (floor plan drawings referred to in discussion are included with original minutes). Mr. Parker's plan removes displacement costs almost entirely, retains the present courtrooms and makes them secure, and allows for the secure movement of court personnel. A new building behind the Courthouse is included, but is smaller than the LaBella addition previously considered. Mr. Parker's plan uses some of Norm Ungermann's ideas with some changes.

- No change to ground or first floor of Courthouse.
- Elevated walkways on the court level to access the new building. As there is no actual connection of the current building to the new building, and no substantial renovations to the current building, we wouldn't have as many code requirements.
- Two of the walkways would be secure for court personnel only.
- All public access to the court floor would be screened. (Other floors would not be.)
- Security doorways installed for limited access: at the top of the existing court stairs (exit only), in the breezeway between the Courthouse and County Office Building, and into the present area where Chief Court Clerk Kathy Johnson is located.
- No major renovation to present Courthouse, changes would include taking out some walls and installing some doors.
- No displacement costs. The only disruption in the current Courthouse may be a few weeks for building walkways and installing security doors.
- Actual room use would be up to OCA and court personnel. Suggestions for use of the ground floor of the new building included Probation, Public Defender, storage, etc.; and for the first floor would be the District Attorney, Surrogate Court, and Jury Assembly.
- Public atrium between present and new buildings with new main entrance at ground level. A ramp is included for handicapped access to the first floor.
- Retains two current courtrooms and adds two, with all courtrooms on the same floor. The two new courtrooms could be for Family and Drug Courts, with continued use of the current ones for Criminal proceedings.
- New building includes three floors, with upper story possibly cantilevered out along back, river side for more floor space if needed, without increasing footprint.
- Additional space gained by eventually moving Surrogate Court and we would still have the County Office Building third floor.
- Adequate space – let the experts refine as a plan for location of specific areas, but it offers everything OCA requires.
- Incarcerated holding and movement - no way to easily handle, except to use the old Sheriff Sally Port and elevator in the County Office Building in addition to the new one at the back of the proposed new building (right now there is no way to do it).
- Cost Comparisons: The new building portion of this plan would be about 30,000 square feet at \$185 per square foot for an estimated cost of \$5.5 million (lower than the LaBella addition option previously considered due to its smaller size: 30,000 square feet as opposed to 50,000); no displacement costs (saving nearly \$3 million over the LaBella addition option); possibly \$500,000 in Courthouse renovations. (There would still be costs involved with renovation of the current Surrogate area and County Office Building third floor for other uses.)
- Down side: The loss of 20 or more parking spaces in back lot. Some ideas we could explore: dual-level parking garage, possibly with the Village and Town, for which grant funds may be available. Also, the possible need to relocate the maintenance building.

This proposal looks like something that preserves a lot of what we wanted, solves some of the issues, and is an elegant solution that gives a lot at a fraction of the price. There is also the potential for a significant amount of space becoming available in the present facilities depending on what is moved to the new building. Another thing we need to realize in studying the cost analysis for the new Courthouse construction option presented by LaBella: the figures indicated

in their cost comparisons as credit for freed up space and value for additional parking have to be added back to their discounted cost figure, as we would have to bond the full amount of the project cost. The bottom line is that it will cost \$14 million in the scaled-back version.

Mr. Hopkins noted that Mr. Parker's plan does away with the fragmentation issues encountered with Mr. Ungermann's plan.

Mr. Pullen noted that previous LaBella proposals did not provide for present court facilities to be secure; Mr. Parker's plan does. Also LaBella plans called for courtrooms on the ground floor; OCA doesn't like courtrooms on the ground floor, as it is too exposed. Their plan had no second floor and encountered problems with having no secure access. With Mr. Parker's proposal, adding the additional floor allows for a smaller building (30-40,000 square feet). This option will still involve a lot of money, but less than the \$14-16 million we were looking at before, and we can use what we have.

Judge Brown questioned OCA requirements in the actual courtrooms and Mr. Pullen responded that there are unknowns related to renovation costs for the current building to make it OCA compliant, such as elevated judicial benches and witness stands, but we would have those issues with any option. The number of lost parking spaces may be higher than estimated due to fire lanes, etc., and the distance from the front lot to the new main court entrance behind the present Courthouse was mentioned. Mr. Pullen suggested a possible solution could be to switch the public and employee lots. Also, if Support Collection is moved and that building demolished, we could recover some parking. Another consideration is the loss of the maintenance and storage building, but that could be relocated to another site.

Mr. O'Grady noted the similarity of Mr. Parker's plan to LaBella's proposal, but in LaBella's, the addition was attached, which involved code requirements for the current Courthouse such as installation of sprinklers, etc. and raised the overall cost. Mr. O'Grady noted the LaBella proposal costs for the additional 84 parking spaces at \$350,000 and the demolition of the old maintenance building at \$640,000. Ms. Fogarty questioned if the demolition cost was so high due to an asbestos problem. Mr. Pullen indicated that it wouldn't be and Mr. O'Grady suggested that maybe the figure included replacement cost.

Mr. Pullen indicated that if relocating the court facilities to the new jail site, it may be more convenient for prisoner transports, but is less convenient for the Court Clerk, County Clerk, Probation, etc. It would also involve either moving or allocating dual offices for the District Attorney, County Attorney, and Public Defender. Only 20 percent of court cases are Criminal involving prisoner transports; the rest are predominantly Family, Civil, and Surrogate. A move to the new jail site would be much more difficult for everyone else; it may save the cost to transport prisoners, but would be more costly overall.

Judge Brown asked about the referendum requirements to move the Courthouse outside the Village. Mr. Pullen stated that a referendum is required if the facility is moved outside the Village, but not if it is kept here. No referendum is required for the bond issue.

Discussion was held on utilization of the former Belmont school. Mr. Ungermann mentioned ideas he had for moving other County offices into the school. The property was recently taken off the tax sale list. Concern of asbestos was raised in the past. Mr. Ungermann received some information at a seminar he recently attended regarding asbestos requirements and noted that parts of the school building were built prior to dates when those requirements come into play. If the former school was to be utilized, the County could move Social Services and the Health Department, the old gym could be used for EMT training, and parking would be freed up here. Mr. Ungermann suggested moving the bulk of the court system into the old jail, then renovating the Courthouse. We could look at what we could do with the County Clerk's

Office on the first floor, then consider moving Social Services and the Health Department into the school. The Treasurer's Office could then be moved into the vacated Social Services or Health space, leaving the rest for additional court space. Mr. Hall felt that for long-term purposes, we should consider the use of the school, but renovations will take too long to consider that for use for displaced offices. Mr. Ungermann noted that if we redo the school first, there would be minimal displacement and inconvenience.

Regarding Mr. Ungermann's Court Facilities proposal that was disapproved by OCA, Clark Patterson Associates is willing to draw up plans for the first floor, including magnetometer location, to address some of OCA's concerns. He asked Mr. Isenberg for a manual with guidelines; Mr. Isenberg indicated that the requirements are included in the rules of the Chief Judge and are minimum standards. There is no manual or uniform specs; it is the County's job to come up with a plan.

Mr. Ungermann mentioned the need to address County Clerk space needs. There is no allowance in this plan for alleviating that. Mr. Pullen noted that the County Clerk's Office could be broken down into its three functions: Motor Vehicles, Court Records, and County Clerk. Court Records could be moved to the new building and if the Surrogate Clerk is moved, Motor Vehicles could go there. There are many variables, and there may be better possibilities. OCA has limits and we're under time constraints, but we don't want to make a bad decision. We have a number of plans to look at and are getting closer to the point of settling on an option.

#### **1990s "Hybrid" Plan, presented by Curtis Crandall:**

Mr. Crandall noted that he is only the messenger for this proposal and had no input, but he did speak with its originator. In considering all of the court facilities proposals, he feels that there is not one person that had anything to do with any of them that will feel that theirs is the one to go with to the exclusion of all the others. Everyone's interest is in Allegany County and in coming up with a reasonable plan that meets the requirements in the most economical way possible. This plan retains some of the present facility and is similar to the plan developed in the 1990s with some changes. The plan from the 1990s was rejected by OCA; hopefully this one will be looked upon more favorably. Highlights of the plan are listed below (document attached to original minutes):

1. The court system would take over the entire existing Courthouse building, plus approximately 2,000 square feet of the County Office Building, the exact area to be agreed upon.
2. The County would then build a new building at the new jail site to house the Department of Social Services. The DSS building should be a much cheaper building to build as it will be offices only and not fall under the strict rules of OCA. A ball-park estimate of size of 16,000 square feet at an approximate cost of \$225 per square foot equals \$3.6 million.
3. Renovation of the County Office Building (COB): The third floor (former jail) would be renovated for the offices of the County Clerk, Treasurer, the Real Property Tax Agency, and possibly Information Technology, which in essence would be all of the County occupants of the Courthouse, with the exception of Probation. The other floors in the COB would be updated and modified to incorporate the Probation Department and to allow for expansion of the other offices currently located in the COB. Again, included in this plan would be the court's use of approximately 2,000 square feet. In addition, the Room 8 area being renovated currently would be used as a Grand Jury area, which would also have a dual purpose as an additional hearing room, if necessary. Ball-park cost to renovate the third floor of 12,000 square feet (would not renovate the former recreation yard) at \$200 per square foot equals \$2.4 million. Minor modifications and

- updating to the balance of the COB of 24,000 square feet at \$75 per square foot equals \$1.8 million, for a total of \$4.2 million to renovate the entire County Office Building.
4. Renovation of the Courthouse after the County occupants have vacated: This would allow the ground and first floors to be completely redone without impacting the operation of the court system until it is completed and then while minor renovations are done to the second floor, the court could operate on the ground, first floor, legislative chambers, and the Grand Jury room. Ball-park estimate of 25,000 square feet at \$200 per square foot equals \$5 million.
  5. Additional recommendation: Given the poor condition of the Office for the Aging building, that building could be torn down and the current Support Collection building could be renovated for use by the Office for the Aging at a cost of \$100,000.
  6. The total cost for what could be termed a more global approach to the space issues in Allegany County would be \$12.9 million, and even with an added contingency of 20 percent, the total estimated cost would be \$15,480,000, still less than the cost of building a new Courthouse alone.
  7. Significant benefits of this plan:
    - a. The use of this historic Courthouse as a Courthouse would be maintained. Several offices that work directly with the court would be kept contiguous to the court, including the County Attorney, Public Defender, District Attorney, Probation, and County Clerk.
    - b. With the Department of Social Services vacating the property, parking will no longer be a problem as there should be plenty of space.
    - c. The renovation of the County Office Building would provide a much needed upgrade to the existing facilities.
    - d. It would alleviate the space crunch that currently exists in the County Office Building, particularly in the area of the Department of Social Services.
    - e. A mandatory referendum will not be required to accomplish this program.
    - f. It will cost significantly less than any other proposals to date, particularly when considering the County will end up with a completely updated and renovated County Office Building, a new DSS building, and a renovated Courthouse for a cost of no more than the cost of the proposed new Courthouse. The proposal currently being considered provides no funds to renovate the County Office Building or the Courthouse.

The biggest issue we need to explore, however, is whether we can renovate the Courthouse, with the additional square footage from the County Office Building added, while meeting the stated goals of the Office of Court Administration for more space, better security, improved circulation, and better compliance with the ADA standards.

Mr. Crandall noted that the plan needs more input, but it may be a solution with a lower cost. In deciding where the committee should go from here, we do need to settle on a plan. As far as which one to go with, we are not in a position to make that decision as we have no comparative costs and don't know if any of them will satisfy OCA requirements. A possible scenario would be to have these new plans given to LaBella to bring them up to the form and condition necessary where they can be reviewed by OCA to see if either is reasonable to move forward with or could be modified to work. We also need firm costs for comparison so that we can get to the point where we have one plan.

Mr. Pullen asked if there were any floor plans from the 1990s plan. Mr. Crandall stated that this 1990s Hybrid didn't involve redoing the old plans, but was similar to the prior proposal. One way it differs is that this plan devotes the entire Courthouse building to a secure facility. Mr. Margeson said there were floor plans completed in 1992 by the MRB Group, but are just a rough form with no detail. They visualized the way the floor plan of all three floors of the Courthouse could be reconfigured. Those plans would need more work to be refined.

Mr. O'Grady suggested there was a similarity between the Hybrid and Mr. Ungermann's plans and maybe we could incorporate Norm's ideas into the Hybrid, allocating the second floor of the County Office Building to the courts and moving the present second floor offices up to the third floor. He also voiced concern with the cost of having LaBella or Clark Patterson work up floor plans including cost estimates, now that we have two or three new options.

Mr. Margeson reported that LaBella Associates have temporarily stopped work on the new building project. They realize the County is considering other options and are willing to apply the remainder of their contract to concentrate on other options we'd like to have them work up. Their contract includes work on an hourly basis up to \$20,000. If the County wants to pursue other options, they will work under the same contract, but \$20,000 may not be sufficient. The committee needs to make a decision.

Mr. Hall reiterated that OCA wants a plan in place and to see evidence of progress. We have \$20,000 to work with and a number of plans; we can't continue to deal with so many. Mr. Fanton felt Mr. Parker's plan seems more realistic; there are still issues, but it looks viable. Mr. Hopkins favors the Parker plan and felt that pursuing the other would be a waste of money. Mr. Pullen noted we're not able to make a fair comparison. We have options. He's not opposed to exploring Mr. Ungermann's idea of moving offices to the old school. Mr. Pullen also mentioned Clark Patterson's review of Mr. Ungermann's Court Facilities proposal and wondered how much more they'd be willing to do at no cost.

Mr. Ungermann reported that he spoke with Clark Patterson Associates and they are willing to work on the first floor entrance, magnetometer location, and some work on traffic flow and egress, then after that we'd be looking at money. They are willing to go further with addressing the deficiencies.

There was discussion on forwarding the various plans on to the next step. Mr. Crandall suggested that Clark Patterson could work on Mr. Ungermann's plan to address the deficiencies and then we could take that proposal back to OCA. The other plans should be given to LaBella Associates to work up and then forwarded on to OCA for conceptual analysis. This way we can ascertain whether each plan would be approvable or should be eliminated, with as little expense or time as possible for LaBella or OCA, and we can boil everything down and move forward with one plan or a combination of plan concepts. Mr. Ungermann asked if it would be helpful to have construction time frames with each proposal. Mr. Hall responded that yes, we can ask.

Mr. Isenberg noted that in regards to Mr. Ungermann's proposal, fragmentation is the big issue. Even if we correct the magnetometer entrance, he's pessimistic about OCA's approving the plan due to movement of court facilities to the third floor of the County Office Building. The Hybrid and Parker plans do not seem to fragment operations, so they have overcome that hurdle. Working on four different proposals will be very difficult. OCA already looked at Mr. Ungermann's proposal and Mr. Isenberg is trying to convince his principals that Allegany County wants to move forward, but if we are continually looking at different proposals, it will be a challenge. Regarding the Hybrid plan, it's not going to be given a no vote right out of the box. They discussed it briefly and OCA is willing to look at it further. Mr. Isenberg is also willing to look at the proposal for building an annex with walkways and is not refusing to send Mr. Ungermann's revised proposal up for further analysis. It would be beneficial to work with LaBella to further conceptualize the two new proposals.

***A motion was made by Mr. Pullen to authorize LaBella Associates to analyze the two new Court Facilities proposals referred to as the Hybrid plan and the Parker plan to develop conceptualized information, including construction time frame estimates, to refer to OCA for review. The motion was seconded by Mr. Benson and carried (opposed: Hopkins).***

Mr. Crandall noted that although we are approaching the process in an odd way by having several plans, he appreciates OCA's leniency toward the way we are doing things. It is important to explore other options and have the right answer before trying to get back to one plan to move forward with. He is hopeful that Mr. Isenberg will relay this to OCA. Mr. Pullen agreed that we have to be able to sell the plan to the taxpayers, even if we decide we have to build. We have to have the questions answered to be able to vote and hopefully we will have something more affordable. When asked about timing for the next meeting, Mr. Margeson stated he did not feel it was realistic to expect information back from LaBella in one month, as they will be going in two different directions; it will probably be closer to six weeks.

***A motion was made by Mr. McCormick to authorize Mr. Ungermann to proceed with Clark Patterson Associates to bring his proposal forward to address OCA's concerns. The motion was seconded by Mr. Pullen and carried.***

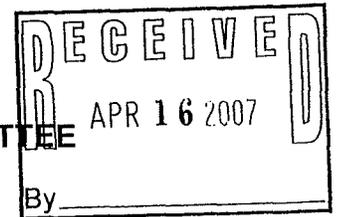
**Next Meeting:** Mr. Hall will call the next meeting after Mr. Margeson gets an answer from LaBella on when we can expect their review of the above mentioned proposals.

**Adjournment:** The meeting was adjourned at 4:45 p.m. following a motion made by Mr. Pullen and seconded by Mr. McCormick.

Respectfully submitted,  
Adele Finnemore, Journal Clerk

NOT  
APPROVED

**COURT FACILITIES & COUNTY SPACE NEEDS COMMITTEE**  
**April 10, 2007**



**Members Present:** W. Hall, G. Benson, T. Hopkins, M. McCormick, T. O'Grady, D. Pullen,  
C. Crandall

**Others Present:** Adele Finnemore (Journal Clerk), John Margeson (County Administrator),  
Brenda Rigby Riehle (Clerk of the Board), Norman Ungermann (Legislator);

**Media:** K. Doyle, Olean Times Herald; P. Jannace, Wellsville Daily Reporter

**Call to Order:** The meeting was called to order at 3:00 p.m. by Committee Chairman William Hall. *(It was noted that Office of Court Administration Representative Andrew Isenberg was out of town and could not be in attendance.)*

**Approval of Minutes:**

The minutes of March 13, 2007 were approved following a motion made by O'Grady, seconded by McCormick and carried.

**Court Facilities – Update on Norman Ungermann's Proposal:**

Engineers from Clark Patterson Associates have finished their appraisal of Legislator Ungermann's court facilities proposal revisions. Mr. Ungermann presented information on the two parts of his plan: part one involves the renovation of the former jail, and part two addresses removing several departments from the Courthouse and County Office Building to another site, possibly the former Belmont school building, thereby freeing up considerable space for court expansion and other County space needs.

Mr. Ungermann presented his part two proposal first, which will later tie in with part one (information attached to original minutes). There is little room left for expansion at the present Courthouse/County Office Building site. An addition and/or renovation of the jail space will use up parking area and congest the facilities with more employees and visitors using County services. Also, many departments have voiced the need for considerably more space.

Mr. Ungermann proposes moving some departments and placing departments with like services together (i.e. County Clerk and Real Property Tax Service Agency both work with deeds; and Social Services, Health, and Office for the Aging are all social programs that the public often accesses more than one at any given time). Printed information includes space requested, number of employees, and number of visitors for three departments that could be housed together: Social Services, Health, and Office for the Aging. Total estimated square footage needed is 41,390. If those departments were moved, the Treasurer and Department of Public Works (both having public traffic) could be moved to the ground floor of the County Office Building, freeing up additional space for the courts if needed, and giving the County Clerk the space vacated by the Treasurer.

If the County took title to the former Belmont School, Social Services, Health, and Office for the Aging could be moved there. There are 56,383 square feet in the 1952 portion of the building and a 1990 addition that added a second floor over the 1952 portion on the south end of the building. The gym could have a second floor put in, giving another 8,000 square feet, and the courtyard could be used for two floors of storage at the very least (freeing up space at the landfill storage facility), or the gym space could be used for EMT training. Mr. Ungermann recommends demolition of the portions built in 1928 and older, as they are not worth saving,

and the concrete could be crushed into aggregate to be used for sub-base and Public Works needs. This would also free up space for parking and provide room for future expansions. The MRB Group completed a detailed study of the former school building in 2003, and we should look at its possibilities again. The asbestos problem appears to be minimal.

Mr. Ungermann suggested hiring a design/build team or developer to renovate the old school building which would then be leased back to the County. At the end of the lease, the County would own the building. Costs can be budgeted for and bonding would not be required. It would also relieve other current rentals such as Board of Elections, Health Department clinic space, and WIC. Mr. O'Grady noted he was approached by a developer in Wellsville who expressed an interest in renovating the former Belmont school and contracting with the County for a lease-to-own option. The idea is common practice with the state troopers. (L.C. Whitford completed a lease-to-own project with the Cattaraugus County Office Building in Olean, and Park Center Development just turned the old Olean YMCA into offices.) Mr. O'Grady noted that the City of Niagara Falls is facing the same court facilities problem as Allegany County, and they have hired Ciminelli to build with a lease-to-own option. It seems to be the way some other municipalities are dealing with the court facilities issue.

Mr. Hall asked if a lease-to-own contract would address a balloon payment at the end or what the options are if the County decides they don't want the facility. We don't want to be stuck with serious problems. Mr. Ungermann stated he doesn't understand all the legalities, but maybe we should look into the possibility. With this option, we would have a fixed cost, making it easier to budget for, and at the end of the lease term there would be a plan in place.

Mr. Hopkins stated that this option for financing could be considered at a later date if we take that route, but the question now is whether to use Mr. Ungermann's plan or another one. Mr. Hall noted we're talking about other facilities at the school and looking at space needs of other programs. Mr. Ungermann replied that if we look at a long range plan and move the departments mentioned and their visitors off the "hill," consider the space that would be freed up: almost a floor and a half would be available for something else.

Mr. Ungermann's part one proposal, or the renovation of the former jail space, was discussed. Clark Patterson Associates engineers finished their evaluation of the plan revisions relative to Office of Court Administration's comments. Mr. Ungermann noted that although OCA rejected the first proposal, it was not complete. He listed some additional comments on remodeling the former jail (copy attached to original minutes). Reference was made to the information distributed at the March 26 Board Meeting entitled "Rules of the Chief Judge, Part 34, Guidelines for New York State Court Facilities" (copy attached to original minutes). Mr. Ungermann noted that the words "to the extent feasible" and "where feasible" appear in the document, indicating that there seems to be some leeway built into it, but fragmentation is never mentioned. In a recent conversation he had with Judge Nenno, it was indicated that fragmentation in Cattaraugus County consists of courts in several different buildings in different locations. The family court is in Olean, the rest in Little Valley.

Clark Patterson Associates' April 2, 2007 Update with attached site plan drawings indicating traffic patterns in different colors was distributed (attached to original minutes). Mr. Ungermann noted that the original proposal included another entry at the far end of the Courthouse; the revisions call for a small 40' by 32' two-story addition (2,560 square feet) on the north side instead, which changes some of the room layout for better traffic flow and entrances, provides more space for the surrogate court, another entrance, and the top floor of the addition becomes a small courtroom. Information from the update, relative to revisions and clarifications, is included below (CPA's 04/02/07 Update includes some of the same information already included in the 02/26/07 Court Facilities Committee minutes, so those sections are not repeated here):

"Upon presentation to the County Court Facilities Committee and upon receipt of comments from the NYS Judicial District, CPA has revised and clarified the plan with the following:

- Clark Patterson has prepared conceptual sketch plans of the ground floors of both buildings to indicate entrances for the public, judges, and incarcerated.
- CPA has color-keyed conceptual sketch plans to note circulation of public, judges/security, and incarcerated.

The revisions further separate and define circulation for public, incarcerated, judges, and security staff. The plan establishes control points where the public needs to be escorted within secure corridors. The plan establishes vertical stair circulation for the security staff and judges between the two main court floors. The plan "tightens" the existing Courthouse and County Office Building, proposing "emergency exit only" exterior doors to restrict entry into the building only at the two public entry points, the judge entrance, and the incarcerated vehicular sallyport.

Regarding the proposed revised plan for minor modifications to the existing Courthouse and providing Court functions at the County Office Building from an Office of Court Administration Guideline perspective:

- CPA would propose a north addition to the existing Courthouse to serve: (a) public handicap entrance to the Courthouse, (b) space for high density storage for surrogate court records, (c) vertical handicap public circulation, and (d) hearing officer courtroom adjacent to the security core of the buildings.
- CPA would propose a side east addition to the existing Courthouse to serve: (a) enclosed stair tower for means of exit.
- The revised third level Courthouse plan proposed clearer separations between public and secure corridors. The revised third level consolidates to the west side of the building all judge/incarcerated movement.
- The revised third level Courthouse plan provides clearer supervision at security stations the movement of the public and interface with the points of control door operation. The main security station on this floor can visualize simultaneously the entry of public from the elevator, entry from stairs, and movement to both courtrooms.
- As part of modifications to the existing County Office Building, CPA proposes a new vertical stair adjacent to the secure judge/incarcerated elevator for un-interrupted security circulation between floors, and a vertical circulation dedicated to non-public circulation.
- As part of modifications to the existing County Office Building, CPA also proposes the extension of the existing vehicular sallyport garage on the ground floor to allow for judge entry and controlled access separation between the incarcerated and the judge staff. The plan on the top floor further separates the incarcerated holding from judge circulation at the secure elevator vestibule.
- The sketch plans for this approach still have some blending of circulation patterns of judge/juror/incarcerated/public, however:
  - ✓ Entry of the public into secured corridors can be controlled by security.
  - ✓ Entry of the incarcerated into the judge/incarcerated elevator can be controlled by security.
- As with earlier concept plans generated by CPA, there will be the requirement for the existing public elevator in the County Office Building to be modified to travel to the top court floor.

In summary, efforts have been made by Clark Patterson to address the Unified Court System's comments on the earlier plan:

- Fragmentation of Court Operations: the only possible "fragmentation issue" could be due to the two public entry points, HOWEVER, should DSS vacate the building and

other County departments occupy the DSS floor of the existing County Office Building, the two security entry points would be "linked" by public circulation. There is NO fragmentation from a security or judge circulation standpoint.

- *Circulation: the separate circulations of public and staff are now more clearly defined.*
- *Ceiling Heights: the proposed courtrooms can have ceiling heights as required by OCA, both in the Courthouse addition and in the former jail recreation yard.*
- *Security Perspective: security staff has clear and central circulation between the two floors both via security elevator and security stair. All judge staff enter and access chambers from the central security elevator and the security stair.*

*Regarding the proposed plan for minor modifications to the existing Courthouse and providing Court functions at the County Office Building from a New York State Code perspective:*

- *The Courthouse additions would have a fire barrier wall separation with the existing building.*
- *The extent of work on the top floor of the Courthouse has increased. It will need to be reviewed whether the work on the top floor is alteration or reconstruction. CPA would like to review this with the County Code office. Sprinklers would be required should the work be considered reconstruction.*

§BK305.1 Scope. Reconstruction applies where any of the following alteration work occurs:

1. The reconfiguration of space adversely affects the means of egress shared with spaces outside the work area. *NO.*  
EXCEPTION: Alteration work that is exclusively mechanical, plumbing, or electrical shall not be considered a reconstruction, regardless of its extent.
2. The total of work areas exceeds two thirds of the building area. *NO. Wall reconfiguration on the top floor is 41 percent of the space. UNLESS THERE ARE MAJOR MODIFICATIONS TO THE COUNTY DEPARTMENT SPACES.*  
EXCEPTION: Alteration work that is exclusively mechanical, plumbing, or electrical shall not be considered a reconstruction, regardless of its extent.
3. The work area affects the area of 100 percent of the occupancy. *NO.*  
EXCEPTIONS: (1) Where the occupancy is less than 10 percent of the area of the floor or less than the allowable tabular area in accordance with the Building Code. (2) Work areas in which the alterations are exclusively mechanical, plumbing, or electrical shall not be included in the computation of total area of all work areas.

*Other Issues: Courthouse:*

- *The concept floor plans indicate "County departments." CPA suggests review of needs of departments to remain at the Courthouse and County Office Building. Suggest revisions to previous master plans to determine square footage program requirements for departments to both remain and to be relocated off-site.*

*Moving Forward:*

- *Discuss the scheduling and phasing of project. Discuss the departments proposed to be vacated to school prior to work on improvements for Courts." (For entire listing of "Moving Forward," refer to attachment or minutes from 02/26/07 meeting.)*

Clark Patterson did a review of square footage (copy attached to original minutes) comparing what we are offering in the proposed 04/02/07 plans with OCA guidelines. Our plan exceeds the guidelines in most cases, and if considering what is practical, some areas should be allowed to be under-sized. For example: a Judge's robing room is not an issue if the

chambers are located in close proximity to the courtroom. Guidelines also state that rooms should be able to be used for more than one function. Our plans may be a little shy on space in one area, but we could pick up some in others. The plan is falling very close to requirements.

Demolition of cells in the former jail proceeded with very little disturbance to the floors below. Over 160,000 pounds (80 tons) of steel was removed. Mr. Ungermann believes the remodeling of the space could be done without any displacement until sprinklers are added to the floors below, and he doesn't see displacement as a major issue. He feels that estimates will still fall under the \$4 million mark, and Clark Patterson Associates felt this would take care of engineering costs also. Mr. Ungermann also commented on the possible time frame to build by saying we could be up and running in one year.

Mr. O'Grady questioned if the courts would take over the County Office Building Second Floor under Mr. Ungermann's part two plan. Mr. Ungermann replied that this plan frees up space, but proposed that the courts will utilize only the Third Floor (former jail) and some space on the Ground Floor of the County Office Building. If they need more, there would be some available. We have major space issues, and Mr. Ungermann feels the former Belmont school needs to come into the mix rather than building new.

Mr. Hall noted that issues we continued to run into when court facilities were discussed in the 2006 ad hoc committee was movement from one area to another and safety. Mr. Ungermann responded that these revisions have dealt with those issues. The color-keyed floor plans include arrows to demonstrate movement and reiterated that we are doing what we can inasmuch as practical.

Mr. Hopkins asked how we stand with the other plans discussed at the last meeting. Mr. Hall responded that LaBella's engineers are still working on them.

Mr. Hopkins questioned spending money to look at the school again. Mr. Hall stated that in considering movement, utilization of areas, and costs, we need more data to make decisions.

Mr. Ungermann noted that we have reached the point with Clark Patterson Associates where additional requests will incur a cost. They've done a lot to give us a concept to use. We would need to pay for actual structural drawings, etc.

Mr. McCormick mentioned the work that still needs to be done on the Third Floor (former jail). Mr. Kruger had previously indicated there will be things that need to be fixed. We can still utilize the area for County space needs, regardless of what is decided with the court facilities issue. Work should continue, as anything done now will be that much less to do later with whatever the space is utilized for. Mr. McCormick asked if we should have Department of Public Works assess the amount of work required to get to the bare walls on the Third Floor. Mr. Ungermann stated that the west end is pretty much open now.

Discussion regarding renovation of the former school building: Mr. O'Grady noted that a lot of what drives costs in these projects is unknown factors such as displacement of staff. Mr. Ungermann felt there would be little disturbance and the extra space made available by utilization of the school would make conditions so much better when completed. Mr. Hopkins asked about the design/build concept where a contractor would be hired to do everything and then lease the building back, and wondered if we should hire someone to look at the school. Mr. Ungermann stated that all we'd need to do is ask for proposals including what we want and the number of square feet.

Mr. McCormick noted that copies of "the people's plan" by Alan Carlin were distributed to committee members (this also appeared as a letter to the editor in the local papers). It was

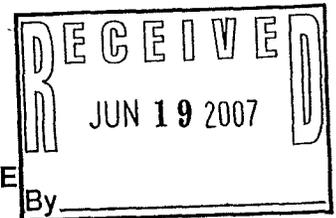
mentioned that these ideas were spoken of before, but do not provide the amount of space that is required. (Copy attached to original minutes.)

Mr. Hall summarized that Clark Patterson Associates accomplished what we requested and Mr. Ungermann's plan has been revised and now includes a part two. We need to continue to wait for LaBella to come back with their evaluations. In considering doing something with the County Office Building Third Floor, arrangement of the courts, and which alternatives to utilize, the school is not the only alternative. When all the information is back, we can compare and make cost comparisons of options and decide on how to utilize space. ***As soon as LaBella is ready, Mr. Hall will either call a special meeting or the committee will meet at the regular time next month (May 8 at 3:00 p.m.). The information presented at this meeting will also be reviewed.***

**Adjournment:** The meeting was adjourned at 3:50 p.m. following a motion made by Pullen, seconded by McCormick and carried.

Respectfully submitted,  
Adele Finnemore, Journal Clerk

**NOT  
APPROVED**



**COURT FACILITIES & COUNTY SPACE NEEDS COMMITTEE**  
**June 12, 2007**

**Members Present:** W. Hall, G. Benson, T. Hopkins, T. O'Grady, D. Pullen, C. Crandall  
(Absent: M. McCormick)

**Others Present:** Judge T. Brown, D. Fanton, A. Finnemore, A. Isenberg (OCA), K. Johnson, J. Margeson, C. Miller, L. Murphy, B. Riehle, M. Tayrien (LaBella), N. Ungermann; **Media:** K. Doyle, Olean Times Herald; P. Jannace, Wellsville Daily Reporter

**Call to Order:** The meeting was called to order at 3:00 p.m. by Committee Chairman W. Hall.

**Approval of Minutes:** The minutes of April 10, 2007 were approved following a motion made by O'Grady, seconded by Pullen and carried.

**Court Facilities Proposals – LaBella Review Update:**

County Administrator John Margeson noted that at the last meeting, the committee gave direction for LaBella Associates to review two court facilities concepts: the first one offered by the District Attorney (adding on to the back of the Courthouse with attachment to the current structure), and the second one (turning over the entire three floors of the Courthouse to the courts and building an administrative building off campus for displaced departments). Mark Kukulka and Mark Tayrien of LaBella developed potential floor plans and rough cost estimates around those two proposals.

LaBella's Mark Tayrien presented an overview of the two alternatives with potential floor plans, which he noted were not to be considered a final proposal but are only an illustration of the concepts:

**Courthouse Renovation Concept:**

Top floor: all space for the courts, existing courtrooms remain, jury deliberation room remains, law library becomes a waiting room, judges' chambers remain nearly the same. Middle floor: present County Clerk space becomes Family Court, opposite end is Supreme and County Court, Surrogate Court at the back. Handicapped-accessible ramp is included with access to lower and upper floor via elevator. Basement: Surrogate space, Integrated Domestic Violence Court, satellite office of Department of Social Services, Commissioner of Jurors, Drug Court Coordinator, conference rooms (law library included in one conference room), mechanical space. Entire facility would be screened. Courts would continue their use of Room 8 on the ground floor of the County Office Building.

Grand Jury, jury assembly, District Attorney, and Probation would all be located where the Department of Social Services is currently. County Treasurer, Real Property Tax, County Clerk, and IT would be moved to the top floor of the County Office Building (former jail space) following renovations (space replaced in-kind – no room for expansion). No buildings demolished. New facility would be built to house DSS (expanded space as programmed in the 2002 space needs study).

Scheduling sequence: first develop the new DSS building and renovate the top floor of the County Office Building, renovate the old DSS space and move some court operations there, renovate existing court space in the Courthouse (some disruption factor, but court staff has expressed a willingness to cooperate).

Labella feels that this is an excellent plan but is concerned that it will not receive OCA approval as it stands; therefore, an additional 15 percent program contingency is included to cover risk for changes and increased costs.

**Committee Comments:**

Mr. O'Grady noted that there are other things we need to look at for County space needs at the same time as court facilities. For example, in this scenario Social Services is moved off-site, but included with the Office for the Aging Single Point of Entry program, there will be a need for Social Services and Health to be housed with Office for the Aging in one location. (Mr. Pullen suggested that only a small portion of Social Services and Health, the portions addressing long term care, would have to be located with Office for the Aging.)

Mr. Pullen commented that there is only one major full courtroom and questioned prisoner circulation issues, as they will still be coming in through the central holding area, up the elevator, and across the breezeway. Mr. Isenberg ran this concept by the OCA architects very quickly and they are willing to consider it, so they may be willing to compromise in areas such as circulation.

Mr. Pullen and Mr. O'Grady voiced concern that departments with the highest level of public usage – Department of Motor Vehicles and County Clerk – would be located at the furthest corner of the former jail in this plan, but should be more visible and on the ground floor. Mr. Tayrien noted that was included in the proposal they were given and they worked from that. Involving another floor would increase costs.

**Courthouse Addition Concept:**

Addition connected to existing Courthouse by bridges, public access at either end, corridors linking to private or staff circulation. Bottom level: entrance with magnetometer and screening, elevator to upper levels, Probation, Public Defender, security office, record storage, sally port. Middle level: Family Court, hearing rooms, District Attorney, conference, trial prep space, Grand Jury. Top floor: full-sized handicapped-accessible courtroom (larger than renovation plan), County and Supreme Courts, Surrogate Court, judges' chambers. Existing Courthouse building: current courtrooms remain (old courtroom is not being upgraded to handicapped-accessibility).

Office for the Aging and the maintenance building are displaced, and 84 parking spaces are lost. Vacated spaces that would be available are the current District Attorney, Probation, and Surrogate Court. The former jail space is not consumed by this plan, and Room 8 on the ground floor of the County Office Building is not used. There would be some court disruption, but not as much as with the renovation plan. This plan provides more space to the courts than the renovation plan, and it addresses the space problem with Probation, but not for Social Services.

This plan is improved over a similar one previously considered in that it addresses segregated circulation issues with the connecting bridges. Mr. Isenberg indicated OCA is willing to consider this concept.

**Committee Comments:**

Mr. O'Grady stated that although the committee is looking at court facilities, the entire County facility and how proposals will affect the entire picture should be considered. He doesn't want to see the County do something to just get by and have to come back later.

**Cost Estimates Comparison:**

Mr. Tayrien distributed a spreadsheet (attached to original minutes) to illustrate cost comparisons between three options:

(Column 1) New Courthouse – as recommended by the Court Facilities Ad Hoc Committee late in 2006; includes updated costs to project current construction schedule; deleted figure for “value of space left behind” that was included before, but that advantage still has to be considered; 60,178 square feet of new space, 41,689 square feet of space made available (renovation costs not included); land acquisition costs are not included if new Courthouse is built within the Village instead of at the Public Safety Facility site; Estimated cost: \$19,086,656.

(Column 2) Courthouse Addition – 44,461 square feet of new space, 10,295 renovated; requires new maintenance building – 2,400 square feet (\$444,000), more parking spaces (\$450,000), and Office for the Aging building – 6,086 square feet (expanded OFA space per 2002 space needs study) (\$1,825,800); plan does not renovate third floor of County Office Building; Estimated cost: \$18,476,117.

(Column 3) Courthouse Renovation – 956 square feet of new space, 58,558 square feet renovated (including County Office Building DSS floor and former jail space); includes 15 percent contingency for risk during OCA review process; need to construct new DSS building – 31,683 square feet (expanded DSS space per 2002 space needs study) (\$9,518,611); Estimated cost: \$21,630,937.

**Committee Comments:**

Mr. O’Grady: The cost of renovation is the cheapest but the total is inflated by the construction of a new building. If DSS moves off-site, it frees up parking as compared to the Courthouse addition scenario which keeps almost everyone here. Renovation of the former jail space will need to be done eventually and should be done at the same time.

Mr. Crandall: Each option creates or makes available additional square footage, and if considered without cost factors, they are: New Courthouse – 60,000 square feet of new space and 41,000 square feet made available for a total of 100,000 square feet; Courthouse Addition – 44,000 square feet of new space and 37,000 square feet made available for a total of 80,000 square feet; and Courthouse Renovation – 31,000 square feet of new space. In order to see the total picture, beyond what the court facilities’ needs are, and options can be compared on more equal footing, another line should be added at the bottom of the spreadsheet for the cost to renovate or create space for other County space needs. Each option affects the cost to deal with other County space needs differently. Mr. Crandall asked if information from the 2002 space needs study could be incorporated into the spreadsheet. He also felt that Option #3, Courthouse Renovation, could be eliminated as it doesn’t address the other space needs and expends so much on just the courts when we could get more for the money.

Mr. O’Grady: If considering only the top figure of the spreadsheet (new and renovated space costs) there is a difference of \$7 million between options. Courthouse Renovation, at \$12 million, addresses renovation of the third floor of the County Office Building, whereas the other two options do not. We obviously need to renovate the former jail space, no matter what option is chosen. In order to make a decision, we need to see the entire package which addresses the other space needs and the total amount to be spent.

Mr. Pullen: The committee has to deal with OCA's concerns. Although we may have to consider and deal with all the other space needs before we're done (for example Office for the Aging, Social Services overcrowding, and the former jail space renovation), the initial concern needs to be looking at which plans will satisfy OCA. Following the Ad Hoc Committee process, there was only one plan that we thought OCA would consider; now there are three, all having pluses and minuses. We need to focus in so we can direct LaBella on an option to deal with OCA's requirements.

Mr. Pullen: Option #1, New Courthouse, creates 60,000 square feet of new space and adds 41,000 square feet of space made available, for a total of 101,000 square feet at a cost of \$19,086,656. Option #2, Courthouse Addition, adds 44,461 square feet of new space, renovates 10,295 square feet, adds 6,000 square feet for Office for the Aging, and 37,000 square feet of space is made available, for a total of 97,000 square feet at a cost of \$18,476,117. Option #3, Courthouse Renovation, shows 59,000 square feet of space renovated in the Courthouse and adds 31,000 square feet of space, for a total of 90,000. It may not all be new space, but at \$21,630,937, all departments have a space and will be in it. Mr. Tayrien pointed out that some departments have space needs that still aren't addressed. Mr. Crandall noted that Mr. Pullen is adding in renovated space, while he was looking at created or gained space. We need to address other space needs and fold them into this plan. Some of the options will fall short. The 2002 space needs study showed a need for 60,000 to 80,000 square feet.

Mr. Pullen: If looking only at space we don't currently have, Option #1 offers 60,000 square feet, Option #2 offers 50,000 square feet, and Option #3 offers 31,600 square feet. Mr. O'Grady pointed out that the 31,600 square feet of space created in Option #3 has a price tag, but the 37,000 square feet of space to be renovated in Option #2 and the 41,000 square feet in Option #1 have no price tag. To get the total picture and make all options equal, we need the price for renovating freed-up space.

Mr. Tayrien noted that process will require some planning on who goes where and the required levels of renovation. Mr. Crandall responded that we have that information to some extent with the 2002 space needs study. The space in the study included the "ideals," but that may have to be compromised a little, to get by with something less. It was also noted that the new space created for DSS in Option #3 is priced at the more expensive space per unit rate used for court space. Mr. Tayrien will look into that.

When asked about the contingency cost to cover risk associated with architectural review of the Courthouse renovation option, Mr. Isenberg responded that a preliminary review was done and he will work with the County. The reason for the contingency is uncertainties which include not knowing the impact of handicapped-accessibility requirements for the Courthouse work until the County's choice of options is known and the plan is refined more.

Mr. Hall: In terms of narrowing down the options, we can look at what's here and make some judgments. Option #3 has less space and costs more, making it hard to support.

Mr. Benson questioned where a new Courthouse building could be located. A public referendum would be required for a change in location to outside of the Village, and there is a small chance it would go through. Also adding to cost of the new Courthouse, especially if not located by the jail as was previously assumed, is the lack of efficiency, having to add personnel, shuffling people back and forth, more equipment, and more energy usage.

Mr. Hall: If we want to fold information for the 2002 space needs study into this process, we need to be careful, as we don't want to use this as a vehicle to deal with all space needs of all departments. We need to be responsible to the need to create a court facility that is safe and

is what OCA wants us to do. If we start to do too many other things, it increases the cost that might be needed for those other areas. Mr. Hall is not convinced now is the time to do that.

Further discussion was held on the need for more information prior to making a determination. The committee was polled on whether to have LaBella work on Option #1, Option #2, or both, to add the additional figures requested. Mr. Tayrien stated he would need three weeks to work up the additional information. Mr. Margeson will work with him. Mr. Isenberg expressed a willingness to allow the extra time.

***A motion was made by Pullen, seconded by Hopkins and carried unanimously to authorize LaBella Associates to work up cost estimates for the Courthouse Addition Option (referred to in minutes as Option #2) to address the additional space renovation issues and use of vacated space information. LaBella will report back on the additional information requested for Option 2 in three weeks.***

Mr. Crandall noted that the preceding motion only requests LaBella to look at Option #2. The former Ad Hoc Committee previously made the recommendation for a new Courthouse, and taking it off the table now prevents a reasonable comparison of options. Mr. O'Grady agreed that it is premature to eliminate Option #1 and would like to see it taken to the next level. Mr. Benson noted the unpopularity of building a new Courthouse so soon after the new jail.

***A motion was made by Crandall, seconded by Pullen and carried unanimously to have the New Courthouse Option (referred to in minutes as Option #1) added, along with the Courthouse Addition Option (#2), in the authorization for LaBella Associates to work up cost estimates to address the additional space renovation issues and use of vacated space information.***

#### **Further Review of Norman Ungermann's Adjusted Proposal:**

Norman Ungermann's adjusted proposal has not been reviewed by LaBella, nor seen by OCA. Clark Patterson and Associates revised the Ungermann plan following OCA's initial rejection, but the committee never set aside additional funds for Clark Patterson to take the proposal to the next step. The committee would need feedback from OCA since the substantial changes, including a small addition on the back of the Courthouse, were made. Mr. O'Grady pointed out that Mr. Ungermann's plan runs similar to the Courthouse renovation plan with the addition of the utilization of the former Belmont school. If the committee is looking at ruling out Option #3 for lack of square footage, Mr. Ungermann's plan may fall under the same category.

Mr. Isenberg stated he has not seen the adjustments, but that OCA is very concerned about time. The County needs to focus in on where we want to go. His main concern with Mr. Ungermann's plan is fragmentation, and he can't envision that would be resolved with some alterations. The Court System will not accept the plan if it continues to fragment court operations. The committee would have to decide if they want to spend more money and move forward knowing OCA's stand.

A motion was made by Pullen to authorize the expenditure of up to \$7,000 to finance the cost to have Clark Patterson Associates refine and review their last adjusted proposal for use of space for court facilities (Norman Ungermann's adjusted proposal) with a report to be made to the committee at the next meeting. The motion did not receive a second.

Mr. Pullen questioned whether or not the committee would be willing to review and consider a report if several legislators cover the cost to have Clark Patterson Associates review

Normal Ungermann's adjusted court facilities proposal. Discussion followed which included the hurdles of getting OCA approval and the legislature's lack of interest in utilizing the former Belmont school building. It was also suggested that since alternate proposals will be reviewed by competing design firms, a third party should do the cost estimates. Mr. Isenberg cautioned that OCA may not be willing to look at a fourth proposal. A lot of time has already been expended. Mr. Ungermann noted that OCA's rules for court facilities state that we need to do whatever is practical and feasible. He feels public support is behind the utilization of the former Belmont school and a court facilities project that will cost half as much as some other proposals.

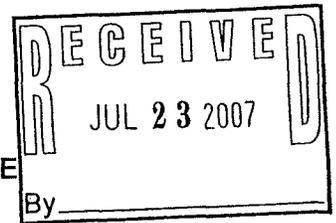
The consensus of the committee was that Clark Patterson's review of Mr. Ungermann's adjusted proposal would be considered.

**Next Meeting:** Tuesday, July 17, 2007 at 3:00 p.m. It was noted that the court facilities plan work accomplished to date by LaBella Associates has exhausted funds paid to them. A proposal for additional funds will be submitted at the next meeting.

**Adjournment:** The meeting was adjourned at 5:30 p.m.

Respectfully submitted,  
Adele Finnemore, Journal Clerk

**NOT  
APPROVED**



**COURT FACILITIES & COUNTY SPACE NEEDS COMMITTEE  
July 17, 2007**

**Members Present:** W. Hall, G. Benson, T. Hopkins, M. McCormick, D. Pullen, C. Crandall  
(Absent: T. O'Grady)

**Others Present:** Judge T. Brown, W. Dibble, A. Finnemore, C. Gowiski, A. Isenberg (OCA),  
M. Kukuvka (LaBella), J. Margeson, T. Parker, B. Riehle, M. Tayrien (LaBella),  
N. Ungermann; **Media:** P. Jannace, Wellsville Daily Reporter

**Call to Order:** Committee Chairman William Hall called the meeting to order at 3:00 p.m.

**Approval of Minutes:** The minutes of June 12, 2007 were approved following a motion made  
by Benson, seconded by Pullen and carried.

**COURT FACILITIES PROPOSALS – LABELLA REPORT ON ADDITIONAL RENOVATION  
AND SPACE USE INFORMATION REQUESTED:**

Mark Tayrien, from LaBella Associates, reported on the additional information requested at the last meeting on cost ramifications of space renovation and use of vacated space relative to "Option 1" (New Courthouse) and "Option 2" (Courthouse Addition). This information was needed to allow a more equal comparison between these options and "Option 3" (Courthouse Renovation), which had already addressed these issues. Printed materials presented to illustrate all three scenarios (attached to original minutes) included: color-coded floor plans, chart to clarify floor plans which includes current configuration and occupancies for each option, and a comparative cost analysis spreadsheet. Mr. Tayrien noted that allocated spaces on the floor plans, in most instances, gave relocated departments some additional space (10-15 percent more), but not as much as was called for in the 2002 space needs study. Unassigned areas are indicated on the floor plans, as they only assigned obvious uses, but cost estimates include renovation of all spaces.

**COURTHOUSE RENOVATION OPTION:**

**Entire Courthouse** allocated to Court use; **County Office Building (COB) Third Floor (Former Jail)** – County Clerk, DMV, Real Property Tax (RPT), County Treasurer, Information Technology (IT); **COB Second Floor** – only changes are DSS Accounting moving to new DSS building and District Attorney moving to First Floor (both spaces remain unassigned); **COB First Floor** – Courts, District Attorney, Probation; **COB Ground Floor** – changed very little (Public Defender stays in former Sheriff offices, and Courts retain use of Room 8, former jail kitchen, etc. currently being renovated for them); **New Building** to house Department of Social Services (DSS).

**COURTHOUSE ADDITION OPTION:**

**Courthouse Addition and Courthouse Second Floor** – Courts; **COB Third Floor** – County Attorney, County Admin., Clerk of the Board, Legislative Chambers, Unassigned (the former rec area is left open in this option, whereas it is covered and filled in the Renovation Option); **COB Second Floor** – DSS has entire floor; **COB First Floor** – DSS has entire floor (in both the New and Addition scenarios, DSS stays on-site and gets two floors), **Courthouse First Floor** – very little change – County Clerk, DMV, County Treasurer (Surrogates Court moving to Addition, which gives additional space to DMV and Treasurer); **COB Ground Floor** – Health, Veterans' Services, Human Resources, Office for the Aging (Courts do not retain use of Room 8, former jail kitchen, etc. that are being renovated for them, and Public Defender moves to Addition); **Courthouse Ground Floor** – Support Collection, Board of Elections, RPT, IT, County

Clerk/DMV Storage (Probation moves to Addition); **Land Acquisition and Paving** – parking spaces lost due to Addition; **New Maintenance Building** – lost due to Addition; **New Dept. of Public Works (DPW) Administration Building** near Friendship Shop.

#### **NEW COURTHOUSE OPTION:**

**New Courthouse Facility** – Courts and related offices; **COB Third Floor** – Probation, Support Collection, Unassigned (the former rec area is not built out); **COB Second Floor** – DSS; **Courthouse Second Floor** – Clerk of the Board, Legislative Chambers, County Admin., County Attorney; **COB First Floor** – DSS; **Courthouse First Floor** – County Clerk, DMV, County Treasurer (Surrogates Court moving to New Building, which gives additional space to DMV and Treasurer); **COB Ground Floor** – Health, Veterans' Services, Human Resources, Office for the Aging (Courts do not retain use of Room 8, former jail kitchen, etc. that are being renovated for them, and Public Defender moves to New Building); **Courthouse Ground Floor** – Board of Elections, RPT, IT, County Clerk/DMV Storage, Unassigned; **New DPW Administration Building** near Friendship Shop.

#### **COMMENTS AND QUESTIONS:**

Mr. Crandall questioned if the plans are still able to be modified for space needs, security issues, and need for adjacencies. Mr. Tayrien responded that there is room for refinement and improvements. Space needs and adjacencies were taken into account, and although there are some unassigned spaces, estimates include dealing with them.

Mr. Hall expressed concern with loss of parking and access to facilities in the Addition option. Mr. Tayrien noted there is no change in the parking issue from prior discussions. They included estimates for parking in the Addition scenario, as well as for replacement of the Maintenance Building, but didn't revisit the parking issue in the Renovation scenario (DSS will be moving to a different building). All of these proposals are hybrids to the 2002 space needs project, although space allocations do not meet the program established in that study. Judgments had to be made on where space was available and what to put where, while trying to keep comparisons as equal as possible.

#### **COMPARATIVE ANALYSIS INCLUDING COST ESTIMATES:**

Mr. Tayrien pointed out the trend across the three scenarios in the progression of space provided for the Courts: the Renovation option provides the least space, the Addition option provides an intermediate level, and the New Building option provides the most space. It was also noted that the New Building proposal was never talked through with the OCA architects relative to what is absolutely necessary, so it is possible that option could be pared down. Everything was included in the proposal, and it was anticipated that at some point they would meet with OCA to scale back unnecessary areas; that process never took place. The other two scenarios came in with not as "grand" a program, having already considered unnecessary spaces.

**RENOVATION** – \$12,375,516 includes new space, minor and major renovations, and 15 percent contingency (other revisions will be required to meet OCA approval; doesn't have same level of certainty as other options); plus \$8,079,165 for new DSS building; total of \$20,454,681.

**ADDITION** – \$22,677,859 includes Addition and renovations to both buildings; plus \$450,000 for land acquisition and paving for new parking spaces; plus \$444,000 to replace Maintenance Building; plus \$675,000 for DPW Administration building in Friendship; total of \$24,246,859.

NEW COURTHOUSE – \$25,354,791; plus \$675,000 for DPW Administration building in Friendship; total of \$26,029,791.

**COMMENTS AND QUESTIONS:**

Mr. Hopkins asked if reducing the size of the New Courthouse by eliminating some of the unnecessary areas would reduce the cost significantly. Mr. Kukulka responded it would. They've tried to keep all scenarios equal, but one of the variables is Court square footage. The New Courthouse option includes 12,000 additional square feet; if that could be pared down, it would reduce the cost, but not enough to close a \$6 million gap. Mr. Tayrien estimated the New Building option will remain more expensive than the Addition option. Mr. Kukulka clarified that these illustrations and estimates are at a macro level and are certainly not at the level of bid documents; they are only a schematic exercise to illustrate the options. When into the actual design phase of a chosen scenario, more accurate estimates can be established, but this will be pretty close. Within a few percentage points, this is the order of magnitude they are in and will probably stay in.

Mr. Isenberg noted there is some room to cut back on square footage in the New Building option, but he is unsure what and where. He also pointed out that with a new building, it is not possible to build one courtroom that is non-compliant with the Americans with Disabilities Act (ADA) because all would have to be compliant according to NYS building code. In a renovation situation, one courtroom could be non-compliant as long as the others comply.

Mr. Crandall asked about long range plans in relation to the Court system. The Renovation plan completely takes over the existing Courthouse. If that scenario is chosen and the County spends \$20 million on the project, what can be done later on if we discover a need for expansion? Does that plan just get us over the line for required space? Mr. Kukulka replied that it is tight. The length of time this solution will be adequate and the needs in the future are tough to predict. Mr. Isenberg stated he thinks we can work through this Renovation scenario, although it is the tightest and there may be risk down the road. It leaves no room for any type of future growth and flexibility, but OCA has indicated a willingness to work through that. Mr. Kukulka noted that one long term option for more space could be an addition or annex. Mr. Tayrien noted the risk of needing to do something more in the future is greater with the Renovation option than the others, but it could go 15 years with no problem.

Mr. McCormick stated that the \$8 million for the new DSS building in the Renovation option seems high. Mr. Tayrien responded that the new building allocates space for DSS at 142 percent of current space (per 2002 space needs study), and estimates are escalated to 2009 costs.

Mr. Isenberg asked about phasing costs. Mr. Kukulka stated that this is one of the beauties of the Renovation option: there is little or no overlap in the phases. After the DSS building goes up, people are moved out, remodel vacated space, others are moved, etc.; the plan doesn't require building swing space. Mr. Isenberg noted there will be some swing space needed for some of the Court activities to move to temporary space and then back up. LaBella is anticipating that some of the renovations are minor in nature, but the main Courthouse will be fairly major.

Mr. Hopkins pointed out that if the space included in the New Courthouse option could be pared down to the same as in the Addition option, that project becomes cheaper than the Addition, not figuring in land acquisition. The problem is that there is no location within the village, and a public referendum is required if the Court Facilities are moved outside the village. Mr. Kukulka noted that as the committee considers the options, they might be able hone down the cost of the New Courthouse option by \$2 million, but it would have to be done in conjunction

with OCA and NYS building code. Mr. Tayrien noted that he didn't want to "oversell" the concept of reducing the size of the New Courthouse too much, because to drop it down to the size of the Addition option and take out over \$2 million in cost, they would have to cut 6,000 square feet, or 10 percent. He is reluctant to believe that can be done, even in conjunction with OCA, because they would probably have to pull out an entire courtroom or the equivalent.

Mr. Pullen noted that when considering between a New Courthouse or new DSS building as included with the Renovation option, a new DSS building could be built next to the Public Safety Facility more easily, as there is no referendum requirement. Parking would not be an issue, and Mr. Kukuvka felt the sewer capacity there is adequate for the addition of an office building.

Mr. Crandall questioned if the Addition option gives plenty of space if considered from the Courts' point of view. Mr. Kukuvka stated it is much closer to and more compliant in satisfying their requirements than the Renovation option. With the Addition option, we are able to salvage the existing courtroom, even though ADA non-compliant, because we're also building a new one which is ADA compliant, and we are still providing just about the full program.

Mr. Kukuvka noted that in all three options, the Courthouse will be handicapped accessible.

Mr. Crandall pointed out that the Renovation option puts some of the departments with higher public traffic volume in one of the worst positions in the building (COB Third Floor). Mr. Kukuvka responded that some of the options have better adjacencies than others, but some trade-offs may be possible. In making decisions about what to move where, departments with security related issues should be located toward bottom floors and those with more "friendly" pedestrian traffic can go on upper floors.

Mr. Pullen noted the major difficulty with the New Courthouse option is having to find a location within the village. Also, given that it looks like the most expensive option and the issue of the need for a referendum, it looks like that option may be dead in the water. Mr. Crandall stated that if it was the least expensive, it would be worth looking at taking it to a referendum.

Mr. McCormick mentioned the other option, Norman Ungermann's adjusted proposal, which he feels has merit. Clark Patterson Associates (CPA) is willing to present the plan to OCA architects in Manhattan for \$1,000. All of the estimates considered today are high, and although the Ungermann plan has some elements of fracture, it could be explored further. Mr. Benson felt we'd be money ahead to spend money on the Ungermann plan to see if it will "fly" or put it to rest. OCA has indicated they are not supportive, but some legislators on this committee would like to see it considered. Mr. Crandall noted that at the last meeting, it was decided that the committee was not interested in pursuing the Ungermann plan any further, but if individuals wanted to, they could go ahead. He was approached to see if a contact could be made with OCA Court Facilities architects in Manhattan to look at the plan. County Administrator John Margeson made the contact and OCA is willing to have an architect meet with CPA to look more closely at the Ungermann proposal. Mr. Margeson will coordinate the meeting, which they have requested to be scheduled within the next two weeks.

Mr. Hall stated the committee needs to keep moving forward, and asked whether there was support for having the Ungermann proposal reviewed by the OCA architects. He'd like to have information from that review by the next meeting to allow a decision to be made to move something on to the full legislature. Mr. Hopkins pointed out that it needs to be completed fairly soon, because a third party will need to look at figures on all options in order to give them all equal footing.

Mr. Hall asked the committee if they'd like to make a decision on one or more options to refer to the full board, and if the Ungermann proposal becomes a viable option it can be considered at that point, or take everything to the full board to discuss there. Mr. Kukulka suggested committee members take some time to study all the information and decide whether to reconvene one more time, or maybe have LaBella do a simplified presentation for the full board.

Mr. Crandall felt that if the New Courthouse option is taken out of the mix, there's room for different direction on the other two. Mr. Hopkins agreed with prior statements that location for a New Courthouse will be a problem, and even if scaled down, it still won't be equal. It's hard to advocate the New Building option as it will be very hard to put through a vote and is the most costly. He'd like to see the remaining two options advanced to the full Board. Mr. Pullen's preference is the Addition option. The Renovation option is tight for space, and if we have to come back and add on in ten years, considering the increased construction costs at that time and continuing payments on this project, the total resulting costs would be much more. The Addition option is a more complete solution, and even that may be able to be pared back. Mr. McCormick also felt we should step away from the New Courthouse option. The other two options both have merits, and would like to see them and the Ungermann option on the table at the next meeting, and from there we could make a recommendation.

The meeting between CPA and OCA architects will take place within the next two weeks, so information could be ready by the next committee meeting. Mr. Hopkins noted that time still has to be allowed for a third party to look at cost estimates so all options will be compared in the same light. If the next committee meeting is held on August 14, it gives more time before the August 27 Board meeting for the third party comparison.

***A motion was made by Pullen, seconded by Benson and carried to hold the next Committee meeting on August 14, 2007 at 3:00 p.m. LaBella representatives were requested to attend.***

Mr. Pullen questioned if the Clark Patterson Associates fee of \$1,000 includes travel expense. Mr. Ungermann responded that the \$1,000 is the total cost.

***A motion was made by Benson, seconded by McCormick and carried to authorize travel to Manhattan and expenses for two legislators for the review of Mr. Ungermann's adjusted Court Facilities proposal between Clark Patterson Associates and OCA architects.***

Mr. Pullen requested advice on where to turn for the impartial cost analysis we need. Mr. Kukulka suggested a construction manager, for example Ciminelli Cowper, who has worked with the County on other projects.

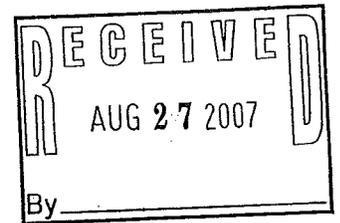
**Next Meeting:** Tuesday, August 14, 2007 at 3:00 p.m.

**Adjournment:** The meeting was adjourned at 4:50 p.m. following a motion made by Pullen, seconded by McCormick and carried.

Respectfully submitted,  
Adele Finnemore, Journal Clerk

**NOT  
APPROVED**

**COURT FACILITIES & COUNTY SPACE NEEDS COMMITTEE  
August 14, 2007**



**Members Present:** W. Hall, G. Benson, T. Hopkins, M. McCormick, T. O'Grady, D. Pullen, C. Crandall

**Others Present:** Judge T. Brown, W. Dibble, Judge J. Euken, D. Fanton, A. Finnemore, A. Isenberg (OCA), M. Kuvvka (LaBella), J. Margeson, T. Parker, B. Reynolds, B. Riehle, M. Tayrien (LaBella), N. Ungermann; **Media:** P. Jannace and T. Washer, Wellsville Daily Reporter; K. Doyle, Olean Times Herald

**Call to Order:** Committee Chairman William Hall called the meeting to order at 3:00 p.m.

**Approval of Minutes:** The minutes of July 17, 2007 were approved following a motion made by Hopkins, seconded by Benson and carried.

**REPORT FROM LEGISLATOR PULLEN RE: OUTCOME OF THE TRIP TO NYC:**

Legislators Norman Ungermann and David Pullen attended a meeting in New York City on July 27 with Clark Patterson Associates and Office of Court Administration representatives to review Mr. Ungermann's revised Court Facilities proposal. Board Chairman Curtis Crandall and County Administrator John Margeson took part in the meeting via video link-up. There was a good exchange of ideas, with adequate time for questions, and refinements were explored in an open manner. The session was productive. Mr. Pullen's opinion is that although the original proposal went through some adjustment, the fragmented lay-out is problematic, not so much the distance as the physical transition from one building to the other and within the County Office Building to the top floor. The effects fragmentation (using two floors in the Courthouse and the top floor in the County Office Building) would have on the users were worked through, and it was illustrated that none of the court system movement would be accomplished easily.

Two sub-proposals that were explored:

- The first refinement uses the top floor of the County Office Building and part of the top two floors of the Courthouse. There are problems with space differential, transition, and segregated travel from courtroom to courtroom. Dedicating the breezeway for court traffic would also be a problem because neither the first floor lobby (DSS) nor second floor lobby (Legislative Chambers) is segregated. There would be no way to effectively provide security screening without doing so on a building-wide basis. OCA made it clear that they provide funding for current security, but they would not cover the cost for non-court screening. There would need to be two screening areas. OCA felt this would be a cobbled solution and would probably not be approved.
- The second refinement involves taking the entire County Office Building and dedicating it for court use, eliminating transition and security problems. Areas on the top floor in the courtyard area give adequate ceiling height for courtrooms. There are security issues with placement of pillars in the Legislative Chambers and on the top floor. OCA is not enthusiastic about using office buildings for courts, i.e. esthetics. Mr. Ungermann obtained information on updating the building façade. Although this refinement is more feasible than the first, we still end up with three buildings – the County Office Building to be renovated exclusively for the courts, the Courthouse to be renovated for agencies and offices and requiring installation of elevators, and a third building for displaced agencies. The proposal includes use of the former Belmont School building,

demolishing the older portions and converting the newer portions. All three buildings noted in this refinement were designed for other purposes, and retooling would involve extensive renovation costs, much higher than what the original proposal started out at. In looking for the cheapest alternative for the County, Mr. Pullen doesn't know if this plan is feasible with the unknown costs.

Mr. Pullen noted that OCA indicated there's more to court facilities than square footage; they are concerned with dignity or esthetics, functionality, and cost. However, they emphasized it's the County's job to come up with a proposal. Mr. Pullen's opinion is that we will go with the cheaper, more viable option, considering functionality, operating costs, and security issues with traffic, and would consider esthetics only if all other issues are equal. He appreciated the openness at the meeting, and made it clear that cost is the issue with us. Mr. Pullen noted that debt service doesn't get factored into the County's taxing limit, so we will have to deal with it. He wants the best proposal we can develop and if in the end OCA says everything else meets the standards but the esthetics don't, he'll say they have to deal with that.

Legislator Ungermann reported his impressions of the meeting. His proposal started out with two plans, and a third evolved including moving offices to the former Belmont School building. During the review process, OCA was concerned with having two places for security screening, but they figured out a way to eliminate one. There was also a concern with travel and traffic patterns between the different floors. They went through the drawings extensively and one thing discussed was the use of the former recreation area and the hall around it. An alternative was suggested that OCA admitted would be more efficient. OCA inquired if design work was authorized yet, which it hasn't. They were also concerned with the esthetics of the building and repeatedly came back to that; they don't like to use former office buildings. Mr. Ungermann had someone draw up a conceptual drawing to change the outside of the building to make it more attractive. We need to be concerned with what we can afford to spend. The debt repayment for the jail is eight percent of the Budget. Mr. Ungermann had the Treasurer estimate potential tax rate increases for additional debt repayment for varying levels of costs for court facilities options. There are a total of three proposals, and we need to look at what we can afford. We're wrestling with the budget now. We also need to take into account other departments' space needs. Overall Mr. Ungermann felt the meeting in New York City went well.

Mr. Isenberg stated that OCA is looking for a plan to be submitted, sooner rather than later. There was an exchange in good dialogue at the New York City meeting. The court system has now had the chance to review Mr. Ungermann's plan, but has made it clear they have not changed position; the plan is not being looked at favorably. There was not much detail for the revised option, but concerns voiced by OCA went well beyond image. From past experience of the court system representatives, trying to move courts into an office building setting is very challenging. The likelihood of the court system approving such a plan is minimal based on what was voiced by OCA representatives Mr. Rodman and Mr. Clark at the meeting.

Mr. Hall stated we have to deal with the options available, and one of the things the NYC meeting provides us with is we can look at the proposals with different perspectives. We can consider some of the advantages and ideas from the NYC meeting, such as ways to deal with the use of the former jail, columns, use of space, elevators, and try to integrate these ideas with the courthouse renovation plan. Mr. Kukurka responded that they could certainly look at that. They did a plan that tried to maximize the County Office Building. Prior observations were correct that pillars make it difficult to come up with efficiencies and functionality. The third floor courtyard did allow some freedom with ceiling height, but adjacency became awkward. One floor will not solve the square footage problem. If some ideas could be integrated, it poses more advantages, but there is still a domino effect. We can't just consider the court facilities in a vacuum; solving the County's other space problems has to be taken into account.

Legislator McCormick suggested that since the need for new space seems to be a constant in all the options, maybe we should start with the creation of the new space, decide what to put there – the courts or departments, and then determine how to backfill the vacated spaces.

Legislator O'Grady stated that obviously we have to build something somewhere. His concern is fragmenting County operations with potentially three office campuses. It's not efficient or functional. That led him to consider building something by the new jail. His other concern is how much money we're going to spend on studying different options. We owe it to the taxpayers to turn over every stone, but how much money should we spend doing it. We need to choose a path. We were charged with addressing the court facilities problem, and the other space needs should follow.

Legislator Pullen noted the options available. If we propose building a new court facility near the Public Safety Facility, it would be outside the Village requiring a referendum. Public sentiment at this point indicates a negative vote. Mr. Pullen felt construction could be done for less and there are things that could be explored and done, but OCA will not be patient if we put up a proposal that will be turned down by the voters. If we get hit with the full cost of a new facility all in one year because of state aid intercept resulting from OCA sanctions, we'd be looking at a 20 percent tax increase. So we need to look at what can be done within the County seat. If there was another site within the Village to build a new facility, we'd need to consider efficiency in relation to other agencies. At the last meeting, it was decided that the "hybrid" proposal didn't appear viable as it didn't solve other space issues. Mr. Pullen does not think Mr. Ungermann's proposal would prove to be less expensive and would probably prove to be less functional. It merited the exploration given to it, but concludes it's not the most cost effective option. He is also unsure if the Belmont School would meet the County's needs. Mr. Pullen feels the County should, without question, use the top floor of the County Office Building for something, and in order to satisfy OCA's mandate, LaBella's Courthouse Addition Option is a viable proposal, although he questions the size, and there is a lot of space not back-filled.

Committee Chairman Hall stated he didn't feel the New Courthouse Option is viable, which leaves the Courthouse Addition and Courthouse Renovation as the two remaining options.

Mr. Tayrien noted that none of the options are at the final stage; they are a long way from being finished. There will be rethinking and refinements in any option, but it's unlikely that any refinements will have a large impact on changing the boundaries between options.

Legislator Hopkins' opinion is that renovation or retrofit can be difficult. Although it may not be more expensive, for functionality, the least amount of retrofit is best for the County. His choice is the Courthouse Addition Option.

Legislator Benson felt the only viable plan is the Courthouse Addition Option, and also that the third floor of the County Office Building should be used for office space.

Legislator O'Grady noted that he agreed with Mr. Ungermann's proposal in the beginning, but in the process of exploring options, he is now most comfortable with the Courthouse Addition Option.

Mr. McCormick questioned Mr. Ungermann about OCA's asking if the County authorized the design stage for his proposal. Mr. Ungermann replied that his plan is a long way from finished. In looking at options, there are a lot of things to consider, cost being one, and efficiency. He's not trying to downplay any one thing, but is concerned regarding one of LaBella's plans putting the County Clerk, DMV, and Real Property Tax offices on the third floor

of the County Office Building. There are 35,000 people using the courts each year, and 100,000 people use the offices of County Clerk, DMV, and Real Property Tax. He's concerned about fragmentation of County departments.

Mr. Pullen agreed it would be insanity to put the County Clerk and DMV on the top floor of the County Office Building, but we're just dealing with rough conceptual plans. There is a lot of ground to cover to finalize a plan. At this point, we just need to choose an option.

Mr. O'Grady pointed out that we need to look at the large picture, think "down the road," and not perform just a band-aid solution. Mr. Ungermann agreed on the need to look ahead, but the use of space and how it will function, either in business or government, will be an ongoing issue. There will always be changes and new programs, so we will need to be resilient with whatever we do.

Mr. McCormick asked Mr. Kukupka about the logistics of renovating and moving things around in the various LaBella options discussed at the last meeting. Mr. Kukupka responded that in all of the options, they tried to accomplish moves and backfilling in a sequential manner without the need for swing space, but the renovation scheme requires some swing space for the courts, making that the least straight-forward option.

Mr. Hall stated that any option is going to be expensive, but once we have chosen an option, we can design efficiencies into it.

Mr. Reynolds questioned a previous statement that it is cheaper to build new than to renovate. Mr. Kukupka responded that it depends on function. If going from an office to an office, it would be cheaper to renovate. When getting into a courthouse or jail, either of which is a higher end nature, it's cheaper to build than renovate.

Mr. Hall remarked that in the different options, we're not looking at the same things. Mr. Kukupka noted they did the best they could with the guidance of the committee and OCA on trying to make the options as equal as they could. There are programmatic differences between the schemes; it won't be the same court under the Renovation Option (less space) as under the New Building Option which is closer to a full program. The Addition Option is a hybrid scheme. The challenge is to squeeze as much as possible and still allow flexibility.

Mr. Crandall noted that in this process to come up with a plan there are many variables. We'd like to come up with a good plan that will be looked back on as being favorable. To take a step further, we need to decide on a plan with enough support for the legislature to approve a vote for bonding, or we may have to pay for it through sanctions. With whatever plan we move forward with, there's still refinement to be done and issues to address. It appears we will need some new space because everything is not going to fit into the existing buildings. It seems to be the consensus that adding space onto the back of the Courthouse is the more viable option. As the process moves forward, information presented to the full Board and the public has to be accurate.

***A motion was made by Mr. Pullen, seconded by Mr. Hopkins and carried unanimously, to proceed with the general outline of the plan calling for the Courthouse Addition and renovation as necessary and renovation of the former jail for office space.***

Judge Brown stated that, throughout the court facilities exploration process, he felt he spoke for both Judges in that their needs are simple and they are adaptable. To satisfy them, they need more space, alleviation of their storage problems, and a solution to the current need to hold attorneys' meetings in Judges' Chambers. They have no agenda in the matter and realize it's up to the Legislature on the option to be chosen. They will live with that choice and

be involved in the refinement process. The decision is a difficult one to make and it's a balancing act between the taxpayers' cost concerns and state mandates.

Mr. Hopkins noted, and Mr. Kukuvka concurred, that it would be valuable to have someone from OCA take part in the refinement process. It would also be beneficial to have committee members, Board Chairman Crandall, and County Administrator Margeson involved. Mr. Isenberg will ask if OCA architects can meet more locally with the County's contracted engineers during the refinement process, as it would be beneficial to have them see the facilities.

Mr. Margeson noted that a contract or an extension of the existing agreement will be necessary to proceed with design work, as present contracted hours are exhausted. Mr. Kukuvka noted it will depend on the scope of the next step. An amendment would be adequate if looking at only plan refinement; but a new contract would be necessary if looking at the entire process. Discussion was held on which engineering firm to retain.

#### **EXECUTIVE SESSION:**

A motion was made by Pullen, seconded by O'Grady and carried to enter into an executive session to discuss the potential employment of a particular corporation. Following discussion, a motion was made by Pullen, seconded by O'Grady and carried to close the executive session and return to the regular meeting.

#### **RFP FOR COURT FACILITIES PLAN DESIGN SERVICES:**

***A motion was made by O'Grady, seconded by Hopkins and carried unanimously to authorize the County Administrator to draft a Request for Proposal (RFP) for design services relative to a court facilities plan to submit to the Office of Court Administration (OCA), such RFP to be approved by this committee. Referred to County Administrator.***

#### **PRESENTATION OF THE COMMITTEE'S RECOMMENDATION TO THE FULL BOARD:**

Mr. Hall recommended that a presentation of the committee's decision be given to the full Board, and also that as the plan is modified, people need to be kept updated. A sub-committee is needed to ensure communication with all groups and answer questions.

***A presentation will be scheduled for the Board Meeting on September 10 at 2:00 p.m., to be given by Committee Chairman William Hall. LaBella representatives will be present.***

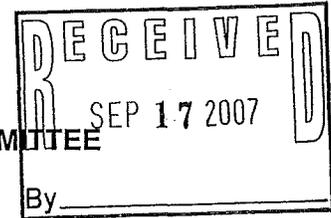
**Next Meeting:** Tuesday, September 11, 2007 at 3:00 p.m.

**Adjournment:** The meeting was adjourned at 5:40 p.m. following a motion made by Pullen, seconded by O'Grady and carried.

Respectfully submitted,  
Adele Finnemore, Journal Clerk

**NOT  
APPROVED**

**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE  
September 10, 2007**



**Members and Other Legislators Present:** Committee Chairman W. Hall, G. Benson, D. Burdick, C. Crandall, W. Dibble, D. Fanton, T. Hopkins, K. Kruger, M. McCormick, T. O'Grady, D. Pullen, B. Reynolds, D. Russo, R. Truax, N. Ungermann

**Others Present:** D. Aumick, L. Ballengee, A. Finnemore, D. Guiney, M. Kukuvka (LaBella Associates), J. Margeson, C. Miller, B. Riehle, T. Ross, E. Ruckle, P. Schmelzer, M. Tayrien (LaBella Associates); **Media:** B. Heineman, Alfred Sun; R. Mangels, WJQZ; T. Washer, Wellsville Daily Reporter

**Call to Order:** 2:15 p.m. by Committee Chairman William Hall.

**COMMITTEE REPORT TO THE LEGISLATURE RE: COURT FACILITIES OPTIONS:**

Committee Chairman William Hall began the presentation with a short summary of the history of the Allegany County Court Facilities issue and the efforts made by the Court Facilities and County Space Needs Committee:

December 2004 – William Clark, Counsel for Capital Planning, Office of Court Administration, addressed the Board of Legislators at the direction of the Capital Review Board regarding the history of the County's non-compliance with a directive to provide a capital plan for provision of adequate facilities for the Courts in Allegany County, which is required by a law passed in 1987 known as the Court Facilities Capital Plan Act. Many of the current legislators were not here in 2004 when Mr. Clark pointed out that the needs of the Courts in Allegany County were not being addressed, and the County needed to start the process for compliance. Some of the reasons for the County Court system inadequacies were listed:

- Administration of the Courts has changed; new specialized problem solving courts with additional staff involvement have been instituted
- Technology needs have changed
- Need for attorney conference rooms
- Need to comply with handicapped access, security, and development of separation of circulation of clients
- Need for quasi judicial staff space

September 2005 – LaBella Associates submitted three separate plans to address the problem:

- Construct a new Courthouse
- Construct an addition on the rear of the existing Courthouse
- Dedicate the entire County Office Building to the Courts

June 2006 – Because there was a change in the County Legislature, Mr. Clark returned to inform the Legislature of the need to comply with the directive of the Capital Review Board. An Ad Hoc Committee was formed, comprised of Curtis Crandall, Patricia Fogarty, William Hall, Timothy O'Grady, and David Pullen. They reviewed the options and met with LaBella Associates representatives for two months.

August 7, 2006 – The Ad Hoc Committee recommended to the Board that we move forward on building a new Courthouse. A number of resolutions were submitted by local communities and the Legislature was asked to look at other options. In September, legislators took part in a tour of the present Court facilities, and some of the inadequacies were pointed out.

October 2006 – At a Committee of the Whole meeting, Legislators requested that alternatives to a new Courthouse be considered.

December 2006 – A new Court Facilities and County Space Needs Committee was formed, comprised of William Hall, Glenn Benson, Theodore Hopkins, Michael McCormick, Timothy O'Grady, David Pullen, and Curtis Crandall.

January 2007 – Legislator Ungermann proposed an alternative space utilization plan.

March 2007 – Key issues of concern were outlined:

- Costs, including displacement costs
- Requirements for circulation and safety
- Public access
- Sufficient space for Courts to hold sessions

Mr. Pullen outlined a revised version of an addition to the back of the Courthouse, which the Committee began reviewing.

July 2007 – Three revised options were presented: Renovation, Addition, and New Building. Since September 2005, a lot has been learned about what goes into compliance – circulation, safety, security, and ways for other affected agencies to function.

#### **OVERVIEW OF THE OPTIONS BY LABELLA ASSOCIATES:**

LaBella Associates representatives Mark Tayrien and Mark Kukuvka were introduced and gave a presentation on the three Court facilities options. (Printed materials are attached to original minutes.)

Mr. Kukuvka noted that the last several months have been spent working on three Court facilities options that are hybrid solutions from the renovation, new building, and addition options proposed a year ago. These programs are not “apples to apples,” but are three different programs. The new building includes all the features OCA would desire, the addition scenario contains less but would be acceptable, and the renovation plan offers the “bare bones” that would be acceptable for compliance. The next step was to take a comprehensive look at displacement of, and effects on, the other departments. The floor plans are not finalized, and details have not been fixed for each solution. The intent was to put together enough information to allow the choice of an option, after which refinement and discussion with OCA are needed.

Of the three scenarios, the renovation and addition options are revised from what was presented a year ago, and the new building is basically the same. Concept plans were developed to demonstrate feasibility, plans were refined with the Committee, updated cost estimates were provided, and plans were included for utilization of vacated or available spaces.

An overview of each option was given (color-coded floor plans are attached to original minutes illustrating where each department will be; it was noted that Emergency Services is included in the plans, but should not be, as they moved to the Public Safety Facility):

- **COURTHOUSE RENOVATION OPTION:**  
**Entire Courthouse** allocated to Court use; **County Office Building (COB) Third Floor (Former Jail)** – County Clerk, DMV, Real Property Tax (RPT), County Treasurer, Information Technology (IT); **COB Second Floor** – only changes are DSS Accounting moving to new DSS building and District Attorney moving to First Floor (both spaces remain unassigned); **COB First Floor** – Courts, District Attorney, Probation; **COB Ground Floor** – changed very little (Public Defender stays in former Sheriff offices, and Courts retain use of Room 8, former jail kitchen, etc. currently being renovated for them); **New Building** to house Department of Social Services (DSS). **Existing OFA building** remains. Total cost of option - \$20,454,681.

- **COURTHOUSE ADDITION OPTION:**

**Courthouse Addition and Courthouse Second Floor** – Courts and related offices; **COB Third Floor** – County Attorney, County Admin., Clerk of the Board, Legislative Chambers, Unassigned (the former rec area is left open in this option, whereas it is covered and filled in the Renovation Option); **COB Second Floor** – DSS has entire floor; **COB First Floor** – DSS has entire floor (in both the New and Addition scenarios, DSS stays on-site and gets two floors), **Courthouse First Floor** – very little change – County Clerk, DMV, County Treasurer (Surrogates Court moving to Addition, which gives additional space to DMV and Treasurer); **COB Ground Floor** – Health, Veterans' Services, Human Resources, Office for the Aging (Courts do not retain use of Room 8, former jail kitchen, etc. that are being renovated for them, and Public Defender moves to Addition); **Courthouse Ground Floor** – Support Collection, Board of Elections, RPT, IT, County Clerk/DMV Storage (Probation moves to Addition); **Land Acquisition and Paving** – parking spaces lost due to Addition; **New Maintenance Building** – lost due to Addition; **New Dept. of Public Works (DPW) Administration Building** near Friendship Shop. **OFA Building demolished**; anticipated use of lot for replacement parking. Total cost of option - \$24,246,859.

- **NEW COURTHOUSE OPTION:**

**New Courthouse Facility** – Courts and related offices; **COB Third Floor** – Probation, Support Collection, Unassigned (the former rec area is not built out); **COB Second Floor** – DSS; **Courthouse Second Floor** – Clerk of the Board, Legislative Chambers, County Admin., County Attorney; **COB First Floor** – DSS; **Courthouse First Floor** – County Clerk, DMV, County Treasurer (Surrogates Court moving to New Building, which gives additional space to DMV and Treasurer); **COB Ground Floor** – Health, Veterans' Services, Human Resources, Office for the Aging (Courts do not retain use of Room 8, former jail kitchen, etc. that are being renovated for them, and Public Defender moves to New Building); **Courthouse Ground Floor** – Board of Elections, RPT, IT, County Clerk/DMV Storage, Unassigned; **New DPW Administration Building** near Friendship Shop. Total cost of option - \$26,029,791.

**COST COMPARISON SUMMARY** (Costs are included in the outline above and a copy of the summary is attached to the original minutes):

Included in the cost comparison are different cost factors for major and minor renovation levels, and costs are adjusted to reflect construction dates and inflation. Costs are inclusive project costs, not just construction costs. Alternate scenarios do not provide comparable space programs. It was noted that the renovation option includes a 15 percent contingency to cover risk for changes and refinements that OCA may require for acceptance, as the plan is very thrifty in space for the Courts.

**COMMENTS AND QUESTIONS:**

Mr. Reynolds questioned the need for a DPW Administration building. Mr. Kuvka responded that in going over Court spaces and vacated spaces, it was suggested that the County was contemplating a new DPW Administration building near the Friendship Shop anyway. That would be up to the County, but there is enough unassigned space in the present floor plans that there would be room for them on campus. Mr. Kuvka noted that this is a comprehensive look at the issue, and is now a Court and County space solution, not just a Court solution. Their intent is to look at it realistically and as completely as possible. Although OCA has not approved any of these solutions, they have been involved in the process. With refinements, any one of these is approvable. OCA is waiting for one option to be submitted.

Mr. Reynolds asked how the proposed Court facilities would compare to the "majesty" of the current Courtroom. Mr. Kuvvka stated that you'll never replicate the old facilities, but certainly a dignity of the Courts will be demanded by OCA as well as the County. There still has to be a level of dignity, at as affordable a cost as possible. Mr. Reynolds questioned the intent of LaBella with the façade of the Addition. Mr. Kuvvka recognized the need to blend facades, but the Addition also should not compete with the present Courthouse. Being located in the back, it can be more modest.

Mr. Truax questioned why the cost of the DSS building is more per square foot than the DPW Administration building. Mr. Kuvvka responded that the DPW building could be a metal utilitarian building and not as expensive.

Mr. Ungermann asked about the \$450,000 to replace lost parking in the Addition option, and where the lot would go. Mr. Tayrien noted that location hasn't been decided on, but the OFA site would most likely be used. \$250,000 is included for paving and \$250,000 for property acquisition. Mr. Ungermann noted the number of parking spaces lost is 80. The County currently pays a portion of paving fees for the American Legion lot in exchange for some County use of the lot. The distance is a factor, and it is important to have parking here on campus.

Mr. Hall pointed out that in the Renovation option, there is no option for growth or expansion, no option for development of new technology, no room for new Courts if mandated in the future, and the cost will increase if OCA wants changes made. The Addition scenario allows some latitude for new development, and a New Courthouse would offer more options.

Mr. Hall noted that on August 14, 2007, the Court Facilities and County Space Needs Committee reviewed the options and also discussed the outcome of a meeting Legislators Pullen and Ungermann had with Clark Patterson Associates and Office of Court Administration representatives. The impact each option would have on the functionality of the County offices was discussed, as was the impact different scenarios would have on the future needs of the County. At that meeting, ***a motion was made by Mr. Pullen, seconded by Mr. Hopkins and carried unanimously, to proceed with the general outline of the plan calling for the Courthouse Addition and renovation as necessary and the renovation of the former jail for office space.*** Mr. Hall feels the Addition option meets the fundamental goals of the project efficiently. He suggested we ask LaBella to look at the Addition as our chosen option, refine the estimates, and see what they can do with OCA.

Mr. Truax asked about the DSS building included in the Renovation option and the possibility of adding Office for the Aging and Health in that building, making a one-stop for services and facilitating the Single Point of Access. This would also free up more space, adding flexibility for future Court expansion. Mr. Tayrien responded that would be possible, but is unsure how much space and cost that would add. Mr. O'Grady noted that for the Single Point of Access, only portions of those departments need to be housed together. Mr. Kruger pointed out that to have those three departments in one location would be more practical for their users. Mr. Hopkins asked if the contingency amount included with the Renovation option would be reduced by moving more departments out to a new building. Mr. Kuvvka noted the contingency is tied to court space. This option is a "bare bones" model, and he is not convinced that when they actually start on the design, that OCA won't want changes. Putting more office space in the DSS building will not lower that contingency.

Mr. Ungermann reminded those present that the law states OCA cannot make us pay for something we can't afford. The per capita income in Allegany County is less than \$15,000, and is below the state average. The average income for a family of four in the County is \$32,000; the average for the state is \$33,000. The value of an average house in the County is \$50,000; for the state it's \$148,000. The County population includes 20,000 over the age of 60, with fixed incomes. Can we afford this project? Following the meeting in Manhattan regarding Mr.

Ungermann's proposal, he felt most of the circulation and security issues were solved, although OCA doesn't like to use former office buildings and they noted line-of-sight problems with columns. Mr. Ungermann felt Clark Patterson should have the same opportunity to present to the full Legislature his proposals to renovate the present facilities, remodel the former jail, and utilize the old Belmont school building. None of the options have been OCA approved yet. The Committee looked at a DSS building within the Renovation option for \$8 million; the original space needs study indicated \$6 million for renovating the old school, and there would be room to move DSS, Health, and OFA there. Mr. Ungermann noted that his presentation was not vetoed by OCA.

Mr. O'Grady noted that his concern is spending \$15 million now for a solution and then down the road a future Legislature will look back and wish we had done it correctly because at that point they will have to add more. Mr. Hall agreed that there would be consequences later if we select one option that doesn't meet all the goals. In developing this project, we need to plan on some future expansion needs and choose a scenario that allows us to respond. That is one reason the Committee did not recommend the Renovation plan.

Mr. Kruger questioned the type of construction envisioned for the Addition, and based on future planning whether it could be added on to, either upward or outward. Mr. Kukupka stated the floor plan is tight against the cliff now and it would be difficult to add upward. His experience with OCA is that for the foreseeable future, this would be adequate. Mr. Kruger noted that the back lot grows narrower as it goes back, and maybe we're going in the wrong direction with it. Mr. Kukupka responded that adding on to the front of the building would be minimizing the historic nature of the Courthouse that people seem to want to retain. Mr. Kruger feels the Addition doesn't lend itself to future expansion. Mr. Hall reminded the Committee that the Judges said they don't need anything "grandiose," but want space that is adequate and efficient. The Addition and the entire complex give us options for reallocation of spaces if other state mandates come down.

Mr. Hall noted that OCA has worked hard over the past three years to give us time to go off on tangents and an opportunity to come up with a plan that is affordable for the County. There may be other sources of funding available. We have to submit a plan and work with the architects to make that plan more realistic. But a decision needs to be made before those other steps can be taken.

Mr. Pullen pointed out that \$15.8 million of the Addition option is for creation of new space and resolving the OCA mandate; the rest, or \$7-8 million, is non-court related and helps to address other County space needs. The New Building option addresses Court needs at a cost of \$19 million, and the Courts would then lose the existing beautiful Court space. No plan, other than the Addition, gives as much flexibility and uses the existing Court space. He would like to see us keep the current Courthouse and put other Court related agencies in an Addition, although we wouldn't have to put them all there, which allows for expansion. There is no perfect solution, and we can't predict what the state will mandate. At this point, of the three current alternatives and the other three in the past, the Addition option is an accommodation that seems to work all the way around. The Committee gave it a good look.

Mr. Truax stated he is not convinced we are gaining that much more with the Addition option to justify the extra \$4 million over the Renovation option.

Mr. Ungermann stated that the cost for the new Jail was \$23.7 million, and repayment accounts for 8 percent of the County Budget. Now we're adding another 8 percent, on top of the 19 percent increase the Budget Committee is already looking at for next year. Sixteen percent of the Budget for the next 25 years will be going to pay for the Jail and Courts. How many of our children will stay around to pay for it?

Mr. Fanton asked Mr. Pullen if he felt OCA has the right to intercept the County's state revenue for non-compliance. Mr. Pullen's understanding is that they do, and he knows of twice in the past when that has happened. The County could go bankrupt, or end up with a facility that is less than what we want.

Mr. O'Grady noted that if the DPW Administration building was taken out of the Addition scenario, the cost would be reduced to \$23.5 million. Mr. Hall stated the Addition option offers the opportunity to develop safe circulation patterns, security, and efficiencies, and can be refined to a much more realistic figure, probably much less than the estimate. With the Renovation option, we probably won't get away with just the 15 percent contingency. If OCA wants too many changes and revisions, the cost will be more. Mr. Crandall agreed with Mr. O'Grady that we could take the \$675,000 for a DPW building out of the Addition scenario and use the 3,000 square feet of unallocated space. He also questions putting \$444,000 into a Maintenance building. We can narrow down and refine space and find ways to lessen our costs as we move forward. There may be more of a chance to lessen costs with the Addition, because OCA is more agreeable with it than with the Renovation, but we're not going to know until we take the next step in refinement with OCA.

Mr. O'Grady pointed out that the Addition option gives more square feet, even considering the DSS building in the Renovation option. Mr. Hopkins noted that renovations are generally less efficient and cost more, and he didn't like the idea of moving DMV to the third floor as proposed in the Renovation option.

Mr. Reynolds asked about the likelihood for OCA approval of the Renovation option. Mr. Kukurvka felt OCA is borderline comfortable with it, and realizes it needs another level of refinement. There's no question that space is squeezed with no room for growth. If there are new mandates for additional Court needs, the County would be unable to respond, and OCA won't accept segmented Court space. Mr. Tayrien noted that OCA has expressed a willingness to work with the County on it, but gave no detailed evaluation. Mr. Reynolds acknowledged the Renovation option price could go up, and there is less chance for approval than with the Addition option.

Mr. Ungermann suggested the County submit the cheapest option available, or renovation of the 16,000 square feet in the former jail for the Courts. If OCA can't accept that, then move to the next expensive option.

County Administrator John Margeson advised that the Committee will want a sense from the full Legislature on how to go forward; then it will be up to the County for the next steps of retaining an architect and engineer to flesh out a proposal. A majority vote is needed. Mr. Hall suggested that Legislators should be given two weeks to review the information.

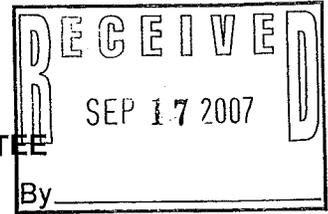
**Next Regular Meeting:** Tuesday, September 11, 2007, 3:00 p.m.

**Adjournment:** Following a motion made by O'Grady, seconded by Pullen and carried, the meeting was adjourned at 3:50 p.m.

Respectfully submitted,  
Adele Finnemore, Journal Clerk

**NOT  
APPROVED**

**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE  
September 11, 2007**



**Members Present:** Committee Chairman W. Hall, G. Benson, C. Crandall, T. Hopkins,  
M. McCormick, T. O'Grady, D. Pullen

**Others Present:** W. Dibble, D. Fanton, A. Finnemore, J. Margeson, B. Riehle, N. Ungermann;  
**Media:** T. Washer, Wellsville Daily Reporter

**Call to Order:** 3:00 p.m. by Committee Chairman William Hall.

**Approval of Minutes of 08/14/07:** Motion by Pullen, seconded by McCormick and carried.

**BOARD OF LEGISLATORS PRESENTATION AND DISCUSSION REVIEW:**

A presentation of Court facilities options and discussion with members of the County Legislature took place following the September 10 Board meeting. Comments relative to that discussion, and what the Committee's recommendation was, follow:

Mr. McCormick stated that although he supports the Courthouse Addition option, and a lot of good ideas were represented at the September 10 meeting, no option is 100 percent correct, and the cost concerns him. He doesn't see how we can afford those numbers. Mr. Hall responded that the Committee only voted to support moving ahead on the Addition option. There will still be an opportunity to look at it in detail and see where we can cut costs. Some suggestions were made yesterday. The County can't afford certain things, and we may still need to look at another building off campus. We need to look at the suggestions made yesterday and may need to direct the engineers to consider less space or better utilization of a building off campus or ways to decrease costs. There will be more decisions to make when it comes to cutting costs and finding out what will be lost, but first we need to make a decision on where to go and contact OCA. We'll need support from them to find an affordable way to accomplish this and talk to others with access to funding across the state.

Mr. Crandall agreed on the concern with costs. A while back, the County Administrator put together a rough outline on repayment costs for borrowing \$10 million over different periods of time. We need to update that to illustrate the effects the costs will have on our Budget. Mr. Margeson has begun working on that outline which should be complete in one week.

Mr. Ungermann noted that he had previously asked County Treasurer Terri Ross to figure costs for borrowing \$7, \$14, \$21, and \$24 million, and how the different levels would affect the Budget. Seven million would add two percent to the Budget for a ten year period, and \$24 million would add eight percent to the Budget for a 25 year period.

Mr. Hopkins stated we have to move ahead. There will be no sound figures until we do, and we can only speculate. After an option is chosen, we can get details and sound figures; then we can look at how the Budget will be affected.

Mr. McCormick mentioned Mr. Ungermann's proposal for renovation of the former jail and that we have heard differing opinions from Mr. Pullen and Mr. Ungermann on the OCA's architect's review. LaBella has had a chance to explain the other options. Mr. McCormick suggested that maybe the Committee would like to have Clark Patterson do a presentation on Mr. Ungermann's plan. Mr. Hall commented that the plan is not even as detailed as the other plans, and more money would be required to see how the plan would affect the rest of the facility. Do we want to spend money when there are already issues with the columns, circulation, and security?

Mr. Crandall noted that Mr. Ungermann's plan is basically similar to the Renovation plan. It uses a certain amount of floor space, whether all in the Courthouse, or some there and some in the County Office Building, you'd still be utilizing existing floor space for Courts and then coming up with space off campus to take up the slack.

Mr. O'Grady referred to a comment made by Mr. Ungermann about starting with the least expensive plan to see if it would be approvable and then moving up to the next. Mr. O'Grady took it from another angle and suggested that if the Addition is what we want, take it forward and then trim it back and cut some options to get to what we can afford. Mr. Fanton noted one area that could be cut back to make the Addition a little smaller is the amount of space involved with the atrium. Mr. O'Grady didn't think we need 48,000 square feet of space in the Addition, but until we pursue it further, we won't know that.

Mr. Pullen agreed with the idea of a smaller atrium between the two buildings, but some space is needed there. In the rest of the Addition, there is a lot of extra space. At one point, District Attorney Terrence Parker was looking at 31-33,000 square feet of space instead of the 48,000 square feet proposed. If we took out 15,000 square feet at \$300 per square foot, the cost would be reduced by \$4 million. We have to decide what's reasonable and doable, but also consider what OCA will approve. Before we squeeze the plan too far, we need to choose our direction. Mr. Ungermann has done valuable research. If considering the question of further pursuing what Norm suggested, Mr. Pullen's fear is OCA sanction. He knows of two communities that have been sanctioned for non-compliance: Onondaga County and the City of Newburg. There would be a 90 day period after an order was issued before the intercept kicked in. If we submit a plan and it's turned down and we have nothing to fall back on, we'd have no more than 90 days to have an approvable plan in place. We've gone through this process for one and one-half years; do we want to have to accept something we're not happy with just to hurry something through at the last minute if what we submit doesn't pass OCA approval? We don't have that option. We have one shot at it; if our plan is disapproved, we'll be sanctioned.

Mr. McCormick noted that Mr. Kruger and Mr. O'Grady raised a good point yesterday: this may only be a ten year fix. He suggested that we choose something that will cover us, and then in another decade, a new building may be the solution.

Mr. Hopkins noted that when we hire an engineering firm or architect to draw up the actual design, they have contact with OCA throughout the process, so that when the plan design is done, we will probably know it will be approved.

Mr. Pullen summarized the three plans as he understands them: the New Courthouse would require a referendum and probably not be accepted by the public. If it could be done within the Village, it wouldn't be part of the County campus and then there would be three main facilities creating inefficiencies and expense for maintenance and utilities, although an ease in the parking situation. In looking at what we can do at this point, we can cut square footage, and all of the plans could have been made to work, including Norm's, but some would be marginal and may be inadequate. We don't presently have any Courtrooms that are handicapped accessible for judges. If building new, everything has to be handicapped accessible compliant. If adding on and renovating, our present beautiful Courtroom could be "grandfathered" in, as long as other Courtrooms that are added are compliant. There are down-sides with any plan.

Mr. Hall stated the Committee needs to clarify the issues brought up yesterday, discuss, and then see where we go from here. In two weeks, on September 24, the matter will be brought up to the full Board again. The Committee also needs to move forward with authorizing Request for Proposals (RFP) and the full Board needs to have an opportunity to discuss.

Mr. Crandall stated it was the consensus of the Committee that they wanted the Board to have the information on the options and the Committee's recommendation. Most of the Board

wants to move forward. He agrees there is room for "boiling down" in the Addition scenario, as discussed yesterday, and elbow room that can be taken out.

Mr. McCormick noted that Clark Patterson Associates spent a lot of time and effort on Mr. Ungermann's plan. Mr. McCormick believes that, in fairness to them, and in our best interests, CPA should give a presentation. ***A motion was made by McCormick and seconded by O'Grady to have John Norris, of Clark Patterson Associates give a presentation to the Committee of the Whole regarding Mr. Ungermann's plan prior to moving forward with the Courthouse Addition recommendation.*** Mr. O'Grady commented that the only reason he supported the Addition option is that when the former Belmont school was discussed, most of the legislators were not interested. If we push Norm's plan, we're still faced with housing displaced departments. We'd have to build something or look at the school, and we'd be looking at \$6-8 million for that. He doesn't want to waste anybody's time if it's just in vain. ***A voice vote was taken, and the motion failed.***

#### **REQUEST FOR PROPOSALS:**

Mr. Margeson presented a draft RFP for review and suggested that Committee members take it with them, study it, and write down questions (copy attached to original minutes). The Committee will meet again in two weeks (September 24 following Committee of the Whole), at which time the draft can be discussed and Committee members can propose changes. The RFP doesn't call for a full-blown design, which will eventually be needed. It contracts services to put more flesh on the proposal for the Courthouse Addition, enough so that the end product can be taken to OCA after the Committee has made their changes. The requirements are there. Although LaBella has prepared the conceptual solution, the consultant isn't required to stay lockstep with LaBella's concept, but it is clear that LaBella's work will be available to use or take off from to improve upon. The end product, as the result of the RFP, is a document that can go to OCA with enough detail to allow them to accept or not. The next step would be to hire an architectural firm to get into the actual design process. That would have to be done prior to bidding for any building project.

Mr. Fanton asked if the Addition could be downsized before being presented to OCA. Mr. Hall responded that it could, and the engineers will want to talk with OCA to tell them that what was provided is unacceptable to the Board.

Mr. McCormick asked if the Public Works Committee or Department could provide a better estimate for the Maintenance building (\$444,000) and DPW Administration building (\$675,000) included in the Addition scenario cost estimates. Mr. Fanton responded that Public Works Superintendent David Roeske said if Administration needs to move to Friendship, it would be covered by CHIPS, and the building could be a basic double-wide manufactured one at far less cost than what was estimated.

***A motion was made by O'Grady, seconded by McCormick and carried (Pullen abstained) to reimburse Clark Patterson Associates for expenses up to \$1,000 for the trip to Manhattan to review Mr. Ungermann's plan with OCA architects. Referred to Ways and Means for approval.***

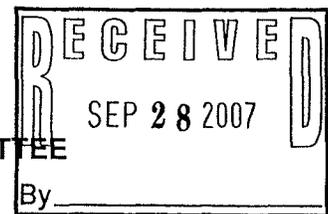
**Next Meeting:** September 24, 2007, after Committee of the Whole.

**Adjournment:** Following a motion made by Pullen, seconded by O'Grady and carried, the meeting was adjourned at 4:20 p.m. Committee members were offered a tour of the former jail.

Respectfully submitted,  
Adele Finnemore, Journal Clerk

**NOT  
APPROVED**

**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE  
September 24, 2007**



**Members and Other Legislators Present:** Committee Chairman W. Hall, G. Benson, D. Burdick, C. Crandall, W. Dibble, D. Fanton, T. Hopkins, K. Kruger, M. McCormick, T. O'Grady, D. Pullen, B. Reynolds, D. Russo, R. Truax, N. Ungermann

**Others Present:** L. Ballengee, A. Finnemore, J. Margeson, B. Riehle, P. Schmelzer, K. Toot;  
**Media:** K. Doyle, Olean Times Herald; T. Washer, Wellsville Daily Reporter

**Call to Order:** 3:20 p.m. by Committee Chairman William Hall

**DISCUSSION WITH THE FULL LEGISLATURE RE: COURT FACILITIES OPTIONS:**

Committee Chairman William Hall noted that at the last meeting with the full Board on September 10, Court Facilities options were summarized, and the Committee reported on their recommendation. Legislators were given time to consider the information. The recommendation of the Committee is to move forward and ask engineers to look at the Courthouse Addition scenario with the intention of looking at reducing costs and also giving consideration to use of space made available by the former jail. At this point, no commitment is being made. We are asking engineers to look at the Courthouse Addition scenario, consider use of space available in the former jail, and come back to the Committee with a more detailed plan and estimate of cost. The Committee voted to move forward, but gave the opportunity for comments prior to engaging the engineers. They can be asked to review available information and make a recommendation of what could go in the former jail and our options in responding to Office of Court Administration (OCA).

Mr. Ungermann read a prepared statement (copy attached to original minutes) addressing the high cost of the Court Facilities project and the inability of several segments of the County's population to afford the corresponding tax increases.

Additional discussion took place on Mr. Ungermann's proposal. Mr. O'Grady stated that the figure of \$7 million to renovate the former jail floor actually ends up being \$20 million for the entire project. Mr. Ungermann responded that he has always stated his proposal includes three projects: \$7 million to renovate the former jail space for the Courts to comply with OCA, \$6 million to utilize the old Belmont school for displaced departments, and \$7 million to renovate existing vacated Courthouse and County Office Building spaces. Everything doesn't have to be done at once, but we can do what we can afford. Mr. O'Grady felt the cost would be even higher, and doubted OCA would approve it. Mr. Ungermann stated the cost for the jail floor renovation could be closer to \$3.2 million if a lot of the work was done by Public Works. He also noted that OCA architects made some changes to his plan and said they could work with it.

Mr. O'Grady felt the estimated \$24 million represented for the Courthouse Addition option is unrealistic, as the addition itself wouldn't have to be so massive. He also stated that he'd hate to see a cobbled Courthouse that will end up costing as much as the Addition proposal. Other space needs have to be addressed in addition to the Court facilities. Mr. O'Grady questioned if the Ways and Means Committee would be willing to authorize money to be spent to investigate two different plans: moving along with the Committee recommendation, and Ungermann's plan running parallel.

subject but is being ignored. He quoted correspondence received from the public with a request to look at all options.

Mr. Hall stated that the Committee has conducted business in the open and invited all legislators to participate. Everyone has been given the opportunity to express their thoughts. Mr. Ungermann brought his ideas, and they were considered, including the opportunity to present them at NYC.

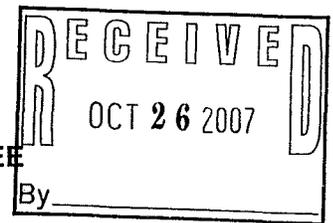
Mr. Reynolds stated he respects Mr. Ungermann's opinion, and although there are two different perspectives on the NYC presentation, we have to move ahead. He does not feel that OCA will approve Norm's plan. Mr. Ungermann pointed out that CPA was not asked to come in with their opinion of the NYC trip. Mr. McCormick reminded the Committee that having CPA come in for a presentation did not receive Committee support. Mr. Ungermann felt the entire Board should have made that decision.

***A motion was made by Hopkins, seconded by O'Grady and carried unanimously to move forward with sending out Requests for Proposals (RFP) in regards to the Courthouse Addition option, including the space in the former jail, which can also be considered for Court space as well as the currently indicated general office use. Mr. Margeson noted that the draft RFP he prepared will have to be re-written to include what was done today. Mr. Hall stated the updated RFP will be reviewed at the next Committee meeting on October 16.***

**Adjournment:** The meeting was adjourned at 4:40 p.m.

Respectfully submitted by  
Adele Finnemore, Journal Clerk

**NOT  
APPROVED**



**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE  
October 16, 2007**

**Members Present:** Committee Chairman W. Hall, G. Benson, T. Hopkins, M. McCormick,  
D. Pullen, C. Crandall

**Others Present:** W. Dibble, A. Finnemore, J. Margeson, C. Miller, B. Riehle, N. Ungermann;  
**Media:** T. Washer, Wellsville Daily Reporter

**Call to Order:** 3:00 p.m. by Committee Chairman William Hall

**Approval of Minutes:**

The minutes of September 11, 2007 were approved following a motion made by McCormick, seconded by Benson and carried.

The minutes of the special meeting on September 10, 2007 were approved following a motion made by Pullen, seconded by Hopkins and carried.

The minutes of the special meeting on September 24, 2007 were approved following a motion made by Pullen, seconded by Hopkins and carried.

**Comments by Carolyn Miller, Chief Clerk, Surrogate & Family Courts:**

Ms. Miller addressed the committee with ideas pertaining to the Court Facilities issue. The Court Facilities Act is a serious mandate, and she's glad to see it taken seriously. There is not enough information. Information gathering should have taken place earlier and has not been completed.

Generally, new construction provides the most for the money. There are unforeseen expenses with renovations which can be hard to predict, resulting in more expense for the taxpayers. Consideration for a new Court Facility building near the new Public Safety Facility on State Route 19 would have required a public referendum due to moving the facilities outside of the village (the County seat). It's too bad there's not enough faith in the voters. The Board could also consider approaching the state to change the County seat from the Village of Belmont to the Town of Amity. We haven't explored all available locations within the village. If the vacant school is so "unrehabable," then demolish it. The parking lot and building site are there.

An addition to the back of the Courthouse has drawbacks. Staff and the public would be required to drive past the foyer, park down the hill, climb up the hill, and enter through the back. The addition is very close to the bank of the river. In addition to the loss of parking, we'd probably have to call over to Friendship for building maintenance. If the committee has not asked maintenance staff for their ideas about options, they should. They are the ones that make it work. We have a capable crew that takes pride in their work, as demonstrated by the beautiful job on the Room 8 renovations. OCA wants a plan with steps. Whatever plan is chosen, indicate as the top step that Room 8 was made available for Support Court. An addition could be extended out in front of the County Office Building or the Courthouse toward the Support Collection Building.

The County should consider using the former jail space for something, but every area used for the Courts needs security. Extra security is more expensive, and the fragmentation is inefficient and not a desirable option. The Legislative Chambers could be moved to the jail floor, freeing up the present space for the Courts and a shared area for meeting space.

More exploration could be done on making use of the entire Courthouse for the Courts. In the Courthouse (Griffith) Plan, public access for County Clerk, DMV, and County Treasurer was a challenge, but they don't have adequate space now. An addition could be built out front as a new area for those offices or whatever the needs indicate, freeing up the area now occupied by them for Court use. We need to consider all space needs and efficiency and develop a long-range plan. Shuffling departments may not be convenient, but it still won't cost \$24 million. The main floor of the Courthouse could be renovated into a Courtroom and Chambers. An elevator would be needed, and could be near the front door, underpass, or back entrance. OCA won't approve any plan unless the process is shown step by step. The best consultants are the staff. Let them offer suggestions. A relatively small addition, multiplied by three stories, supplies a lot of space and flexibility. Court Street may have to be reconfigured, and the Historian's building may have to be sacrificed, but there's an opportunity to work the project into the Budget by steps. We would still have the one central location and proximity. In closing, Ms. Miller relayed the quote, "If we don't change our direction, we might end up where we're headed."

#### **Review of Updated RFP for Courthouse Addition Option Including Former Jail Space:**

At the last meeting, the committee approved moving forward with sending out Requests for Proposals (RFP) in regards to the Courthouse Addition option, including the space in the former jail, which can also be considered for Court space as well as the currently indicated general office use. County Administrator John Margeson had noted that the draft RFP he prepared would have to be re-written to include what was decided on at that meeting. Committee members have had the opportunity to read the revised document.

Mr. Margeson noted that he intentionally crafted the RFP to read as specifically as possible to reflect what the Legislature wanted to also call upon the feasibility of using the former jail for expansion of Court space. He tried to make it specific, but vague and flexible enough so that when someone is hired, we can provide more guidance to achieve what we want.

Dates: Mr. Margeson suggested that if the RFP is approved today, he will release it before this week is over. He would like to give 30 days for return of proposals (November 16 or 23) and suggested that he be allowed to assign dates for acceptance and beginning of work. The committee could convene after receipt of the proposals, at which time the dates will be in place and we'll know how it will proceed.

Advertisement: Mr. Margeson requested direction on how to advertise and asked if any specific firms should receive the RFP. Mr. Pullen noted that the two firms we've had dealings with so far in the process should be directly contacted, and an official notice should appear in the newspaper to announce the RFP and where it can be obtained upon request. Other suggestions of where to send the RFP can be submitted to Mr. Margeson. Mr. Ungermann suggested the "Dodge Report," and it was decided that Mr. Margeson will contact and advertise with them if reasonable. If the cost will be over \$200, he will contact Committee Chairman William Hall for advice.

***The Committee accepted the amended RFP and authorized its issuance with the timetable suggested by Mr. Margeson following a motion made by Pullen, seconded by Hopkins and carried.***

Mr. McCormick commented that Carolyn Miller's proposal represents another hybrid, and although there are no blueprints, the ideas have been formulated over 25 years and made sense. Mr. Hall remarked that the RFP allows for looking at those types of issues.

**NEXT MEETING:** November 27, 2007 at 3:00 p.m.

**Adjournment:** The meeting was adjourned at 3:30 p.m. following a motion made by Pullen, seconded Hopkins and carried.

Respectfully submitted by  
Adele Finnemore, Journal Clerk

NOT  
APPROVED

**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE**

**November 27, 2007**



**Members Present:** Committee Chairman W. Hall, G. Benson, T. Hopkins, M. McCormick, T. O'Grady, D. Pullen, C. Crandall

**Others Present:** R. Christman, W. Dibble, D. Fanton, A. Finnemore, A. Isenberg (OCA), K. Kruger, J. Margeson, B. Riehle, N. Ungermann; **Media:** K. Doyle, Olean Times Herald; B. Quinn, Wellsville Daily Reporter

The meeting was called to order at 3:00 p.m. by Committee Chairman William Hall.

**Approval of Minutes:**

The minutes of October 16, 2007 were approved following a motion made by Hopkins, seconded by Benson and carried.

**Opening of Proposals Received in Response to RFP for Courthouse Addition Design:**

County Administrator John Margeson reported that two proposals were received, one from LaBella Associates and one from Clark Patterson Lee, in response to our Request for Proposals for programming and preliminary design services for the Allegany County Court Facility Addition. The proposals were opened and copies distributed. Committee Chairman William Hall suggested that, given the magnitude of the project, committee members take time to review the proposals and return after the weekend to discuss and make a decision on which one to accept. It was also suggested that it might be appropriate to ask the contractors to come in to respond to questions.

A special meeting will be held on Monday, December 3, at 2:00 p.m. to review and discuss the proposals. Mr. Margeson suggested that if there are questions for the contractors, he can arrange to have them come in within five to seven days, or he can pose the questions and they can answer by letter, dependent on how involved the questions are. Mr. Hall noted that hopefully by the next regular meeting date of December 11, the Committee can make a decision on the contractor and begin working with them. Mr. McCormick voiced concern about being locked into making a decision on December 11. Mr. Hall stated it was something to aim for and reiterated the time constraints.

Mr. Isenberg commented that he can't stress enough the need to accelerate the progress being made with this project. Mr. Clark made his presentation to the Legislature over one year ago. Mr. Isenberg realizes the County is making some progress, but there is a need to keep moving at an expedited pace. The Unified Court System is looking for a Capital Facilities Plan sooner rather than later.

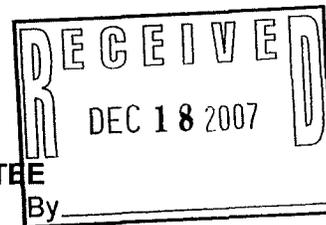
Mr. McCormick noted that part of the Court Facility option included in the RFP includes an addition on the back of the Courthouse and entails taking out the maintenance building. He suggested a tour out back to view the proximity of the river which limits how far we can extend. The Committee agreed to tour the back of the Courthouse after the meeting.

**NEXT MEETING:** Special meeting on Monday, December 3, 2007 at 2:00 p.m.

**Adjournment:** The meeting was adjourned at 3:15 p.m. following a motion made by O'Grady, seconded by McCormick and carried.

Respectfully submitted by  
Adele Finnemore, Journal Clerk

NOT  
APPROVED



**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE**  
**December 10, 2007**

**Members Present:** G. Benson, T. Hopkins, M. McCormick, D. Pullen, C. Crandall  
(Absent: W. Hall, T. O'Grady)

**Others Present:** W. Dibble, D. Fanton, A. Finnemore, L. Gridley, A. Isenberg (OCA), K. Kruger, M. Kukuvka (LaBella), J. Margeson, M. Tayrien (LaBella), N. Ungermann;  
**Media:** K. Doyle, Olean Times Herald; B. Quinn, Wellsville Daily Reporter

**Call to Order:** The meeting was called to order at 3:00 p.m. by Committee Vice Chairman David Pullen.

**Review of LaBella's Courthouse Addition Design Proposal:**

LaBella Associates' proposal for engineering services relative to the design of Court Facilities (addition to Courthouse and renovation of some County offices), received in response to a Request for Proposals, was approved by Resolution No. 256-07 during the Board meeting held just prior to this meeting. Committee members, along with LaBella representatives Mark Kukuvka and Mark Tayrien, began looking at the timeline, steps, and progression of the project.

Mark Kukuvka addressed the timeline issue. From a task standpoint, the first step would be to settle on the program. Tightening up the addition and use of existing County office spaces to be vacated due to the addition can be negotiated. Since the County is still potentially considering two different programs or variations, the first milestone would be acceptance by the OCA of both programs before too much energy is spent with design. LaBella would spend time on site and meeting with department heads to verify the information gathered over the years, and then going to the next level for specifics to prepare a floor plan and program. In the forefront would be discussions with OCA on the program for the addition and refinements to be made to determine the minimum space requirements. Mr. Kukuvka estimates that we should be able to select a program and develop a presentation in document form for OCA after two or three meetings held about three weeks apart.

Board Chairman Curtis Crandall read a letter written December 10, 2007 by William Clark, Counsel for Capital Planning, Office of Court Administration, which he felt should be shared prior to further discussion (copy attached to original minutes). The letter included a summary of items that need to be included with the County's Court Facilities Capital Plan Amendment to be presented at the next meeting of the Capital Review Board, itemized below:

- A description of the project
- Type of project (new construction, renovation, systems work, etc.)
- Size of project (square footage, number of courtrooms, hearing rooms, attorney/client conference rooms, etc.)
- Schedule including significant milestones (RFP date, awarding of bids, bond resolutions, ground breaking, substantial completion, full occupancy date, etc.)
- Method of construction (private developer, public works, local development corporation)
- Project budget
- Method of financing
- Building features (garage/parking, technology features, security features)

Mr. Isenberg was unsure of the date of the next meeting of the Court Facility Capital Review Board. Mr. Pullen noted that it's obvious they are looking for something short term rather than long. The RFP requested the contractor to analyze options and make a recommendation on what could resolve OCA's requirements, and Mr. Pullen asked LaBella representatives for a time frame. Mr. Kukulka estimated that they are looking at two or three more meetings with the Committee. LaBella has a lot of information already. Although the Committee voted on the addition option, his impression is that the Committee wants to tighten it up or scrutinize it further. This will require a back and forth discussion over a couple of hours to sort out what LaBella needs to do to refine a plan to take to OCA. The second variation, or use of the former jail space for the Courts, will require another meeting of a couple of hours. From a data gathering standpoint, they need to have an idea of the County's goals and expectations for that space, look at previous proposals if available, and assemble the information into a viable plan. All of the above will require two meetings or one long, all day meeting. LaBella would then need time to assemble the data and the Committee would want to see the results at a third meeting. Mr. Kukulka estimated that from a program standpoint, they should be ready within 30 days to meet with OCA, although certainly not with all the items listed in the letter.

Dates for meetings and the upcoming holiday season were discussed. It was noted that the RFP stated services were to start the first week in January. Mr. Pullen recommended the following dates: January 2 at 2:30 p.m. after the Board Organization meeting; January 8 at 3:00 p.m. (*the January 8 meeting time was later changed to 10:00 a.m.*); and January 22 at 3:00 p.m.

Mr. Pullen asked Mr. Isenberg what would happen if the amended plan is not available by the date of the next Capital Review Board meeting. Mr. Isenberg responded that he was unsure, but it depends on whether the County has made progress toward plan development. If there was no progress at all, it's possible that sanctions would be recommended at that time. If there is progress, that possibility diminishes. His sense is that the plan being requested by the Unified Court System is something in narrative form as to the direction the County wishes to take and doesn't require detailed drawings yet.

Mr. Tayrien commented that it is important to understand what OCA's requirements are and the most economical way to meet them. These next three meetings will help us accomplish that. He suggested scheduling a meeting with the OCA architects for early in February to indicate our willingness to comply. Mr. Pullen noted the Committee will have to review that.

County Administrator John Margeson was questioned about the timetable for the execution of the actual contract with LaBella Associates. The County Attorney will probably recommend that the County Administrator sign the signature page on LaBella's proposal, which Mr. Kukulka noted was acceptable to LaBella.

Mr. Kukulka asked for direction from the Committee on the renovation of the fourth level (jail) for the Courts option and if there was information available to help them prepare for the January 2 meeting. Mr. Hopkins commented that he thought the renovation of the fourth level for Court use had more or less been nixed. The former jail floor should be utilized to move displaced departments around and address other County space needs. Mr. Hopkins didn't feel the County should proceed with trying to put the Courts there. Mr. McCormick stated that rehab of that floor is part of the plan we're looking at now. It may not be for the Courts, but it will be County space and has to be integrated into the plan. Mr. Kukulka responded that he realizes that space has to be used in some way, but the RFP mentioned Court renovation on that floor as a scenario to consider and wanted to know if the Committee has finalized whether or not LaBella should formally pursue that direction. He also noted that OCA does not care if the

County puts non-Court functions on the fourth level, but that doesn't have to be addressed yet in order to present a plan to OCA.

Mr. Crandall stated that in light of Mr. Clark's letter, it seems foolish to pursue something that is not acceptable to OCA. The Committee was charged to come up with a plan acceptable to OCA. We asked for input and guidance from them as we went along to help us come to a conclusion. Mr. Crandall felt we should not put more effort into that direction. The Committee moved to strike that option. We need to narrow it down to move forward in an acceptable direction instead of wasting resources.

Mr. Pullen commented that when the RFP was developed, the Committee had already identified the addition option to address Court needs and utilization of the former jail floor for other space needs. The Committee directed Mr. Margeson to amend the RFP to include researching what could be available for renovation of the fourth level for Court needs, but we didn't have Mr. Clark's letter then. We were going to give that option one more hard look. The New York City trip resulted in some changes and suggestions to improve the proposal, and there was a question about what other changes might be possible. We're under pressure to move forward, and moving that option off the agenda would expedite the process, but Mr. Pullen questioned if we are ready to do that yet. The Committee has not heard what LaBella thinks can be done with that space for Court use, and we would be remiss not to take a look at that. Mr. Kukulka asked if they could have access to any conceptual documentation the County already has in order to save time. Mr. Pullen noted we have that and information from NYC.

Mr. Kruger referred to Mr. Clark's letter and stated that part of the problem that causes him to say forget Mr. Ungermann's proposal is that the Board is divided on the issue. Mr. Clark is vague in writing that for a "variety of reasons" the proposal does not provide a suitable solution. Security is already in place on the ground floor, and existing security on the fourth level was left in place for that purpose. Is this a waste of time and taxpayer money?

Mr. Hopkins asked if LaBella could look at the conceptual idea of Court use of the former jail floor in time for the January 2 meeting. Mr. Kukulka responded it was possible, but requested existing information to assist them in putting a scenario together for plausibility. Mr. Fanton questioned Mr. Isenberg on how OCA makes its decisions - on a divided Board, or on structural feasibility. Mr. Isenberg stated that OCA was not taking a perspective of the divided status of the Board. At the August meeting in New York City, OCA officials indicated that the jail option was not workable, even after that meeting concluded. We stand here today at the juncture of deciding which direction the County wants to go in. Mr. Isenberg reminded the Committee it is not his job to tell the County whether or not to look at the jail. If the County decides to move forward with that option for the Courts and thinks they can persuade OCA personnel that it should be acceptable, it's up to the County to pursue it, but he thinks, based on Mr. Clark's letter, it's not a likely scenario.

***A motion was made by Hopkins and seconded by Benson that the Committee no longer consider use of the former jail floor for addressing Court needs, but utilize it for other County space needs.***

Mr. McCormick felt that the elevator shaft and other existing assets could help us, and we should ask LaBella to look at that as part of the whole plan. Mr. Ungermann commented that he will talk with Clark Patterson Lee regarding the conceptual information, and if nothing more, LaBella can look at that and it will save a lot of time. The proposal met all the square footage requirements, and OCA's problems with it centered on image and fragmentation. A lot of time has been spent on it. Mr.

Ungermann stated he wants the County to get a plan to OCA that is acceptable to them and affordable to us. The main thing is affordability. Recent correspondence from the State Comptroller notified the County that we are at 90 percent of our taxing limit. Mr. Crandall supported Mr. Hopkin's motion based on Mr. Clark's letter, which couldn't be much clearer. We absolutely have to use that jail space, but it does not address Court circulation issues we have in the old spaces. There is no sense in moving forward with a plan that won't be acceptable.

***The motion was approved following a voice vote (opposed: McCormick).***

**NEXT MEETINGS:**

January 2 at 2:30 p.m. (after Board Organization Meeting)

January 8 at 10:00 a.m. (*time was changed from 3:00 p.m. to 10:00 a.m. subsequent to the meeting and confirmation with other parties*)

January 22 at 3:00 p.m.

**Adjournment:** The meeting was adjourned at 4:15 p.m. following a motion made by McCormick, seconded by Benson and carried.

Respectfully submitted by  
Adele Finnemore, Journal Clerk

NOT  
APPROVED



**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE**  
December 3, 2007

**Members Present:** Committee Chairman W. Hall, G. Benson, T. Hopkins, M. McCormick, T. O'Grady, D. Pullen, C. Crandall

**Others Present:** D. Fanton, A. Finnemore, A. Isenberg (OCA), K. Kruger, J. Margeson, B. Riehle, N. Ungermann; **Media:** B. Quinn, Wellsville Daily Reporter

**Call to Order:** 2:00 p.m. by Committee Chairman William Hall.

**Review of Courthouse Addition Design Proposals:**

Proposals for Programming and Preliminary Design Services for the Court Facility Addition received from LaBella Associates and Clark Patterson Lee were reviewed by Committee members prior to the meeting.

**Executive Session:**

A motion was made by O'Grady, seconded by Pullen and carried to enter into executive session to discuss matters leading to the employment of a particular corporation. Following discussion, a motion was made by Pullen, seconded by Hopkins and carried to end the executive session and return to the regular portion of the meeting.

*A motion was made by Pullen, seconded by Benson and approved on a unanimous roll call vote to accept LaBella Associates' proposal for Programming and Preliminary Design Services for the Allegany County Court Facility Addition. (Prior to the vote, a motion was made by Pullen, seconded by Hopkins and carried to allow Mr. McCormick to abstain from voting.) A motion was made by Pullen, seconded by Hopkins and carried to refer this request to the County Attorney to pre-file the resolution for consideration at the December 10 Board meeting.*

**Prepare Resolution for 12/10 Board Meeting.**

Comment was offered by Mr. McCormick in reference to a Wellsville Town Council resolution imploring the Committee to fully and vigorously explore all other options to any new Courthouse construction: the Committee has fully and vigorously explored all options.

Chairman Crandall requested that County Administrator John Margeson make arrangements to have representation from LaBella Associates present at the December 10 Board meeting to answer questions regarding their proposal.

**NEXT MEETING:** December 10, 2007 at 3:00 p.m. (or as soon as the Board meeting is over) to begin meeting with LaBella Associates in developing a concept of the project.

**Adjournment:** The meeting was adjourned at 3:05 p.m. following a motion made by O'Grady, seconded by McCormick and carried.

Respectfully submitted by  
Adele Finnemore, Journal Clerk