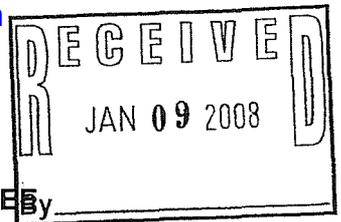


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COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE
JANUARY 8, 2008

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

Others Present: R. Christman, A. Finnemore, A. Isenberg (OCA), K. Kruger, M. Kukuvka
(LaBella), J. Margeson, T. Parker, B. Riehle, N. Ungermann

Call to Order: The meeting was called to order at 10:00 a.m. by Committee Chairman David Pullen.

Approval of Minutes:

The minutes of November 27, 2007 were approved following a motion made by Hall, seconded by O'Grady and carried.

The minutes of December 3, 2007 were approved following a motion made by Hopkins, seconded by O'Grady and carried.

The minutes of December 10, 2007 were approved following a motion made by Benson, seconded by Hall and carried.

Discussion and Update by LaBella Associates on Refinement of Court Facilities Project:

Mark Kukuvka, from LaBella Associates, updated the Committee on the work accomplished at a very productive meeting held in Buffalo on December 21 with representatives from the Office of Court Administration. Those present took a hard look at the current program and tried to "crunch" the plan to bring it more in line with County needs. In addition to LaBella Associates, the Board Chairman, and County Administrator, two Allegany County Judges were present (either in person or by teleconference), as well as Andrew Isenberg from OCA and an OCA architect from New York City. Mr. Kukuvka distributed handouts which summarized modifications made to the Court Facilities Project plan (attached to original minutes), and reviewed working copies of floor plan drawings which were marked up to illustrate the changes.

Ground Floor Plan Modifications:

- a. Maintain existing Courthouse entrance as main entry point.
- b. At ground level, provide a handicap entrance including a ramp and/or elevator access, probably located off to the side. Handicapped access could possibly be done on an intercom basis, which is most economical, but requires an escort by a security officer. A lift or one-story elevator to the security office and not requiring the intercom would be ideal. Need to consider pros and cons and see what's in compliance with ADA requirements. Keep as user-friendly as possible.
- c. By maintaining the main entrance and performing security screening there, the connection between the proposed addition and the Courthouse can be reduced (security office reduced from 266 to 150 sq. ft.). Need to add a locker room, possibly in the rest room area.
- d. Eliminate temporary holding room in the security office; can use one of the holding cells.

- e. Eliminate one staff elevator. Provide one secure elevator that allows staff access and inmate access separately. Accomplish through door control technology (swipe cards will lock out access by other categories of users).

Main Floor Plan Modifications:

- a. Keep main entrance as monumental Courthouse entrance. Screening would take place upon entry. Keep the main staircase in the Courthouse; previous plan locked out the stairway except for exit only; now wide open because screening is done at entrance.
- b. Consider reworking the existing Treasurer's Office area into the building security area, including all public screening at one station. Saves square footage by screening entire building. OCA may require at least a podium on the upper floor for security. Screen everybody for all three levels; staff could have swipe cards for strategic outside doors.
- c. Provide 20-30 seats in the Family Court waiting lobby. Provide small 6x7 workstations for Family Court reception. Need to add reception for children's area.
- d. Reduce attorney/client conference rooms to 100 sq. ft. each.
- e. Eliminate multi-purpose room in addition. Waiting room in back provides flex for jurors and multi-purpose for Family Court.
- f. Eliminate Grand Jury room, continue to provide in either the existing Legislative Chambers or in one of the courtrooms (eliminates rest room also).
- g. Add a secretary office to the judge/magistrate office (too large as is).
- h. Reduce the hearing room from 1,100 sq. ft. to 600 sq. ft.
- i. Consider keeping the District Attorney's Office in its current location.
- j. Provide a public access common use elevator that is connected to the new addition and the existing Courthouse that lands on all existing and new floors.

Second Floor Plan Modifications:

- a. Large courtroom reduced from 3,160 sq. ft. to around 2,000 sq. ft. (The main courtroom in the Courthouse is 1,800 sq. ft.)
- b. Reduce spectator seating down to 30-40 seats in the large courtroom, since we have the existing courtroom. Also don't need four tables. Install lift instead of ramp for judge.
- c. Eliminate witness waiting room in the addition; relocate to old Courthouse.
- d. Provide two attorney/client conference rooms at 100 sq. ft. each in the addition, a reduction from four.
- e. Eliminate Drug Court Coordinator's Office, combine with Drug Court area on main floor.
- f. Eliminate alternate jury waiting room, use existing Law Library. Required to have Law Library; keep at same size and it will double as attorney/client conference room. Part of conference function will be alternate jury waiting room.
- g. Eliminate jury security office, security station to be provided for in hallway outside of the jury room.
- h. Reduce jury deliberation room from 488 sq. ft. to 375 sq. ft.
- i. Keep existing library as is and use also as attorney/client conference room.
- j. Add judge's secretary space inside the visiting judge's chamber.
- k. Convert the existing small courtroom into a hearing room, size can be reduced.
- l. Convert the Commissioner of Juror's Office and Law Clerk Office to a jury deliberation room.
- m. Convert the jury deliberation room into judge's chambers.
- n. Provide two 100 sq. ft. attorney/client conference rooms in the existing Courthouse, to double as witness waiting areas.
- o. Convert one of the attorney/client rooms into the Commissioner of Juror's Office.

Comments:

Mr. Pullen questioned if these modifications were acceptable to OCA. Mr. Isenberg responded that they were, and that the December 21 meeting was productive. The goal was to downsize the plan as much as possible. When also questioned, District Attorney Terry Parker said the changes were acceptable in order to keep the addition as small as possible.

Mr. Pullen asked how the present breezeway between the County Office Building and Courthouse will function as an access. Security would require sealed doorways on two floors. Mr. Kukuvka responded that staff will use swipe cards. There would have to be confidence that screening at the main entrance is secure. Mr. Pullen questioned access between the main Courthouse and addition. Mr. Kukuvka answered that access would be gained via the main floor elevator or a hallway if the floors line up properly. There will be a direct connect between the two buildings, but everyone will be screened. The floor plan will have to be redesigned because screening only took place on the court floor prior to these modifications. This approach (with everyone being screened) ties everything together and adds efficiencies in the floor plan. The plan was top heavy before, and some functions may have to be brought down to other floors. We can consider leaving Probation where it is, and deal with vacated spaces in the County Office Building to keep the addition as small as possible. It is also being recommended that the ground floor of the addition be kept free (shell space), to be used for maintenance and secure storage, or later for expansion.

Mr. Fanton asked about the total square footage taken out. Mr. Kukuvka responded that he doesn't have all the answers at this point, and there's a lot of work ahead, but the marked up working copy of the floor plan demonstrates the work done so far in a lot of areas. He will begin on a redesign now, to "crunch" the floor plan, but first wanted direction on any other guidelines from the Committee. The addition is driven by the courts only on the main and upper floors. The ground level "shell" is intended to keep costs down. Mr. Fanton commented that he likes the idea of the shell. Maintenance is short on space now. With a smaller addition, we may be able to save a portion of the existing maintenance building. This will reduce the estimate for a large replacement maintenance building. Mr. Kukuvka commented that they will "crunch" the addition for court needs, keeping it as small as possible. When the plan is acceptable to the Committee and OCA, we can look at vacated spaces and back in other departments as a follow up step.

Mr. Christman mentioned screening of clientele of the County Clerk, Department of Motor Vehicles, and County Treasurer. Clientele traffic has traditionally been a free flow, and he's concerned with the screening, as he hasn't seen a lot of it. His is a retail office, and he doesn't want to slow things down with additional security. Mr. Fanton noted that his experience with security screening at Steuben County only took 30 seconds. Mr. Kukuvka commented that counties are evolving with security screening, with a rate presently at about 50 percent. Other counties haven't been afraid of screening, but are looking at the efficiencies. Mr. Pullen noted other localities with total screening. Mr. Isenberg commented that Niagara County recently built a screening vestibule.

Mr. Pullen questioned the number of courtrooms: one new hearing room, one new courtroom, the existing monumental courtroom, and the existing hearing room. Both courtrooms are full sized. Mr. Kukuvka noted this is acceptable to OCA. The first step is to produce something acceptable to OCA, but they need to see it. That will be the next step.

Mr. Pullen asked about the renovations completed on the ground floor of the County Office Building for Support Court. Mr. Isenberg commented that they are envisioning moving those court functions into the hearing room of the addition on the main floor. Mr. Pullen noted that there have been times in the past when five different court functions were going on at once. Mr. Parker pointed out that the Grand Jury will continue to use the Legislative Chambers, and doesn't see the number of courtrooms as a major stumbling block. Mr. Pullen commented that he doesn't want to move too far if we're short a facility. Mr. Isenberg stated that the County made it clear that it is limited financially, and they worked hard to cut where they could. He got the feeling from Judges Brown and Euken that with the two courtrooms and two hearing rooms and use of the Chambers (wherever it is to be located) as contingency, the County could manage. The recently renovated space on the ground floor of the County Office Building could still double for court functions, and if necessary, a hearing could be held in the Law Library, but Mr. Isenberg noted that it is rare for five court sessions to be going on at once.

Chairman Crandall felt that the December 21 meeting was a very productive exercise. The addition was reduced more than he thought possible, and the project was brought down to a more acceptable level. If we proceed with leaving the addition's ground floor as a shell, it allows for growing room. By utilizing the top floor of the County Office Building and other vacated spaces, and in light of the action taken by the Board of Health last night (eliminating the Home Health Care Program), the County should have enough space to address the space needs of other departments. The plan may not be ideal, but we have to have a plan that's acceptable for the Board to approve.

Proposed next steps in moving forward with the project:

1. LaBella to provide new sketches of the OCA plan revisions, with consensus of Committee.
2. LaBella to prepare a summary list of existing court spaces including square footages.
3. LaBella to provide a summary list of proposed new and renovated court spaces and square footages.
4. Work with OCA to achieve buy-in of 1-3 above.
5. Provide a new budget estimate of the revised Court Facilities plan.

Mr. Kukuvka summarized the above steps. At subsequent meetings, spreadsheets and revised floor plans will be available. They will work with Ciminelli to put numbers with the plan (at this point, just on the Court Facilities piece). Mr. Kukuvka will accomplish as much as he can before the next meeting on January 22 and is hoping to have the sketches ready then.

After consensus of the above, the following items can be addressed:

- a. LaBella to work with Allegany County to write the OCA Capital Plan Narrative which should include:
 - a. Project summary of new work, addition, and renovation work
 - b. Proposed total square footage of the project
 - c. List of spaces, courtrooms, hearing rooms, etc.
 - d. Schedule for going forward, design/construction/occupancy
 - e. Proposed method of construction/bidding
 - f. Proposed project budget
 - g. Financing method
 - h. Special building features, etc.
- b. Submit OCA Capital Plan Narrative and work with OCA to gain approval.

- c. LaBella to meet with all other remaining department heads and the County Administrator to program and design the remaining County office spaces into the vacated portions of the building.
- d. LaBella to provide a sketch plan scenario from these meetings.
- e. Edit and approval of the plans.
- f. Provide a budget estimate of the revised County Office Building plans.

Once a Court Facilities plan is submitted and approved, it opens things up for LaBella. With a clear understanding of vacancies, options, and costs, they can begin addressing the County Office Building process, running parallel with the Court Facilities Project, to back departments into remaining vacated spaces. Mr. Kukuvka noted that he is in no way assuming the County Office Building renovation will be a gut and redo, but it will be moving things around and keeping as much of the existing area intact as we can on a case-by-case basis. When "f" above is complete, we will have separate estimates for each of the two projects: Court Facilities and County Office Building renovations. Chairman Crandall pointed out that the costs have to be calculated separately due to the interest subsidies on the Court Facilities Project.

Mr. Kukuvka asked if the date of the Court Facilities Board meeting is known yet. Mr. Isenberg did not know, but will provide notification when he does.

Mr. Kukuvka noted that he wasn't hearing any disagreement on the major philosophies mentioned so far, and there seems to be consensus on keeping the ground floor of the addition open for now, so this gives him some major rules to comply with and will make the process as efficient as possible.

The original concept included an atrium (now referred to as a link), with a walkway across the middle to get from section to section. There was a lot of open space that can now be utilized for other functions. Mr. Fanton noted we have to look at the most economical use of space. Mr. Kukuvka pointed out that although scaled down, the new version will still have some esthetics. It's still public space; so it has to be inviting. Mr. Pullen asked if we still have the advantage of not having to bring the old Courthouse into full compliance with ADA standards due to the way the two buildings are connected. Mr. Kukuvka responded that the issue is more related to size, fire walls, and codes. The project is looked at as two buildings; one with new construction, the other with renovations.

Letter of Acknowledgement to Clark Patterson Lee:

Chairman Crandall referred to a discussion at the last meeting regarding work accomplished by Clark Patterson Lee and the possible sharing of their plans for the top floor of the County Office Building. Mr. Crandall suggested that a letter should be sent from the Board expressing thanks to Clark Patterson Lee and acknowledging the work they've done and the floor plans they developed. Mr. Crandall offered to write the letter, and the consensus of the Committee was that it was appropriate.

Public Information Dissemination:

Chairman Crandall believes it is important to develop and disseminate some form of periodic public information sheet on the Court Facilities Project. This could be a brochure, pamphlet, or single sheet with facts on the progress of the project that would provide general information and possibly answer questions. The information could be put together by this Committee, John Margeson, David Pullen, and himself, with input from Mark Kukuvka. It could

be sent to Town Clerks and Supervisors, and spread around. There are questions out there that need to be answered.

NEXT MEETING: January 22, 2008 at 3:00 pm. (Future dates in February were discussed, but will be decided on at the next meeting.)

Adjournment: The meeting was adjourned at 11:30 a.m. following a motion made by Fanton, seconded by O'Grady and carried.

Respectfully submitted by
Adele Finnemore, Journal Clerk

LaBella Associates, P.C.

Allegany County Court Addition & County Office Building Renovations Meeting Agenda January 8, 2008

- 1) Recap of the December 21st OCA meeting
- 2) Review mark-ups of modifications made during that work session
- 3) Review bullet list of major accomplishments from that meeting

Proposed next steps going forward:

- 1) LaBella to provide new sketches of the OCA plan revisions
- 2) LaBella to prepare a summary list of existing Court spaces including square footages
- 3) LaBella to provide a summary list of proposed new and renovated Court spaces & square footages
- 4) Work with OCA to achieve buy-in of 1-3 above
- 5) Provide a new budget estimate of the revised court plan

After we achieve consensus of the above we feel the following items can be addressed:

- a) LaBella to work with the Allegany County to write the OCA Capital Plan Narrative which should include:
 - a. Project summary of new work, addition and renovation work
 - b. Proposed total square footage of the project
 - c. List of spaces, court rooms, hearing rooms, etc.
 - d. Schedule for going forward, design/construction/occupancy
 - e. Proposed method of construction/bidding
 - f. Proposed project budget
 - g. Financing method
 - h. Special building features, etc.
- b) Submit OCA Capital Plan Narrative and work with OCA to gain approval
- c) LaBella to meet with all other remaining Department Heads and the County Manager to program and design the remaining county office spaces into the vacated portions of the building
- d) LaBella to provide a sketch plan scenarios from these meetings
- e) Edits and approval of the plans
- f) Provide a budget estimate of the revised county office building plans.

LaBella Associates PC

1/8/2008

Job Number 208101

ALLEGANY COUNTY COURT PROJECT

Summary of Major OCA Changes Recommended on 12/21/07

GROUND FLOOR PLAN MODIFICATIONS:

- a. Maintain existing courthouse entrance as main entry point.
- b. At ground level provide a handicap entrance including a ramp and/or elevator access.
- c. By maintaining the main entrance the connection between the proposed addition and the courthouse can be reduced.
- d. Eliminate temporary holding room in the security office.
- e. Eliminate one staff elevator. Provide one secure elevator that allows staff access and inmate access separately. Accomplish through door control technology.

MAIN FLOOR PLAN MODIFICATIONS:

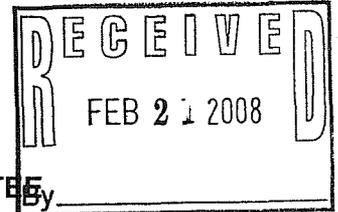
- a. Keep main entrance as monumental courthouse entrance.
- b. Consider reworking the existing treasurer office area into the building security area; including all public screening.
- c. Provide 20-30 seats in the family court waiting lobby.
- d. Reduce Attorney / Client conference rooms to 100sf. each
- e. Eliminate multi-purpose room in addition.
- f. Eliminate grand jury room, continue to provide in either the existing legislative chambers or in one of the courtrooms.
- g. Add a secretary office to the judge/magistrate office.
- h. Reduce the hearing room from 1,100sf. to 600sf.
- i. Consider keeping the District Attorney's office in its current location.
- j. Provide a public assess common use elevator that is connected to the new addition and the existing courthouse that lands on all existing and new floors.

SECOND FLOOR PLAN MODIFICATIONS:

- a. In the large courtroom reduce from 3,160sf to around 2,000sf.
- b. Reduce spectator seating down to 30-40 seats in the large courtroom.
- c. Eliminate witness waiting room in the addition.
- d. Provide 2 Attorney / Client conference rooms at 100sf each.
- e. Eliminate Drug Court Coordinators office, combine with Drug Court area on main floor.
- f. Eliminate alternate jury waiting room, use existing library.
- g. Eliminate jury security office, security station to be provided for in hallway outside of the jury room.
- h. Reduce jury deliberation room from 488sf to 375sf.

- i. Keep existing library as is and use as Attorney / Client conference room.
- j. Add judge's secretary space inside the visiting judge's chamber.
- k. Convert the existing small courtroom into a hearing room, size can be reduced.
- l. Convert the Commissioner of Juror's office and Law Clerk office to a jury deliberation room.
- m. Convert the jury deliberation room into judge's chambers.
- n. Provide (2) 100sf Attorney / Client conference rooms in the existing courthouse.
- o. Convert one of the Attorney / Client rooms into the Commissioner of Juror's Office.

**NOT
APPROVED**



**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE
FEBRUARY 13, 2008**

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

Others Present: W. Dibble, A. Finnemore, A. Isenberg (OCA), K. Kruger, M. Kukuvka
(LaBella), J. Margeson, P. Mashtare (LaBella), T. Miner, B. Riehle, D. Roeske, P.
Schmelzer; **Media:** B. Quinn, Wellsville Daily Reporter

Call to Order: 3:05 p.m. by Committee Chairman David Pullen.

Approval of Minutes: The minutes of January 8, 2008 were approved following a motion made
by Fanton, seconded by O'Grady and carried.

LaBella Associates Court Facilities Plan Revisions:

Mark Kukuvka, from LaBella Associates, introduced Assistant Project Manager Penny Mashtare. Mr. Kukuvka distributed an agenda for the meeting. The focus at this point will be on Court spaces only. Once there is consensus with that, we can address other space needs, vacated areas, shell space, and other functions in the County Office Building. LaBella's agenda included the following list, the top four items of which are new, and the remaining items are from previous lists as a reminder of future steps:

- 1) Review new sketches of the OCA plan revisions.
- 2) Review summary list of existing Court spaces including proposed new and renovated Court spaces and square footages.
- 3) Work with Court Facilities Committee and OCA to achieve buy-in of 1 & 2 above.
- 4) If acceptable, LaBella to provide a new budget estimate of the revised Court plan.

After we achieve consensus of the above, we feel the following items can be addressed:

- a) LaBella to work with Allegany County to write the OCA Capital Plan Narrative which should include:
 - a. Project summary of new work, addition, and renovation work.
 - b. Proposed total square footage of the project.
 - c. List of spaces, Courtrooms, hearing rooms, etc.
 - d. Schedule for going forward, design/construction/occupancy.
 - e. Proposed method of construction/bidding.
 - f. Proposed project budget.
 - g. Financing method.
 - h. Special building features, etc.
- b) Submit OCA Capital Plan Narrative and work with OCA to gain approval.
- c) LaBella to meet with all other remaining Department Heads and the County Administrator to program and design the remaining County office spaces into the vacated portions of the building.
- d) LaBella to provide sketch plan scenarios from these meetings.
- e) Edits and approval of the plans.
- f) Provide a budget estimate of the revised County Office Building plans.

Mr. Kukulka presented revised floor plan sketches and gave a cursory review of the changes. The plan is still a work in progress. Major points were:

Ground level:

- Put in vehicle Sallyport and elevator for incarcerated (elevator co-used by other groups with key-card lock out system, which is acceptable to OCA);
- Core area with common circulation and lobby area;
- Unassigned space to be left as "shell" space or storage (undetermined at this point). Utilization of the shell space for maintenance and storage was questioned. It was noted that nothing has been designed there yet, although opportunities have been discussed.
- Handicapped access through side entrance with elimination of existing side stairs, and door will be exit only with exception of handicapped.

Main floor:

- Main front stairs will be the entrance for the entire building, including the addition;
- Everyone will be screened; queuing area for the screening process will be the present Treasurer's area;
- Handicapped access lift elevator;
- Secure door to access core area;
- Ramp up 18 inches to floor level of addition;
- DMV and County Clerk remain the same;
- Door to bridge with County Office Building will be accessed through swipe cards;
- Addition includes Surrogate, Family Court, hearing officer, hearing room, children's waiting area, holding cells, interview room, mechanical room, locker room, Sallyport, storage, secure corridors;
- Public limited to lobby (stopped by swipe card doors);
- Surrogate records restricted access (records brought to public vestibule/research room);
- Staff entrance also through public lobby (no back entrance) (Mr. Isenberg noted that tightening the space program as much as possible resulted in some compromise, but it is still better than at present and will work quite well);
- Firewall between existing building and addition;
- Main hallway, stairway, and windows of Courthouse remain;
- Mechanical room/janitor closet on each floor;
- Treasurer back corner and taking over remaining Surrogate area to keep them on the main floor, but not worked out completely yet (there are a lot of people that need to be accounted for in the next step, items c through f in the above listing).

Second floor:

- Supreme and County Courts;
- Main Courtroom, ceremonial Courtroom, hearing rooms, law library remains;
- Bridge to County Office Building controlled;
- Staff corridor separate from public corridor;
- Ramp up again from existing floor level to addition;
- Small roof area in one corner was kept open in an effort to crunch space and cost (2,000 sq ft at \$125 per sq ft saves about \$250,000), or it could be shelled in to be used for future expansion (Surrogate area was planned there, but it saves money to put them on the main floor and leave the roof space), it can be priced both ways;
- Windows at top of main Court stairs remain and look out on the roof space.

- When Visiting Court Judges' area is used, judicial staff will have to use a public hallway, but will be secure once in place. This is a compromise from previously discussed requirements that judicial officers have access and movement separate from the general public. The solution was discussed with OCA. It resulted from the loss of some corridor space in reducing the size of the addition. Mr. Isenberg noted it's something that's not ideal, but they have tried to address practicalities. He envisions the hearing room being used less frequently, and that area could be used by personnel where the threat is not as high.

Mr. Kukulka reported that the square footage in the addition has been reduced from the previous 45,300 sq ft to about 39,700 sq ft (leaving the small roof area on the top floor as is). From the Court's perspective, the previous 45,300 sq ft was filled top to bottom with Courts and Court-related areas and the shell space area (9,000 sq ft). Now the Courts occupy only 30,700 sq ft of the revised 39,700 sq ft figure, or a decrease of 14,600 sq ft of Court space.

Mr. Kukulka felt the Committee may need time to review the plans, and OCA needs to review them. If the plan is close, within the next couple of weeks LaBella will submit a revised cost estimate with some alternates. Prior to estimates, they will need to know how much the 9,000 sq ft shell space on the ground level should be built out.

A handout distributed by Mr. Kukulka showed a tally of all Court-related spaces including columns for existing net square footages and proposed net square footages. This was requested by Mr. Rodman from OCA and will help to build our case. Accompanying floor plan drawings of existing buildings were shaded to illustrate existing Court areas (it was noted that the Grand Jury area shouldn't have been shaded because it's considered part of the District Attorney's area). Totals for Court-related spaces are: 9,486 existing net sq ft, and 24,171 proposed new and existing net sq ft, or a little over double the space. We've come a long way to bring this number down from the 50,000 sq ft proposed for the new building option. With over double the current capacity, the next step will be trying to get consensus within OCA that this is sufficient for Allegany County. The difference between the 24,171 proposed net sq ft and the 30,700 sq ft in the addition is that the net figures don't include corridor space or mechanical rooms, etc. The net figures are not used for estimating, but only for illustration of Court spaces for OCA.

Mr. Pullen asked if the firewall between the existing building and the addition, instead of the previous atrium, will affect what needs to be done to stay within code. Mr. Kukulka responded that they are considered separate buildings and we won't have to trigger full compliance with the existing Courtrooms since the new ones will be fully compliant. There will be fire doors between the buildings with a magnetic hold open. He also noted that the 18-inch ramp from the existing Courthouse floor level to the addition is to accommodate the higher Courtroom ceiling heights, the requirement for raised judges' benches, and mechanical space above the ceilings for ductwork, heating, and sprinkler piping.

Timing for the next steps was discussed. Once consensus is reached, LaBella can begin item 4 from the above list, providing a new budget estimate, and can also begin their part of item a, writing the OCA Capital Plan Narrative. Mr. Isenberg reported that he was told the next session of the Commission is coming up soon, probably before spring, but no dates were given yet. At that meeting, we need to present a Capital Plan including a narrative with estimated costs, how the project will be financed, method of construction, number of Courtrooms and other Court areas, milestones, etc. Mr. Isenberg hasn't had time to review this new set of drawings yet, and he would like the opportunity for LaBella to meet with the OCA

Judges to explain the plan, either through video or face-to-face, which would be very beneficial (prior to the next Committee meeting).

A motion was made by Fanton, seconded by Hall and carried unanimously to indicate to LaBella Associates that the Committee gives general approval on the revised Court Facilities Plan drawings, for LaBella to work with the Office of Court Administration to get their responses back relative to the Plan, and to establish cost estimates in time for the next Committee meeting on March 5 at 3:00 pm. (Cost estimates at this point will be for Court Facilities only – both the addition and renovations to existing space.)

Mr. Kukuvka noted that LaBella will follow up with the Judges and will begin looking at items a through f on the above listing.

In response to a request that a set of plans be made available for review by the County Bar Association, Mr. Isenberg noted it was important for the public and Bar staff to see the plans, but he would like to have the opportunity to brief the OCA Judges first in case they have any major problems with the plans. Chairman Crandall suggested that when we get past that point, the plans can be made available and even hung up for display in a central location.

Public Information Brochure:

County Administrator John Margeson presented a draft informational brochure that could be used to educate the public about the Court Facilities project. The idea has been used by other counties when involved with similar projects. The brochure includes common questions and can be produced inexpensively in-house. The public will be invited to e-mail questions and concerns, and responses will be given by e-mail. Mr. Margeson requested input on the brochure. Mr. Pullen suggested including the website to allow the public to read for themselves the minimum Court Facilities guidelines contained within the judiciary law. Chairman Crandall suggested comments be given to Mr. Margeson by February 27, and the final draft can be discussed and approved at the next Committee meeting on March 5. The brochures should be mailed out to communities for posting and distribution, and additional copies can be taken by Legislators as needed. The document should be placed on the website as the official source of project status information, with links to Court Facilities Committee minutes.

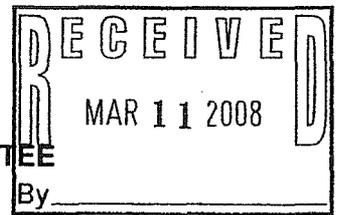
NEXT MEETING: March 5, 2008 at 3:00 pm.

Adjournment: The meeting was adjourned at 4:30 p.m. following a motion made by Hall, seconded by Fanton and carried.

Respectfully submitted by
Adele Finnemore, Journal Clerk

**NOT
APPROVED**

**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE
MARCH 5, 2008**



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

Others Present: S. Decker (Ciminelli), W. Dibble, A. Finnemore, A. Isenberg (OCA), K. Kruger, M. Kukuvka (LaBella), J. Margeson, P. Mashtare (LaBella), M. McCormick, B. Riehle, T. Ross, P. Schmelzer, N. Ungermann; **Media:** K. Doyle, Olean Times Herald; B. Quinn, Wellsville Daily Reporter

Call to Order: 3:00 p.m. by Committee Chairman David Pullen.

Approval of Minutes: The minutes of February 13, 2008 were approved following a motion made by Hall, seconded by Fanton and carried.

Review of Court Facilities Plan:

Committee Chairman David Pullen noted that a tentative meeting had been scheduled with 8th Judicial District Judge Townsend and County Judges Euken and Brown, but it hasn't taken place yet. Mr. Pullen and County Administrator John Margeson met with the County Judges, and some concerns were identified. Andrew Isenberg hasn't had the opportunity to meet with the Judges yet, and would like the chance to meet with Judge Townsend and OCA in New York City to discuss the project internally prior to reporting the Judges' input back to the Committee. Decisions on the plans will be driven by New York City. Mr. Pullen listed his own concerns:

- Shell space – shouldn't there be a security door at the end of the corridor? (*Mark Kukuvka – the purpose for the space, when that is decided, will drive that concern, i.e. whether people need to be screened, or if the area will have separate outside access.*)
- Separate entrance for Court personnel through the back door and the Sally port area? (*Kukuvka – with the shared elevator and separate access lock-out system, there will probably be a shared vestibule.*)
- Ramp of 18" in the corridors between the Courthouse and addition on the two upper floors. The more important floor is the main floor, and if that corridor could be level, there would only be a slight grade down on the ground floor and up on the second. (*Kukuvka – they can look at that, but the slopes would always follow code.*)
- Server rooms – is one on each floor necessary? (*Kukuvka – that was suggested in the program by OCA; they are dedicated OCA server rooms and include the amount of equipment needed for each floor.*)
- Secure traffic patterns for Court personnel – the Surrogate Clerk area only has one access from the main corridor with no secure method of egress. Would it be possible to install a doorway to the storage room between the Surrogate and Family Court Clerks' offices? It was noted by Mr. Kukuvka that the Surrogate Court area doesn't have the same security issues as the other Courts, to which Mr. Pullen responded that Surrogate Court staff still travel through some of the higher risk areas.
- Public viewing of Surrogate records – plan calls for five stations, but our County probably only would need one or two. Also the waiting area for the Surrogate Court Clerk with the door separating that area from the Clerk isn't the way this County works. If we're tight for space, this area could be cut, as there is seating for the Family Court just down the

hallway that would be adequate for both. (*Kukuvka – it's typical around the state to provide some segregated area there with a counter to prevent the Clerks' offices from being immediately off the hallway.*)

- Natural lighting in Courtrooms on main and second floors? (*Isenberg – the trend is for the Courtrooms to be more in the interior of the building. There are ways to bring natural light in to the middle section, such as skylights or building partial walls to "borrow light" from the outer areas.*)
- Mechanical area? (*Kukuvka – air handlers for heating and cooling.*)
- Toilet facilities in holding cells on main and second floors? (*Mashtare - they are there, but not shown.*)
- Treasurer is concerned about loss of space overall; their designated area in the plan is not sufficient. (Much of the present Treasurer's area will be used for screening.) (*Kukuvka – what the Treasurer ends up with hasn't been addressed yet. In order to save money on construction, it's necessary to screen for the entire building.*)
- The entire Clerks' area on the second floor is immediately off the main corridor with no secure method for egress except through the Courtroom or public corridor. Mr. Pullen suggested changing the jury deliberation area to allow personnel access through a secure corridor. Is there a need for a secure attorney/client area on the second floor as well as the main floor, and do we really need two holding cells on the second floor? If we eliminate the holding area and interview area and put the jury deliberation area there, there would be room for a secure staff corridor.
- No staff restrooms on the second floor except in the visiting Judges' area; staff has to travel through public corridors and/or elevator to get to one. (*Kukuvka – there are also restrooms in the jury room.*) There's also no restroom for jury deliberation in the current Courthouse. (*Kukuvka – the jury will continue using the unisex one across the corridor, which will be cheaper than putting in a new one, and it is still secure.*)
- Court reporter room shows only one desk; we could have three reporters at once. (*Mashtare – the space is 200 sf, or large enough for two at 100 sf per reporter.*) Also of concern is the distance the reporter has to travel to the existing Courtroom without a secure hallway.
- Reduce the number of holding cells on the second floor to one? (*Isenberg – not sure.*)
- Visiting Judges' area has no secure access. (*Kukuvka – this area isn't used on a daily basis. It did have separate circulation, but in the effort to reduce the size of the project, we had to compromise on the traffic patterns. Isenberg – although the visiting Judges have to go through a public corridor to get to their area, once there, they are secure. Unlike the current situation, that Judge will not be walking through a public corridor to get to the Courtroom. These were not easy concessions for OCA to make. They recognize those security shortcomings and would like strict adherence to secure traffic patterns, but they are trying to be as cognizant as possible of the financial situation of the County. Ed Rodman felt these issues were not a grave problem. Although the concerns are valid, if we go back now to the prior set-up, it adds cost.*)
- Two attorney/client interview rooms outside Supreme Court area are not enough; possibly use the vestibule area for an additional one. There is another one in the existing Courthouse area and a conference room, but that room may end up being used for meetings. (*Kukuvka – the Law Library is another alternate interview area. The vestibule area is a design issue to keep the main area separated a little from the public corridor. He will raise the concern about the number of attorney/client interview areas during his meeting with the Judges and OCA. Judge Townsend also requested a meeting with the Bar Association to get their input, after which he can bring back a single set of concerns, instead of the Committee hearing from many different people.*)

- Distance from the Judge's bench to other features in the Courtroom design? (*Kukuvka – design is per Court standards for viewing by the jury, attorneys, Judge, witnesses, handicapped, etc. Tours of other Court Facilities will help with visualization of design issues.*)

Updated Budget Estimate of Revised Court Addition Plan:

Mark Kukuvka, of LaBella Associates, presented information on an updated budget estimate for the Courthouse addition. Steve Decker, of Ciminelli Construction, was also present, and provided support to LaBella in the estimations, applying factors and knowledge from prior Courthouse projects. Reducing the size of the addition has been the primary goal. Following buy-in of the plans by OCA and the Judges, we will have a comprehensive estimate, but at this point, figures were presented for just the addition, or new space, for comparison purposes (copies of the handouts are attached to the original minutes):

- March 2008 – Addition at **39,700 sf** budgeted at **\$13,855,875** in 2010 dollars (estimated start date of June 2009 with an 18-month construction schedule). Due to efforts made to decrease the size of the addition, the estimate has dropped nearly \$3 million from the September 2007 estimate escalated for the same construction date (see below).
- September 2007 – Addition at **48,695 sf** budgeted at \$15,868,309 in 2009 dollars. For a fair comparison with today's figures, that estimate was escalated to **\$16,654,198** to reflect moving the construction mid-point date out one more year to February 2010, rather than 2009.

For development of the 2,200 sf rooftop shell space shown on the drawings for the second floor of the addition as "roof space," allow \$400,000 added cost to finish to the same type of office space as applied to the rest of the addition. That cost, when figured per square foot, is about half of the square foot estimate for the rest of the project. Finishing that area off at a later date was discussed, but was not feasible due to access for building materials. There is greater economy in building it all at the same time. If the space was built out to shell space level, Public Works could complete it later. ***It was the consensus of the Committee to have the Court addition second floor roof space finished off as shell space for now, rather than leaving it as just roof.***

Tours of Court Facilities in Genesee County and Wyoming County:

Tours of other Court facilities will aid in the understanding of spaces that may be hard to visualize in schematic drawings. Following discussion of available dates, Mr. Isenberg was able to call and set up tours for March 26, beginning around Noon at the Wyoming County Courthouse in Warsaw, with lunch there, followed by the Genesee County Courthouse in Batavia at around 2:00 or 2:30 p.m.

OCA Capital Plan Narrative Draft:

LaBella's agenda listed the items to be included in the Capital Plan Narrative and indicated which party is responsible to complete each item:

- a) Project summary of new work, addition and renovation work – LaBella
- b) Proposed total square footage of the project – LaBella
- c) List of spaces, Courtrooms, hearing rooms, etc. – LaBella

- d) Schedule for going forward, design/construction/occupancy – County, LaBella, Ciminelli
- e) Proposed method of construction/bidding – LaBella
- f) Proposed project budget – LaBella, Ciminelli
- g) Financing method – County
- h) Special building features, etc. – LaBella

Mr. Kukurka distributed copies of "Information for the OCA Capital Plan Narrative – First Draft" (copy attached to original minutes), which contains suggested paragraphs for LaBella's technical aspects of the Narrative, for consideration. This draft will be the basis for input if edits are desired or if Mr. Isenberg feels OCA needs more detail.

The estimated budget portion of the Narrative should include the figure for the entire Court project, not just the addition, and that's not available yet. LaBella will refine the estimate and move ahead after input on the plan from OCA and the Judges.

Mr. Isenberg noted that for the Narrative, the total square footage of the project should include the addition and Court renovations, but not any of the County Office related renovations, because interest assistance available from OCA will apply to just the Court related portion of project costs. There was discussion about whether the addition ground floor shell space should be included if it won't be entirely for Court use. Mr. Isenberg was unsure about the shell space, but encouraged asking. The vacated Treasurer's space used for screening will be joint-use, but still considered Court space. ***Mr. Isenberg proposed sharing the draft Narrative with Bill Clark for preliminary feedback on direction, possibly through a conference call including John Margeson and Mark Kukurka.***

The schedule section of the draft was based on experience and assumptions and includes durations rather than dates. It gives something to build from, and all parties will need to play some role in finalizing the schedule. Mr. Isenberg stated OCA will want dates and project milestones. (The date of the next Commission meeting when the Capital Plan Narrative needs to be ready is still unknown.)

Financing method was discussed. It will probably be a 30-year bond with subsidy on the interest expense from OCA. Mr. Isenberg noted it is very important that our financial people have communication with OCA on the financing method in order to meet eligibility requirements for reimbursement of the interest expense. There are a lot of technical issues. County Treasurer Terri Ross noted that the County used Allardice & Associates (now Municipal Solutions) as a financial consultant during the Public Safety Facility project bonding, and it was recommended that we use a consultant to guide this process also. Ms. Ross noted that Municipal Solutions is aware of the pending project, and she asked if we could get the interest subsidy eligibility requirements in advance. Mr. Isenberg suggested that our financial consultant should conference with OCA.

Chairman Crandall suggested that Municipal Solutions be authorized to move forward with the Court Facilities financing process and meet with the Committee to explain the process and time frame and analyze OCA's requirements. Municipal Solutions should coordinate with OCA and the Commission on what is needed for the Capital Plan Narrative, and also guide the County through the process.

A motion was made by Fanton, seconded by Hall and carried to direct the County Treasurer and County Administrator to contact Municipal Solutions to arrange a meeting and presentation with this Committee or the full Legislative Board on the financing

method for the Court Facilities Project, and also to meet with OCA relative to the financing method.

Mr. Isenberg noted that although the Court Facilities costs have to be calculated separately from the County Space Needs issues for the OCA interest cost reimbursement, the County does not have to do separate bond issues. Mr. Kukulka pointed out that the construction managers will have to have the break down also for allocating work.

Next Steps Outlined by LaBella:

SUBMIT OCA CAPITAL PLAN NARRATIVE AND WORK WITH OCA TO GAIN APPROVAL:

The process for County approval of the Narrative when it is completed was questioned. Mr. Margeson noted that the Narrative doesn't involve an actual commitment by the County, so therefore this Committee has jurisdiction. Future steps of setting up the capital project and approving bonding will need full Board approval.

LABELLA TO MEET WITH ALL OTHER REMAINING DEPARTMENT HEADS AND THE COUNTY ADMINISTRATOR TO PROGRAM AND DESIGN THE REMAINING COUNTY OFFICE SPACES INTO THE VACATED PORTIONS OF THE BUILDING:

Mr. Kukulka commented that when the Committee is comfortable to proceed, LaBella will start tackling this issue. We may want to wait until OCA has some of their meetings, but he feels any Court changes from here on will be minor ones. Mr. Isenberg noted he felt comfortable with his meeting with Ed Rodman, but the main problem may be circulation issues.

Chairman Crandall questioned the process for addressing the other County space needs, in relation to needs assessment and utilization of the top floor of the County Office Building in order to equitably distribute available space. Mr. Kukulka responded that they would be looking at deficiencies and the balancing of open spaces and needs. Chairman Crandall also suggested using the shell space on the ground floor of the addition at least temporarily for storage, County as well as Court. An internal assessment of department storage space needs, i.e. the Board of Elections voting machine issue, should be done. This wouldn't be a permanent solution. He also mentioned grant money is available for storage space. Mr. Fanton noted that Public Works is currently reviewing their space needs relative to the loss of the maintenance building when the addition goes in.

Chairman Crandall questioned if the Space Needs Study performed in the past would be looked at in conjunction with the Department Head meetings. The study indicated a shortage of 60,000 sf in an ideal world. (Recent changes in some departments will affect sections of that study.) The existing jail space and vacated areas will not fulfill departments' needs ideally, but the County will be looking for direction to utilize the given amount of space reasonably. Mr. Kukulka responded that the study will be used as a guide and they will assess needs and divide up available space on a priority basis with input from the Committee. The prior study was based on new construction. Backfilling into vacated areas will make the situation better, but not necessarily solve the space needs as identified in that report.

A motion was made by Hopkins, seconded by Fanton and carried to direct LaBella Associates to move forward with the Department Head meetings relative to addressing the other County space needs.

LABELLA TO PROVIDE A SKETCH PLAN SCENARIO FROM THESE MEETINGS.

EDITS AND APPROVAL OF THE PLANS.

PROVIDE A BUDGET ESTIMATE OF THE REVISED COUNTY OFFICE BUILDING PLANS.

CONSTRUCTION MANAGEMENT SERVICES SELECTION:

- a) Write RFP based on a final acceptable program, budget, and schedule.
- b) Submit to potential construction management firms, allow 30 days for review and response.
- c) Review submitted proposals and determine a "short list," allow 14 days.
- d) Possible interviews of the short-listed firms, allow 21 days.
- e) Final firm selection and recommendation to the Legislature for award, allow 30 days.

Discussion on the timing for addressing construction management services selection was held. The process outlined above covers about 90 days. Mr. Kuvka and Mr. Decker noted that the RFP requires a definitive plan of action to propose on, but you don't need all the detail. Provide general information on scheduling, dates, costs, and a brief description. It makes sense to hire a construction manager early in the process, as he can provide detailed estimates throughout all the stages, helping to keep the project on budget. There is value in having the architect and construction manager working together, such as recommendations on materials and quality, constructability, synergy during the design stage, and that extra set of eyes. They recommended going through the RFP process early, and we are close to having sufficient information for it. The County Administrator would be the one to prepare the Construction Management Services RFP in conjunction with LaBella Associates.

A motion was made by Hall, seconded by Hopkins and carried to direct the County Administrator and LaBella Associates to prepare an RFP for Construction Management Services for consideration at the next Committee meeting.

Public Information Brochure:

Mr. Margeson distributed copies of the Court Facilities Official Project Update public information brochure. Some small changes were incorporated. The plan is to do a series of these updates. As questions come in, and when specific costs are known, they can be included in subsequent issues. The e-mail address included on the brochure goes to Mr. Margeson's computer, and he will respond to questions. The phone number is in the Clerk of the Board's Office for messages to which Mr. Margeson will respond. Copies can be available for distribution at the March 10 Legislative Board meeting. Chairman Crandall commented that this will be the official avenue for updates and the official stance or response by the County.

A motion was made by Fanton, seconded by O'Grady and carried to approve the public information brochure.

Court Security Screening Process video:

Mr. Pullen made note of a Court security screening process video viewed by one of his staff which illustrates the importance of security. Mr. Isenberg commented that security is top priority in the Court System, and he will arrange to get a copy of the video and schedule through Mr. Margeson for the Committee to view it.

Upcoming:

Mr. Isenberg will try to get information to the Committee as soon as possible relative to his scheduling the meeting with OCA, the Judges, and Bar Association members.

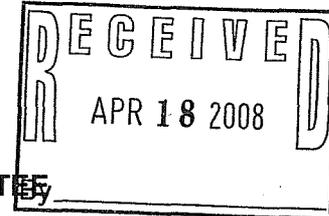
Mr. Kukuvka noted that at the next meeting, they should be ready to discuss the next version of the Capital Plan Narrative and an update on the OCA meeting.

NEXT MEETING: April 9, 2008 at 3:00 p.m.

Adjournment: The meeting was adjourned at 5:30 p.m. following a motion made by Fanton, seconded by O'Grady and carried.

Respectfully submitted by
Adele Finnemore, Journal Clerk

**NOT
APPROVED**



**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE
APRIL 9, 2008**

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

Others Present: L. Ballengee, D. Burdick, M. Chapel, W. Dibble, W. Emerson, A. Finnemore, P. Fogarty, B. Kelley, K. Kruger, J. Margeson, P. Mashtare, T. Parker, B. Riehle, T. Ross, M. Tayrien, N. Ungermann; **Media:** K. Ross, Wellsville Daily Reporter

Call to Order: 3:00 p.m. by Committee Chairman David Pullen.

Approval of Minutes: The minutes of March 5, 2008 were approved following a motion made by Fanton, seconded by Hopkins and carried.

Financial Planning Services, Presentation by Municipal Solutions, Inc.:

Mary Chapel, of Municipal Solutions (formerly Allardice and Associates), discussed financial planning services available to the County regarding the Court Facilities Capital Project. Services include assistance with developing a financial plan, while looking at alternatives such as bonding, the use of reserve funds, fund anticipation notes, and investment bonds. They also prepare financial information for meetings and help with the actual presentations. If bonding is the route we take, they help implement it, and make sure funds are consistent with cash flow needs. They will also be looking for situations of arbitrage and the spend-down requirements of borrowing large sums of money. At budget time, they will advise on the figures needed for debt service. Their services are also flexible to meet other potential needs. Fees are dependent on the project, and will be based on a schedule of fees related to tasks and hourly rates. They would provide a quote.

When asked about the status of the bond market, Ms. Chapel noted that with insurance in flux, they've actually seen that the market is in flux. Short-term notes would be safer right now, but she expects it will settle out within six months to a year. They will offer options, but will err on the side of conservatism.

Allegany County has worked with Allardice and Associates for many years. County Treasurer Terri Ross noted that they were the financial consultant used for the County Jail and Public Safety Facility Project, and we use them every time we borrow money. They know the County's financial situation.

Ms. Chapel was unaware of any other court projects Municipal Solutions has had involvement with in the past, but they are presently working with three communities consolidating their court facilities.

Mr. Hopkins questioned if the financial plan for OCA requires this professional service. County Administrator John Margeson noted that OCA is not looking for that level of involvement at this point, and that he and the County Treasurer's Office can handle it for now.

Mr. Pullen commented that through his conversations with OCA, he learned that there are no grants or funding available to apply against the principle of court facilities borrowing, but when the actual cost is documented, there is assistance to cover up to one-third of the interest on the actual expense. A financial consultant would help with keeping track of that.

Mr. Margeson recommended that the Financial Planning Services contract should be considered after the Legislature approves the Bond Resolution, although there would be some prior conversation. That was the same timeline followed with the past County Jail Project.

Court Facilities Design Activities, Update by LaBella Associates:

Mark Tayrien and Penny Mashtare, of LaBella Associates, gave an update on design activities since the last meeting. There was nothing formal to present on the project, but current status included: the plans may need a little revision, Courthouse tours took place on March 26, and efforts are being made separately by OCA which may lead to other potential changes. LaBella is waiting for feedback at this point.

County Space (Non-Court) Activities, Update by LaBella Associates:

LaBella is also currently working with John Margeson on the non-Court space issues. Some tentative plans may be available at the next meeting. Their general approach for available space includes:

- County Office Building (COB) Third Floor: Second floor occupants moving up, as well as Information Technology (moving from Courthouse basement)
- COB Second Floor: Department of Social Services expansion space, which also allows for relocation of Support Collections Unit
- COB Ground Floor: Public Defender and other Sheriff-use spaces are retained; areas presently occupied by Courts (former Room 8 and across hallway) vacated, but not assigned yet; Department of Health space may be scaled back some
- Courthouse Main Floor: County Treasurer moving to lower level Courthouse addition (shell space closest to Courthouse) giving them adjacency to Real Property Tax and County Clerk; Surrogate's Clerks moving to Courthouse addition; Court security to occupy vacated front portion of Treasurer area; Department of Motor Vehicles moving to central portion of area vacated by Treasurer (back area) and Surrogate Clerks; balance of that vacated space unidentified
- Courthouse Basement: Board of Elections moving to vacated Information Technology area (from offsite location, which will save on lease expenses)

These plans are not finalized yet, but are a work in progress. The approach used for assigning of space for non-Court functions has not referred back to the former County Space Needs Study, but instead LaBella is starting with current space and working with Mr. Margeson to add incremental space with a more global consideration of requirements. This will be a two-step process: the first - working with Mr. Margeson to lay out a conceptual floor plan, and the second - interviewing department heads with Mr. Margeson regarding their needs.

Tours of Wyoming and Genesee County Court Facilities on March 26, Recap:

Discussion was held on the impressions gathered from the Courthouse tours in Wyoming County (Warsaw) and Genesee County (Batavia) on March 26. Both facilities were built approximately ten years ago, and the Judges felt they were planning for much more than ten to fifteen years. Due to storage space issues and the unanticipated creation of new specialty courts, both facilities have run out of room. *(Flexibility in spacing and allowing more for storage would be something to consider. Allegany County's plans include two features that*

will allow for expansion: the ground floor and roof shell spaces.) The Wyoming County Courthouse has a lot of natural light, but some hallways are too narrow, there is only one unisex rest room per floor, and parking is insufficient. They used ramps instead of lifts for witnesses. Wyoming County is presently at 68 percent of their constitutional taxing limit. The Genesee County Courthouse has no natural light, no air conditioning, and there seems to be a lot of wasted space in some areas. They reduced their original plans due to cost, and in the process ended up with some inaccessible spaces. *(With inadequate planning, our results could end up with less usability than hoped for.)* Their large jury assembly room doubles for other uses, but the jury deliberation room was small. Parking is inadequate. Genesee County is presently in the low 40 percent range of their constitutional taxing limit. *(Regarding jury room size and unisex bathrooms, OCA's standards have changed since those facilities were built.)*

Value engineering was mentioned, defined as an attempt to make the facility look its best within a limited budget, spending money in public areas, with office spaces being a little plainer. Mr. Tayrien commented on the increased need for durability in some areas, as well as finish, which would be looked at in conjunction with the construction manager.

The inclusion of furnishing costs in with the total Court Facility building cost estimates was questioned. Mr. Tayrien noted that court projects are confusing with the breakdown of FF&E expense, and OCA sometimes picks up some of the furniture costs. He will relay this question to Mark Kukuvka. Mr. Pullen noted that in previous conversations, Andrew Isenberg has stated that it will be up to the County to equip the building.

Parking and access were discussed. The Courthouse addition will cause a loss of at least 60 parking spaces. Concern was expressed for where "customers" will park, or how far they will have to walk (uphill) to get here. Project cost aside, we need to consider usability and practicality. On one hand, there is the grand front entrance with its classic appearance which OCA has emphasized and LaBella took into consideration, and on the other hand, there is the issue of usability. Wyoming County moved their Department of Motor Vehicles, and that traffic went to downtown Warsaw. Allegany County eliminated some of its lack of parking and traffic flow when the Sheriff's Office and Jail moved. It was noted that the best parking is taken up by employees, which is less customer-friendly. That would also be the case with the addition. The Courthouse would be better accessed by the use of the front parking lot by customers rather than by employees. One answer might be to pave over part of the Courthouse lawn, but we would then need to weigh usability against esthetics. The parking issue needs to be addressed, but right now we need to deal with the pressure of the state mandates.

Presentation of Court Facilities Plans to Bar Association Members:

Mr. Pullen reported on a meeting held April 7 with OCA representatives, members of the County Bar Association, and Mark Kukuvka from LaBella for a presentation and to gather input. Fifteen attorneys and six others were in attendance (mostly County). Attorney Pat Fogarty felt it was a good presentation, but it would have been better if held later in the day so more attorneys could have been present. The plans are positive in terms of attorney needs, with an increase in conferencing areas from none to six or seven. It has been a major problem having to meet in hallways and "broom closets" with clients facing serious legal issues. Ms. Fogarty also commented on the need for more meeting rooms and waiting areas, and some reception areas are too large. One additional conference room has already been created by reducing the size of a reception area in response to her concern.

Mr. Pullen referred to a previous concern about cutting back on the number of holding cells to gain some space and change traffic patterns. But during the March 26 Courthouse tours, District Judge Townsend responded that we wouldn't want to cut back there because two holding cells on each floor are necessary to prevent traffic flow problems and sheriff transport issues. (Those who work with it know better, so this feedback was helpful.)

District Attorney Terry Parker commented on the location of the attorney waiting areas in relation to the judges' chambers in the addition, which are approximately 150 feet away, and questioned if there would be a way to improve connectivity. Mr. Parker also noted that the public stairway in the addition could be an impediment to the secure area upstairs, and suggested swapping it to the location of the restrooms near the elevators which frees up space in the secure areas. This would stack the restrooms over each other.

Principle Law Clerk Warren Emerson stated that the County Bar Association appreciates the opportunity to meet with OCA and provide input, and expressed concern about space limitations. Both of the judges do a commendable job and are trying to do more telephonically whenever possible. Mr. Parker noted that in Wyoming County, the jury box has screens and computer access to allow for remote testimony. Capability for new technology will be one of the advantages of the creation of new space in the addition, rather than just renovating current spaces and getting something that's only usable.

Other issues mentioned were:

- The use of lifts for judges in the Warsaw facility. (Mr. Isenberg has noted that it would be nearly impossible to get a waiver to use a lift rather than a ramp any longer.)
- Evidence room – something our plans did not include. (Evidence is the responsibility of the Court Clerk, and a secure area would be needed for storage between sessions of court.)
- Finishing off the addition second floor roof shell space, which could also change some of the traffic flow patterns. (This may raise the cost, but would be cheaper if done now rather than later.)
- Natural lighting in the new courtroom on the second floor of the addition. (Ms. Mashtare noted that natural light would be brought from windows on the exterior walls, through the corridors, and in through transoms in the courtroom walls. She has begun to implement some of the issues addressed so far. Some have been taken care of, and other suggestions will be worked in as much as is possible.)

Mr. Pullen noted that further comments should be gotten to Mr. Kukuvka, Ms. Mashtare, Mr. Isenberg, John Margeson, or himself as soon as possible to allow time to make changes. Judge Townsend invited comments from attorneys, and we may want to ask Mark or Penny to attend a Bar Association meeting some evening to get that aspect of the "user friendliness" function and some of the other issues to address.

Construction Management Services Request for Proposals (RFP):

County Administrator John Margeson led a discussion on the draft Request for Proposals (RFP) for construction management services which he put together and e-mailed to committee members for review. The draft covers all construction management services required for this project, including: bringing the CM on board at the design stage, working through the bidding process, assisting the County in awarding bids and contracts, day-to-day oversight of construction, overseeing contractors, staging work, and staying until completion and

occupancy. The proposed time line suggests Legislative approval of the Bond Resolution in July 2008 and selection of the CM in August 2008. Mr. Margeson recommended allowing four to six weeks for submission of proposals. Within that period, the scope of services will be further defined due to LaBella's progress.

A motion was made by Hall, seconded by Fanton and carried to approve the Construction Management Services Request for Proposal (RFP) document prepared by County Administrator John Margeson, and to authorize Mr. Margeson to proceed with the RFP process.

OLD BUSINESS:

Tour of Court Facilities Correspondence:

Mr. Hall suggested that thank-you letters be sent to the staff at both the Wyoming County and Genesee County Courts and also to Andrew Isenberg for the Courthouse tours. ***John Margeson will draft the letters and have Chairman Curtis Crandall sign them.***

NEW BUSINESS:

Presentation of Court Facilities Plan to Bar Association Members:

The previous presentation held during the day limited attendance by some Bar Association members. Mr. Parker commented that several sets of the plans have been made and are available in Warren Emerson's office if anyone wants to see them. Those who are interested have an opportunity for comments and input. Chairman Crandall noted that we are in the midst of plan revisions, and that as changes are made, we would need to update the information given to Bar members. He suggested letting the process get to a more finalized form, and then decide on a format for further presentation. Mr. Pullen requested communication from the Bar Association to its members that plans are available in the Court area, and any comments should be gotten back to the committee prior to the next meeting on May 7. This may be better than trying to have a meeting within that time period.

Court Facilities Capital Plan:

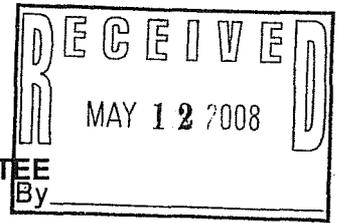
Mr. Pullen reported that Andrew Isenberg still has no date for the next Court Facilities Board meeting, but understood that it would probably be held before June. At that meeting, the County will need to submit a finalized and approved Court Facilities Capital Plan. Mr. Pullen urged committee members to review the draft plan. If there are revisions, get them to Mr. Kukuvka and Ms. Mashtare, and they can forward the changes to Mr. Margeson to forward on to committee members for review prior to the next meeting on May 7. Mr. Isenberg felt that the Court Facilities Board will be looking for something approved by the full Board.

NEXT MEETING: May 7, 2008 at 3:00 p.m.

Adjournment: The meeting was adjourned at 4:35 p.m. following a motion made by Fanton, seconded by Hall and carried.

Respectfully submitted by
Adele Finnemore, Journal Clerk

**NOT
APPROVED**



**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE
MAY 7, 2008**

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

Others Present: W. Dibble, W. Emerson, A. Finnemore, J. Foels, P. Fogarty, K. Johnson, K. Kruger, J. Margeson, P. Mashtare, K. Toot, N. Ungermann; **Media:** B. Quinn, Wellsville Daily Reporter

Call to Order: 3:00 p.m. by Committee Chairman David Pullen.

Approval of Minutes: The minutes of April 9, 2008 were approved following a motion made by Fanton, seconded by Hopkins and carried.

LaBella Update on Courthouse Addition and County Office Building Renovations:
(Penny Mashtare)

Courthouse Addition Floor Plan Changes:

The following changes have been made in response to comments made by David Pullen and Ed Rodman:

Ground Floor:

- Added a secure employee entrance at back which enters into a secure elevator allowing access to first and second floor levels, or employees can enter through unassigned space by swipe card. All the public will still enter through the main front entrance.
- Stairs have been moved from the middle area to an outside wall. Server and elevator mechanical room are now located where the stairs were.
- Treasurer's Offices have been added in a portion of the unassigned space.
- The floor level of the addition ramps down 18" lower than the original Courthouse.

Main (First) Floor:

- Floor levels are flush between the addition and the Courthouse.
- Added a door through the Surrogate Court Clerk area to Family Court for secure staff travel.
- Added toilet/sink units to holding cells. All four holding cells will remain per OCA.
- Server rooms are needed on all levels per OCA; restrooms are stacked over each other on all three levels.

Upper (Second) Floor:

- The floor level of the addition ramps up 18" higher than the Courthouse (ramping angles are legal at 1" in 12", meaning if the ramping is 18" high, the corridor is 18 feet long). Railings will be installed all along the ramps.
- Added a pass-through door in the jury deliberation room to allow staff access to restrooms and exits without traveling through public areas.
- Furniture is now included in the drawings. The hearing room has been laid out and sent to OCA for review.

Proposed Courthouse Addition Elevations Review:

Building materials and window type were discussed. LaBella is trying to mimic the front of the existing Courthouse with the design of the employee entrance in the addition, but it won't be as dramatic. The windows are fixed aluminum units that look like the original double hung

windows. They will use a similar brick finish with precast heads and sills to pick up some of the detail from the original building.

Proposed Site Plan Review:

There are currently 141 parking spaces in back, including three handicapped spaces, but not accounting for any double parking. The proposal retains 99 parking spaces, including nine handicapped spaces, or a loss of 42. There will be room for dumpsters behind the addition on the river side, and they can be accessed by truck. A handicapped ramp is included along the sidewalk of the addition. The addition will be constructed about one foot away from the Courthouse to avoid disturbing the existing footings.

Discussion was held on the possibility of moving one or the other of the monuments on the front lawn to allow for additional parking in front. Concern was also raised about the double parking that takes place in the back of the Courthouse, which in reality brings the number of lost parking spaces closer to 60 than 42, although some are not "legal," marked-off spaces.

Mr. Fanton suggested driving piling and backfilling to extend the width of the current single-lane exit from the back parking lot into a two-lane entrance/exit, and also extending the back lot along that same side to recoup some of the lost parking spaces. The County's Department of Public Works could do the work prior to the construction of the addition. County Administrator John Margeson was asked if he could start investigating the piling issue. Ms. Mashtare noted that the original site plan added parking spaces at the back edge of the lot, but the grade was too steep requiring too much fill. LaBella's current plan leaves the entrance and exit lanes as they are now. The river side of the addition was kept as close as possible and allows three parking spaces there and a couple behind the building.

Ms. Mashtare noted that all of Mr. Pullen's and Mr. Rodman's suggestions have been addressed, and changes have been made if possible.

County Office Building Stacking Review:

LaBella completed all meetings with the County Administrator and Department Heads on Thursday, May 1, and have begun working toward laying out all the departments using the program that was developed from these meetings. The proposal includes:

Ground Floor:

- Health Department retains their current space and WIC will be brought from off-site to fill the existing Court space (former Room 8 and the areas across the hall). Cancer Services will be brought back in.
- Public Defender and Sheriff areas remain.
- Buildings and Grounds will be taking over the Sally Port area (room for some equipment, but not addressing all their needs). Existing building maintenance areas stay.
- Unassigned space at about 660 sf.
- Board of Elections will be brought from off-site into the Courthouse in the current Information Technology area (without voting machines).
- The former Jail elevator will be eliminated, and the existing main elevator will go all the way to the top floor. Discussion was held on the cost to renovate the main elevator and shaft, which would actually be a whole new system. The old elevator was installed in 1976. Ms. Mashtare pointed out that the holding cell elevator could be kept if desired. Estimates can be provided both ways once all positions are established.

Main (First) Floor:

- Department of Social Services remains as is at 10,049 sf.

Second Floor:

- Department of Public Works will pick up an extra 700 sf from the current County Administrator's Offices.
- Information Technology moves from the Courthouse ground floor into the current Clerk of the Board of Legislators' area and DSS Accounting area.
- Remaining area is for DSS. The Support Unit will be moving in from off-site.

Third Floor (former Jail):

- Legislative Chambers will fill the current open courtyard area and will gain 200 sf.
- Chairman and Clerk of the Board of Legislators, Caucus, County Administrator, County Attorney, District Attorney, and Human Resources.
- Unassigned space at 782 sf.

The program was developed by figuring the requirements for staff and adding 20 percent for circulation and walls. Buildings and Grounds has not been assigned yet. Unassigned space in the addition ground floor still contains 6,362 sf. The use of the former Sally Port is ideal for operating some of Buildings and Grounds' equipment, rather than running it in the addition ground floor unassigned space under office spaces. It was suggested to consider moving Department of Motor Vehicles to the building currently housing the Support Unit, but that building has handicapped inaccessibility and asbestos problems. The Health Department has been laid out and completely fills out the ground floor.

Mr. Margeson commented that this plan addresses our needs quite well. Agencies still not addressed are the Youth Program, Workers' Compensation, Weights and Measures, and Mental Health Services. Ms. Mashtare pointed out that there are still some unassigned spaces. If one of those agencies is small enough, such as the Veterans' Service Agency which hasn't been assigned yet, it could be put in one of those spaces very easily. Mr. Margeson noted that all departments are gaining. Needed filing space and cramping have been addressed. Departments realize they will not get the space included in a previous space study, and some programs have changed since then as well. The approach used was to look at the space and try to give additional space where it's needed.

Mr. Dibble reported on some information he gathered at an Alfred State College meeting on "Growing Greener" grant money that's available. Ms. Mashtare pointed out that some of those funds are not initial right at the start and take a 12-month period of time to apply. Usually it takes until after the building is completed to be reimbursed.

Next Steps:

After the committee approves these tentative County Office Building plans, Ms. Mashtare will do the room layouts, furniture, walls, and circulation patterns. She would then go back to the departments for any adjustments. After edits and approval, a budget estimate could be put together for the revised County Office Building plans.

A motion was made by Fanton, seconded by O'Grady and carried to accept the tentative design and proposal for the County Office Building renovations and authorize LaBella to proceed with the workup of the floor plans and approach departments for necessary adjustments.

The elevator issue was discussed, comparing advantages of renovating one or the other. The holding cell elevator doesn't enter the DSS floor. The main elevator is more central to the public and main traffic floors and works in better with screening of the public.

Mr. Pullen noted that tentatively we're looking at a schedule of July or August to have the Capital Facilities Plan approved with cost estimates in order to look at the bond resolution. So far, we don't know if we have a plan that will be approved by OCA. Following a phone call from Andrew Isenberg, Mr. Pullen spoke with LaBella about taking plan revisions to New York City for review and tentative sign-off by the OCA architectural staff and Bill Clark. The County's agreement with LaBella calls for up to two visits with the Court Facilities Review Board in New York City. ***Consensus of the Committee was to authorize a trip now for a face-to-face meeting between architects and design staff in order to allow us to finalize our Court Facilities Plan. Mr. Margeson reported that Mr. Isenberg had agreed to work on dates with OCA's Ed Rodman and Bill Clark and LaBella representatives.***

Referrals:

A referral was made at the April 14, 2008 Legislative Board Meeting, per Resolution No. 66-08, regarding a Memorandum of Understanding with the Allegany County Industrial Development Agency (IDA) for development of additional office space at the Crossroads Commerce and Conference Center. The additional space, up to a maximum of 5,400 square feet, would be for the Office for the Aging, Veterans' Service Agency, and the NY Connects Single Point of Entry System. It was noted that although some negative comments were made previously at the Board meeting, this memorandum of understanding doesn't commit the County to anything, but will allow exploration of the development of space. Discussion was held on other options, such as erecting a metal building adjacent to the new Public Safety Facility or obtaining space at the former Belmont School, and there may be other options.

Development Director and IDA Executive Director John Foels reported that the IDA requested him to begin looking at options. Office for the Aging Director Kimberley Toot provided Mr. Margeson with specific space needs, from which Mr. Foels began work on a preliminary floor and site plan. The plan is expected back in a matter of weeks. Mr. Foels plans to be able to present an update and preliminary cost estimate at the June 4 meeting of this Committee.

Mr. Crandall noted that the Office for the Aging facilities issue was discussed during the Senior Forum held on April 18. Comments were offered on putting up a building on County-owned land near the new Jail, utilizing space at the former Belmont School, and other options. Around ninety percent of the nearly 200 senior citizens present at the forum supported the Crossroads project. There is overwhelming support to look into it, and the need is there.

Mr. Pullen questioned how to go about pursuing the other options. The Belmont School is now owned by the Belmont Betterment Association, and they are working to stabilize and improve the building. When questioned about whether they would consider use of space at the school for this project, the Belmont Betterment Association said they will correspond with the Board of Legislators directly. Mr. Pullen noted that they may approach us, or we may need to approach them, to see if they want to pursue this. The Belmont Betterment Association could work up a proposal for the same information as for the Crossroads proposal.

For the property next to the Jail, Mr. Ungermann stated that estimates for metal buildings were just done for Public Works three or four weeks ago. Mr. Fanton commented that those estimates would be for shell space, and we could expand on that with information developed for the Crossroads proposal. Mr. Hopkins pointed out the differences in costs between privately and publicly built projects. If the County builds, we're subject to the Wicks Law, prevailing wage rates, and so on, while the IDA is not. A metal building shell space would need to be finished out. Mr. Margeson noted that a tentative floor plan would be developed, and Maintenance could accomplish some of the smaller jobs, but we would want to get quotes from private contractors for the bulk of it. It was mentioned that Alfred Tech's construction program students could be asked to complete the finish work; the County would buy materials and give them the

opportunity to build our design. Ms. Mashtare pointed out that the County would need to ensure code compliances and be aware of state requirements, as sometimes there is a need for NYS Department of Health approval of floor plans.

Comments were also offered on the possibility of leasing other existing space. It was noted that Office for the Aging and the Senior Foundation have explored options for other properties, but couldn't work anything out.

The actual space that would be needed by Office for the Aging, Veterans' Service Agency, and NY Connects Single Point of Entry Program was discussed and compared with currently occupied spaces. Mr. Margeson pointed out that space requirements are set based on the functions of the staff occupying the spaces. Some spaces need to be larger for interviewing and conferences. Office for the Aging also has storage issues for Meals on Wheels and Nutrition supplies, for which they currently use a storage shed and basement. Mr. Foels commented that a stand-alone unit is necessary for confidentiality. Office for the Aging's confidentiality needs may not be as stringent as the Courts', but would require "ownership" of their area. Mr. O'Grady noted that even though this would be good, it might not be what we can afford at the same time as building the new Courthouse.

Mr. Foels was requested to give an update on the Crossroads space option at the June 4 meeting of the Court Facilities and County Space Needs Committee.

Mr. Margeson was requested to obtain information from the Belmont Betterment Association for a proposal for available space at the former Belmont School. The committee would also like information on the metal building option and the costs to finish it out.

Executive Session:

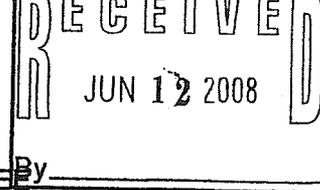
A motion was made at 4:20 by Fanton, seconded by Hopkins and carried to enter into executive session to discuss the proposed acquisition of real property. Following discussion, a motion was made at 5:02 by Fanton, seconded by Hopkins and carried to close the executive session and return to the regular meeting.

NEXT MEETING: June 4, 2008 at 3:00 p.m.

Adjournment: The meeting was adjourned at 5:02 p.m. following a motion made by Hopkins, seconded by Fanton and carried.

Respectfully submitted by
Adele Finnemore, Journal Clerk

**NOT
APPROVED**



**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE
JUNE 4, 2008**

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

Others Present: J. Carminati, L. Ballengee, W. Dibble, W. Emerson, A. Finnemore, J. Foels, A. Isenberg, B. Kelley, P. Fogarty, K. Kruger, M. Kukuvka, J. Margeson, P. Mashtare, B. Riehle, T. Ross, K. Toot, N. Ungermann; **Media:** B. Quinn, Wellsville Daily Reporter

Call to Order: 3:00 p.m. by Committee Chairman David Pullen.

Approval of Minutes: The minutes of May 7, 2008 were approved following a motion made by Mr. O'Grady, seconded by Mr. Fanton and carried.

LaBella Update on Courthouse Addition and County Office Building Renovations:
(Penny Mashtare, Mark Kukuvka)

Review of County Office Building (COB) Renovations:

Penny Mashtare, from LaBella Associates, reported on the latest revision of the County Office Building renovations, including furniture layout, following her review of the floor plans with departments on May 30. Areas will be filled in with as little demolition as possible, making use of existing spaces and walls when feasible. (Updated floor plans attached to original minutes). A summary of the floor plans includes:

Ground Floor: Health Department will occupy most of the floor; WIC and Cancer Services will be brought back in from off-site; Health reception will be near the entrance, allowing for better direction of customer flow; Public Defender's Office stays where it is; Maintenance will have the Sally port area. A suggestion was made to locate the entrance door for the Public Defender's Office in the hallway, rather than in the former Sheriff's area. It was later noted that a second door out of the Public Defender's Office would be better for security, instead of just relocating the door. Better signage was suggested, possibly color coded, to help with directing customers.

First Floor: Social Services will have the entire floor; Child Support Unit will be brought in from off-site (records stored in the basement of the Support Unit building will be out-sourced). Existing work stations and exam rooms will be taken advantage of, and acoustics will be addressed with partitions to help with noise and privacy. Storage was addressed: high density storage area is the same, and there is a file room, but a lot of the filing goes with personnel into offices; archival records will be out-sourced.

Second Floor: Social Services will occupy nearly half of the floor. The present Legislative Chambers area will require the most work on this floor, requiring new walls to section it off. Public Works remains and will expand in area. Information Technology will move up and acquire additional storage space.

Third Floor (former Jail): This floor will require the most work. Legislative Board Clerk's Offices, Caucus Room, and Chambers (from a load bearing/code standpoint, the Chambers had to be located in the former outdoor rec area); District Attorney; County Attorney; County Administrator; Human Resources; Workers' Compensation (in the HR area, from off-site); mail/copy room. The need for the corridor at the back of the

Chambers area was discussed, as was the possibility of reversing the direction of the Chambers. Mr. O'Grady questioned if all the conference rooms were needed, and if one of those areas could be used to bring the Youth/DWI Office back in from off-site. Ms. Mashtare noted that there are still some unassigned spaces that could be looked at. Mr. Isenberg asked if doubling for Grand Jury was discussed when planning space for the Legislative Chambers and when meeting with the District Attorney. Mr. Kukupka responded that it was accommodated for.

Courthouse Basement/Addition Ground Floor: Board of Elections will be brought back up from off-site and voting booths will be out-sourced; County Treasurer will be moving into the addition ground floor immediately off the main elevator lobby area (present Treasurer's Office will be the queuing area for building security). The possibility of storing voting machines in the unassigned space on the addition ground floor was discussed.

Mr. Fanton questioned where the rest of building maintenance would go following the removal of the large building out back. They have some space in the former Sally port, but due to noise, it might not be appropriate to go in the unassigned space on the ground floor of the addition. Mr. Kukupka noted that the ground floor unassigned space is tentatively slated for storage; it's unfinished space right now to help with keeping costs down. If the County wants that built out to a certain level, he will need to know that.

With the Support Unit moving into the main building, a decision will have to be made on what to do with the vacant building.

Overview of Demolition Plans and General Approach for COB Remodeling:

Ms. Mashtare and Mr. Kukupka displayed demolition plans which Ciminelli will use to estimate costs. A mechanical team will be coming in next week for analysis and assessment. Guidance will be needed from this committee on the level of renovations and finishing work the County will want in order to ascertain proper estimates. LaBella previously supplied estimates for three different levels of renovation, from "scrape and paint" on the lowest level; to some walls, carpeting, and tile; to a more major level, as on the third floor where nearly everything will be new. When the drawings are given to the estimator, a narrative will be included to ensure basic finishes, but they need direction on what to include in the narrative such as how much electrical renovation is needed, number of data drops, etc. Discussion included ceilings, flooring, existing lighting, and hardware. What can be salvaged will be, to keep the project as economical as possible. There will be a lot of judgment calls, but these issues affect pricing. Mr. Kukupka noted he realized the legislators would not know what all the needs would be, but is looking more for an attitude, such as whether to paint all rooms, and leaving flooring if it is in good condition, or fixing it if tiles are missing.

Next Steps:

Mr. Kukupka suggested the committee review the latest floor plan revisions and forward comments back to him through Mr. Margeson within one week. LaBella's next step will be to write up the narratives and give the information, along with the mechanical team's figures, to the estimators. Estimates will be presented to the committee at the July meeting. If the committee approves the figures, LaBella can be ready for a presentation to the full Board of Legislators on July 14. Mr. Crandall will schedule a Committee of the Whole meeting on July 14 following the Board meeting at approximately 3 p.m.

Preparation for Office of Court Administration (OCA) Meeting on June 10:

Mr. Margeson reported that he, Mr. Kukuvka, and Ms. Mashtare will meet with OCA officials on June 10 to review the Courthouse addition project and go through the floor plans floor by floor. LaBella will take the plans, elevations, the comparison space program (which is a strong selling point in reducing the size of the addition), and a three-dimensional piece. It was noted that the County Office Building third floor drawing should be taken to show the District Attorney area and Grand Jury flex space. The County's proposed Capital Facilities Plan will be presented to obtain OCA's feedback. Mr. Isenberg noted that the County needed to complete some of the items that were included on LaBella's draft capital plan letter, such as benchmarks, etc. in preparation for the June 10 meeting. Mr. Pullen noted that some of these dates are already known, so they can be included. Mr. Kukuvka requested he be notified if LaBella needed to expand on any of their information.

Mr. O'Grady suggested that another informational pamphlet be prepared following the June 10 OCA meeting in order to keep the public informed of progress on the project.

Mr. Isenberg reported that after OCA's Ed Rodman was in town for a meeting with LaBella on the revised floor plans, he met with the Judges, and with some minor tweaking, everyone on the Court side is on board with the plan.

New York State Energy Research and Development Authority (NYSERDA) Information:

Mr. Pullen reported that Legislator Dibble provided him with information from NYSERDA regarding state funding availability for new construction programs adhering to "green" guidelines for energy efficiency, performance, and energy consumption. Mr. Kukuvka remarked that a lot of county projects have applied for NYSERDA incentives, some more aggressively than others. Sometimes you have to put in more expensive units in order to reap some money back, but you certainly wouldn't get the difference in costs back. Mr. Kukuvka stated it makes sense to apply. The process involves getting the project registered, a case number would be assigned, and a technical assistance person would work with LaBella on how much to go for.

Mr. Isenberg commented that the County should be working with any agency appropriate at the state level for any incentives that are available. OCA provides assistance with a portion of the interest on bonding. NYSERDA would be pursued independently by the County, not through OCA.

Mr. Pullen noted that the project could cost more up front, with pay back in energy savings over the life of the bond. The County's goal was to keep upfront costs as low as possible, but this might be something to consider with energy costs what they are. Mr. Hopkins commented that if we're talking of using something that's proven as an energy saver, we'd know the savings up front, but he wouldn't want to use something that's unproven. Mr. Kukuvka remarked that "more aggressive" just means more sophisticated technology, as in higher efficiency furnaces. You'd be spending more but the NYSERDA incentive would also be higher. NYSERDA can do a third-party calculation to determine the payback period. Mr. Kukuvka's experience has shown that most counties have pursued the incentive casually, only a few aggressively. He will refer it to their engineers in light of higher fuel costs and get a fresh look at the payback period. There is also a green building movement independent of NYSERDA that involves the use of recycled materials, etc. The US Green Building Council has a Leadership in Energy and Environmental Design (LEED) Certified Program. It costs five to ten percent more up front to construct a completely LEED Certified building, for which you would reap benefits in

energy savings over a period of years, although there are no incentives. Mr. Kukulka noted that this project has not been priced yet as a green building, but we can still be good stewards as far as some things go without getting LEED certified. Mr. Hall stated there is no chance now to do a completely green building, and it's too expensive. Mr. Pullen commented that we don't lose anything by registering with NYSERDA. **Mr. Kukulka will register the project with NYSERDA and check with LaBella's engineers on how aggressively to pursue those incentives. He will report at the next meeting.**

Space Options for Office for the Aging/NY Connects/Veterans' Services:

Former Belmont School: (County Administrator John Margeson)

Mr. Margeson spoke with Ray DeTine from the Belmont Betterment Association approximately two weeks ago and discussed the County's interest in space, what it would be used for, and what would be needed. Mr. DeTine wanted to speak with an investor. Mr. Margeson is waiting to hear back and will contact Mr. DeTine later this week.

Crossroads Center: (Industrial Development Agency Executive Director John Foels)

Mr. Foels, along with Waterbourne Construction Advisor James Carminati, presented preliminary lease figures and construction estimates for a 6,000 sf facility on the Crossroads Center property. (Space needs were estimated at 5,400 sf; the 6,000 sf allows room for expansion.) The IDA approached this project by looking at the costs prior to design. The options for lease, costs of construction, and design were made with the assumption that construction would be in keeping with the specifications and level of construction of the present building with some upgrades. Handouts were distributed (copy attached to original minutes). Two lease term options were included:

10-year initial lease term rate (based on a fifteen-year loan):	Years 1-5	\$11.59 psf
	Years 6-10	\$12.75 psf
Two additional five-year renewal terms:	Years 11-15	\$14.03 psf
	Years 16-20	\$15.43 psf
15-year initial lease term rate (based on a twenty-year loan):	Years 1-5	\$ 9.92 psf
	Years 6-10	\$10.91 psf
Two additional five-year renewal terms:	Years 11-15	\$12.00 psf
	Years 16-20	\$13.20 psf
	Years 21-25	\$14.52 psf

The rental rate is based on this being a financed project. The rate secured on the existing building is six percent, and Mr. Foels expects those numbers will be the same. The estimates included the entire cost of the project and amortization over those time periods, an additional five percent for structural maintenance, five percent management fee required by the banks, and three percent for soft costs. The IDA will own the building (tax exempt). Estimates and cost breakdowns are based on assumptions on square footage, keeping like specifications, and upgrades, and there may still be some economies. The next step will be working on floor plans and specifics. The total cost estimate for actual construction was \$588,865.

Construction of Metal Building Adjacent to the County Jail:

Mr. Margeson distributed a handout prepared in concert with Public Works Superintendent David Roeske which provides a rough estimate for construction of a 5,400 sf

metal building adjacent to the County Jail. A Silver Creek, NY company provided DPW with a quote of \$72,700, or \$30.29 psf, for a 2,400 sf pre-engineered metal building. Using the same cost per square foot, a 5,400 sf building would cost \$163,566 (inside unfinished, and excluding footers and foundation). Additional work required in the construction, including foundation, footer, interior finishing, utilities, site work, septic system, exterior painting, eaves, and landscaping, is roughly estimated at \$232,000, bringing the cost to purchase and erect this building for occupancy to \$380,000 to \$400,000. Since the County will own this building, annual operating expenses, such as insurance, utility bills, maintenance/cleaning, etc., have been estimated at \$20,000 to \$25,000 per year. Debt service on a \$400,000 building with a ten-year amortization would be approximately \$44,000 per year.

Mr. Ungermann felt that the figures provided were close. He noted that the metal buildings can be built with an expandable end wall, so they can be added on to at minimal cost. There is a lot of room at that site (23 acres remain). We could solve our storage space problems as well, and storage space isn't as expensive as office space finishing.

Other Space Options:

Mr. Pullen made note of communications forwarded by Office for the Aging Director Kimberley Toot which were received from other property owners in the area (Back in Thyme, south of Belmont; and Boomers, in Scio) wishing to have their properties be considered for County space needs.

Next Steps / Discussion:

Mr. Foels would like to come back to the committee and look at tightening up their estimates and look at floor plans. Mr. Ungermann questioned why the IDA couldn't build and provide rental space at the Jail site. Mr. Foels responded that the IDA should have ownership of the property, but that he would have to check to see how that would work. Mr. Fanton pointed out that if the IDA constructs the building, they don't have to meet the same labor laws, whereas the County would presumably be working through a private contracting firm. With a \$200,000 difference in costs, where is the benefit in the IDA project? Mr. Foels noted that the steel structure is a good option with cost benefits, but the projects are two different construction issues. The IDA couldn't construct a metal building at the Crossroads site because it wouldn't "fit" there.

Mr. Carminati commented that the construction numbers were probably close on the pre-engineered building. IDA numbers were based on using structure standards in the existing building. If the County has a budget, they can work with us to try to stay within that budget by changing some things around. Mr. Hopkins noted he would like to see pictures and actual costs. Mr. Pullen commented that the proposals are different in ownership, financing, etc., and suggested investigation into the feasibility of the IDA building on another location. Mr. Ungermann remarked that in looking at other sites, accessibility and sight distance are important considerations. The Jail site has more sight distance in both directions than the Crossroads site.

Chairman Crandall stated that we're not comparing like issues. We have to look at annual costs if moving in a different direction than the IDA project. We have to look at the pros and cons of each proposal. Chairman Crandall reminded the committee of the presentation regarding coupling this facility with existing programs at Crossroads and also with what the Senior Foundation is looking to do. That's an important factor. We need to look at the larger

picture in how the facility is utilized, if the space is just for Office for the Aging or additional programs, and neighboring facilities.

Parking at the Crossroads facility was questioned. Mr. Foels noted that their original plans wouldn't work, as they will need about double the parking spaces on a regular basis. They've changed the plans, and paving will be an IDA cost.

Mr. Pullen suggested that Mr. Foels move forward to put a proposal together for a 6,000 square foot facility, and the County put together the same for the Jail site, as comparable as possible, and bring the information back to the July 9 meeting. As far as the Belmont Betterment Association option, we'll have to wait to see what Mr. Margeson comes back with and see how it would be laid out to accommodate our needs.

Discussion was held on how a building would be placed at the Jail site, looking at the potential of adding on, entrances and new parking, and site work. Mr. Ungermann also pointed out that we could hire a design/build team and lease the building back from them. Mr. Carminati noted that the Jail site is a good, flat site and recommended being careful when dividing off little chunks, as it may impede future development. Chairman Crandall noted that drawings were done during the Jail development on how the site could be parceled off.

Mr. Fanton questioned some of the \$120,000 costs included in the IDA proposal. Mr. Carminati responded that they were confident these numbers are good to build a facility comparable to the existing structure. A ten percent contingency will allow unforeseen problems to be dealt with, or it can be used for add-ons if not needed for something else. Mr. Fanton asked if the septic system was adequate. Mr. Carminati assumed so, as it was built for a school with larger capacities than what the senior center will require. It still has to be tested. Mr. Foels noted that if the County wanted some thoughts on the Jail site, the IDA would be glad to look at that also. Mr. Carminati noted that his company has done some design/build projects, and they can work with the County on design and advise if the County's budget for the project is adequate. Because they work on a construction management basis, they build under different situations and have used union labor, non-union, prevailing wage, etc.; they can do what the County wants.

Development of a site plan and cost estimates for the Jail site project to allow equal comparison with the IDA project will require professional assistance. Chairman Crandall expressed concern that there were other issues not being considered and wanted to ensure proper development of the site. This requires more than just having Mr. Margeson come back with a figure; we have to look at all figures, debt, maintenance, whether some of the work can be done in kind, etc. Those things need to be addressed, and we need professional help. We need a complete site plan.

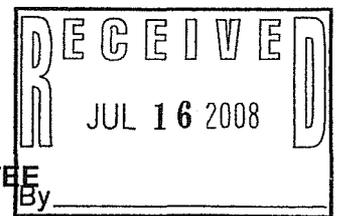
A motion was made by Pullen, seconded by Fanton and carried to authorize County Administrator John Margeson to expend up to \$5,000 for professional assistance for development of a site plan on County-owned property near the County Jail.

NEXT MEETING: Wednesday, July 9 at 3:00 p.m.

Adjournment: The meeting was adjourned at 5:35 p.m. following a motion made by Hall, seconded by Fanton and carried.

Respectfully submitted by Adele Finne more, Journal Clerk

**NOT
APPROVED**



**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE
JULY 9, 2008**

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

Others Present: L. Ballengee, Ciminelli Representatives S. Decker and M. Maglio, W. Dibble, W. Emerson, A. Finnemore, J. Foels, W. Higgins, K. Kruger, LaBella Representatives M. Kukuvka and P. Mashtare, J. Margeson, T. Parker, B. Reynolds, B. Riehle, K. Toot;
Media: B. Quinn, Wellsville Daily Reporter

Call to Order: 3:00 p.m. by Committee Chairman David Pullen.

Approval of Minutes: The minutes of June 4, 2008 were approved following a motion made by Mr. Hopkins, seconded by Mr. Hall and carried.

LaBella Associates Update on Courthouse Addition & Office Building Renovations:

Report on the June 10 Meeting with Office of Court Administration (LaBella):

Mark Kukuvka reported on the June 10 meeting with OCA in New York City which included John Margeson, David Pullen, Penny Mashtare, and himself. They presented a progress report on the project drawings, plans, elevations, and the intent of the design, and it all seemed to be acceptable with just a few minor adjustments. Discussion was also held on accessories, furniture, items like assisted listening devices, and some of the details and levels of finishing that the Courts will be anticipating to be included in the project. In general, OCA was very pleased with the report. Mr. Pullen noted that OCA is looking for a timetable from us.

Plan Adjustments for Items Identified at Last Meeting: (Mark Kukuvka & Penny Mashtare)

The Real Property Tax Service Director's area near the corridor to the addition was impacted, so that's been changed. The Director's Office and storage will now go in the back portion of the present Information Technology area, rather than moving the Board of Elections into that space. This keeps the Real Property Tax Offices linked into the same area, and adjacencies are important between them, the County Treasurer, and County Clerk. The front portion of the Information Technology area is unassigned, but is too small for Board of Elections. The current proposal is to leave Board of Elections where they are now (off-site).

The Legislative Chambers has been "flipped" front to back and moved back to the outside wall to allow for natural lighting. There is now a corridor between the restrooms and Chambers for better access between the two sides of that floor. Since the Chambers will also be used for Grand Jury, Mr. Parker commented that currently they use the caucus room for holding witnesses. The new floor plan won't be as convenient. It was suggested that the caucus room could be moved to the end and a doorway added.

The STOP DWI Offices (approximately 200 square feet) is proposed to be moved from off-site into an unassigned space on the ground floor of the County Office Building near the Public Defender's Office.

Mr. Fanton asked about accessibility to the Courthouse addition site for construction materials. Mr. Kukuvka noted that the tentative plan is to use the north or back end of the parking lot for a staging area, and the contractors will have to enter on the west side, not under

the overpass. About half of the remaining parking area left from what's lost for the actual addition will be lost during construction. Ciminelli's Steve Decker commented that a Construction Manager could help address some of those issues by working with the architects to create a site use plan. Mr. Kuvvka advised that no parking for construction employees be allowed in the staging area, but only construction materials and vehicles. Mr. Kruger pointed out that there probably won't be any parking in back for County employees, with equipment and excavation so close to the overpass and the exit tied up with construction traffic. Mr. Kuvvka noted that for fire fighting, deliveries, and operational issues, there has to be some employee access in back. Mr. Crandall commented that we need to identify temporary parking and assign areas for customers. Some people will have to walk from auxiliary parking areas. Mr. Decker noted that it makes sense to stone in an area for parking right at the beginning.

Executive Summary Review and Approach to the Estimate (LaBella):

Mark Kuvvka distributed copies of an Executive Summary for the Courthouse and County Office Building Addition and Renovation Study (copy attached to original minutes). This is a summary of the full report given to Cimelli-Cowper, LaBella's estimators, which includes narratives, conceptual drawings, site plan, elevations, catalog of level of materials and finishes, equipment to be included, outline specifications, etc., and is what the estimates are based on. Penny Mashtare gave highlights of the summary. It includes existing finishes, architectural summary stating levels of work to be done, description of walls, finishes, furniture, and levels to price for in areas such as HVAC, ceilings, lighting, and so on, all very descriptive. Mr. Kuvvka noted that since we've moved into the schematic design estimate phase, there is a level of detail not available before.

Estimate Review (LaBella and LPCiminelli):

Steve Decker and Mike Maglio from Ciminelli reviewed the project cost estimates (copy attached to original minutes). The numbers have come down quite a bit, due to the level of information and dialog with LaBella. The estimates are broken down into three main areas: Courthouse Renovations \$1,852,100; Courthouse Addition \$11,934,600; and County Office Building Renovations \$4,897,100; for a total of \$18,683,800. Included in the estimates are construction contingencies of ten percent on renovations and five percent on the addition, and incidentals at 25 percent. For comparison purposes, the estimate for the Courthouse addition in September 2007 was \$16.6 million. Between then and March 2008, LaBella reduced the size of the project, saving almost \$3 million. From the March estimate of \$13.8 million down to this estimate of \$11.9 million, another \$2 million has been saved. Assumptions were made for a start date of Summer/Fall 2009 and an 18-month construction period, and estimates include a ten percent escalation rate for material costs. Mr. Kuvvka explained that the first page of the handout lists project costs for ease in comparison with past numbers; the second page lists construction costs with all incidentals and contingencies at the bottom. *(An error was pointed out on the bottom of the first sheet: the Office Building Renovations section total should read "Total Office Building Renovations.")* The estimates include site work as impacted by the project, and not items such as additional parking. Clarifications and qualifications follow the two estimate sheets in the handout. Assumptions were made for moving Information Technology and for data and telephone work, and as we work through this, we'll want to make sure there is a consensus on what work the County will do and what the contractors will do. This estimate document is still a draft; it needs to be reviewed to ascertain that everything is included that should be. If additions are needed, LaBella and Ciminelli need to know. Allowances have been included to cover contingencies based on past experience.

Mr. Reynolds questioned if we are at the minimum for what OCA will require, and not doing any more than we have to. Mr. Kukuvka responded that OCA has gone the extra mile with the County to come up with a frugal program. This addition plan will accommodate us for a good number of years, whereas a very basic renovation wouldn't serve the purpose very far into the future. There is not any major area we could cut unless we start changing qualities of finishes. Mr. Pullen noted that we have a couple of areas being left vacant as shell space. Every county he's talked to that has gone through this process says they ran out of space because they did not allow for OCA changes, specialty courts, storage requirements, and new technology. We've allowed some extra space for flexibility. It's undeveloped shell space, but will never be as cheap to build as now. If we cut any more, we would regret it very quickly. There are no extravagances in the Courthouse addition; it will be a nice looking facility, but not top shelf. Warren Emerson (who was standing in for Andrew Isenberg) bolstered Mr. Kukuvka's response to Mr. Reynold's question about further reducing the size of the Court project. OCA has said no, this is it, and they will not give approval to anything less than this.

Chairman Crandall asked if the contingencies and incidentals percentages will be pared down after the bidding process when we have some firmer figures. Mr. Decker noted that the high percentage is due to the level of design, and that it will come down as information comes in. This is still a conservative figure, but it is based on good information and project cost data from past experience. The architect, design team, and construction manager will continue to drive numbers down as much as possible. Mr. Kukuvka commented that the estimates are based on typical industry standards. It would be appropriate to make a finite list of what all those incidentals are and make them project-specific. Then they could be looked at and possibly be cut to bring the figures for incidentals down. Mr. Decker stated that the design team and construction manager work very closely, trying to get all they can for our dollar, with the end result being an excellent design within budget.

The break-down of costs between Courthouse addition/renovation at \$13.7 million and County Office Building renovations at \$5 million was discussed. The Courthouse changes are mandated by OCA, but those changes have a ripple effect in other areas that have to be addressed. This committee is addressing other space needs in addition to the OCA mandates. The finances need to be kept separate because OCA will reimburse for a portion of the interest on only the Court related debt service. Mr. Reynolds noted that previous rough estimates for construction of a new Courthouse were \$20 million, and that would be just a Courthouse. With this new figure, the County is solving a lot of departmental space issues, as well as dealing with the vacant space in the former Jail.

Mr. Dibble noted that all three buildings should have a common security system to allow monitoring of who is in the buildings. He suggested an electronic ID system, such as finger imaging, as we need to have a better system than there is now. Mr. Kukuvka commented that finger and retina scan technologies are out there. They are expensive, and some may not be as reliable, for instance if a finger is scratched or cut, reading is difficult. All the options will have to be looked at, and a decision will have to be made on how much security is needed in the County Office Building. The project currently includes 100 percent screening at the Courthouse and none at the County Office Building.

Chairman Crandall recommended that the financial aspects of the project should be forwarded to the Budget or Ways and Means Committee to begin folding in some of the steps and specific costs and impacts on the budget. Mr. Pullen noted that before this summer is over, the County will have an approved Court Facilities Capital Plan and will be looking at a bond resolution. He questioned the timeline for actual borrowing, since construction will not begin until 2009 or 2010. Mr. Margeson responded that Allardice will probably advise a Bond

Anticipation Note in 2009 and the actual bond in 2010. For budget purposes, bond payments won't begin until 2010. ***A motion was made by Mr. Fanton, seconded by Mr. Hall and carried unanimously to refer the financial aspects of the Courthouse addition/renovation and County Office Building renovation project to the Budget Committee for consideration. REFERRED TO BUDGET COMMITTEE.***

NYSERDA Update (LaBella):

Mr. Kukupka reported that there are two choices for NYSERDA incentive programs (diagram of one incentive program is included with the original minutes). To maximize incentives, you have to spend money on better equipment. The process will require some analysis to see what the payback and benefits are. The first program involves installation of certain light fixtures, boilers, pumps, motors, ballasts, etc., and NYSERDA gives credit for what is installed using a tally system. The County would work with a technical assistant from NYSERDA and prove that specified devices were installed, and they would determine the incentives. The second program would commit the whole building to energy efficiency, or a "green" building philosophy. If the building is designed to be a certain percentage more efficient than a typical building, NYSERDA would translate that into a kilowatt savings, with more incentives for higher percentages. A NYSERDA technical assistant would test the design and then calculate the incentives. At the end, they test the actual equipment. Our savings would be \$20,000 to \$30,000 for initial incentives, but additional benefits would be realized through life cycle cost savings over the life of the bond. Incentives are not big dollars, and we would have to hire third-party people through NYSERDA, but it would be a good thing to consider. LaBella is willing to work with NYSERDA. Following discussion, it was decided that LaBella will work with Mr. Margeson to get the project registered with NYSERDA.

Court Facilities Plan Review with Office of the Sheriff (LaBella):

Mr. Kukupka reported that drawings have been sent to the Commission of Corrections, and LaBella still needs to meet with Sheriff personnel to look at issues such as holding cells, garage door, bay, and transport of inmates. LaBella will contact the Sheriff directly to review the plans.

Court Facilities Capital Plan Narrative:

The next steps in completing the draft of our Court Facilities Capital Plan were discussed. The draft plan will need to be adopted by this committee and forwarded to the full Board for approval prior to it being sent to OCA. County Administrator John Margeson reported that the draft plan narrative is about half done, and he will try to finish it in time to distribute copies to committee members on Monday, July 14, for review. Mr. Clark has offered to review the draft and give his suggestions for any improvements. The committee will plan to meet briefly on July 16 at 1:45 p.m. to approve the final draft of the Court Facilities Capital Plan narrative and to sponsor a resolution which could then be presented to the full Board on July 28.

Presentation to Full Board of Legislators:

Mr. Kukupka suggested the committee take time to scrutinize the estimate and meet again to go over it to make sure all are comfortable with the numbers to be presented. This is considered a final draft number to be included in the proposal sent to OCA. Numbers may need to be refined at the bond resolution stage.

LaBella has supplied Mr. Margeson with a draft of their Power Point presentation, which he will give to committee members to preview. Comments will be referred back to LaBella for any changes. A Committee of the Whole meeting has been tentatively scheduled for July 28 (no longer on the 14th as previously planned).

Public Information Brochure Update:

Mr. Margeson presented a list of possible questions to use for the informational brochure update. Mr. Fanton and Mr. O'Grady suggested putting information on all the renovations in the brochure, not just the Courthouse portion. We should include what will be accomplished with the \$5 million estimated for County Office Building renovations, and highlight the savings derived from bringing in some of the off-site offices and utilization of the former Jail space. Mr. Margeson will put together the brochure and resubmit it to committee members on Monday, July 14 for review.

Construction Manager:

Mr. Margeson has prepared a Request for Proposals (RFP) for the Construction Manager. He requested permission from the committee to release it. Mr. Pullen suggested waiting until after we have an approved plan. Mr. Reynolds pointed out that a Construction Manager could help with some of these early decisions and recommended hiring early on. The 45 days for RFP response puts it back to September anyway. Chairman Crandall suggested possibly bringing in the full Board for interviews. He felt that it was not too soon, and noted that in some projects, a construction manager would be hired by now. ***A motion was made by Mr. Fanton, seconded by Mr. Hopkins and carried to authorize County Administrator John Margeson to send out the Request for Proposals (RFP) for Construction Manager, with responses to be returned by August 29 at close of business.***

Other Facilities Needs:

Industrial Development Agency Director John Foels reported that he had no additional information, but they are continuing to look at numbers. He reminded the committee that the IDA proposal includes not only construction costs, but financing, and it is different than the other options. They are approximately halfway through with the site plan and preliminary floor plan, which should be done in two to three weeks. The prices still stand, but some included contingencies will probably come down.

Correspondence was received from Wallace Higgins as Chairman of the Allegany Senior Foundation (copy attached to original minutes). The Foundation's next meeting is Tuesday, July 15, at Crossroads.

Office for the Aging Director Kim Toot echoed the sentiments of the Senior Foundation letter. The important thing is that they have a plan and the Board makes a decision. Office for the Aging is not included in the plans for reorganization of the County Office Building, and there needs to be a plan for where they will go. A lot of money has been spent on the Jail and Court system. It's time to spend a little money on senior services. It's important to have a plan, make a decision, and work toward that. We can always look at options, but it's time to choose one and do the best we can.

Executive Session:

A motion was made by Mr. Fanton, seconded by Mr. Hopkins to enter into an executive session to discuss proposed acquisition of real property. Following discussion, a motion was made by Mr. Fanton, seconded by Mr. Hopkins to close the executive session and return to the regular meeting.

NEXT MEETINGS:

Special Meeting: Wednesday, July 16 at 1:45 p.m.

(Review draft Court Facilities Capital Plan narrative and Public Information Brochure)

Committee of the Whole Presentation: July 28

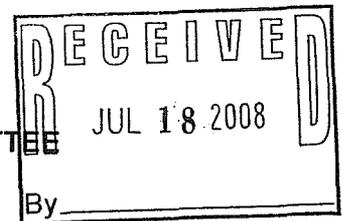
Next Regular Meeting: Wednesday, August 6 at 3:00 p.m.

Adjournment: The meeting was adjourned at 6:00 p.m.

Respectfully submitted by Adele Finnemore, Journal Clerk

**NOT
APPROVED**

**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE
SPECIAL MEETING - JULY 16, 2008**



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

Others Present: L. Ballengee, D. Burdick, W. Dibble, A. Finnemore, K. Kruger, J. Margeson, B. Reynolds, B. Riehle, E. Ruckle, P. Schmelzer

Call to Order: 1:48 p.m. by Committee Chairman David Pullen

Public Information Brochure Update:

County Administrator John Margeson distributed revised copies of the public information brochure update discussed at the last meeting (copy attached to original minutes). The entire project cost and breakdown between the Courthouse and County Office Building portions have been added. Also the debt payment section was changed so that the annual payment for principle and interest reflects the entire project over a 25-year period, rather than just the Courthouse portion.

A motion was made by Mr. Fanton, seconded by Mr. Hopkins and carried to approve the information brochure to be printed and made available to the public in a similar manner as the previous issue.

Review of the Allegany County Court Facilities Capital Plan Narrative:

Mr. Margeson's letter to OCA representing the County's Court Facilities Capital Plan was provided by e-mail to committee members for review prior to the meeting (copy attached to original minutes). Referring to the second page under Courthouse Addition Second Level, Mr. Pullen suggested that wording be included to note the reason the Courtroom is so large is that it will be used for criminal jury trials. Mr. Margeson stated he would add that. The committee commended Mr. Margeson on the excellent job he did on the narrative.

Mr. Pullen pointed out that the committee previously planned to have a resolution approving the Capital Plan presented to the full Board on July 28. The Committee of the Whole presentation by LaBella will take place after the regular session is over. He questioned having the resolution voted on prior to the Committee of the Whole. Mr. Margeson has faxed a copy of the Narrative to OCA's Counsel William Clark, and he has not received comments yet on possible refinements. Chairman Crandall preferred postponing consideration of the resolution approving the Capital Plan until after the proper information has been given. Because the next meeting of this committee (August 6) is too close to the August 11 Board meeting to allow for pre-filing, Chairman Crandall suggested the committee approve the plan today for resolution consideration on August 11, unless Mr. Margeson receives a lot of comments for changes from Bill Clark.

A motion was made by Mr. Hall, seconded by Mr. Fanton and carried to approve the Allegany County Court Facilities Capital Plan and refer it on for consideration by the Board of Legislators at their August 11 meeting.

PREPARE RESOLUTION FOR AUGUST 11 BOARD MEETING.

Mr. Burdick questioned if the vote would be on the total project, or if it would be broken down by Courthouse and County Office Building portions. Mr. Pullen pointed out that the vote on August 11 is only for approval of the Court Facilities Capital Plan prior to its submission to OCA. Then, within a few weeks, the bond resolution will be considered, and that will be a combination of all costs. Mr. Hall noted that the plan involves making changes to the County Office Building, because we can't fulfill OCA's requirements without making changes there as well. It is very important that is made clear.

NEXT MEETINGS:

Committee of the Whole Presentation: July 28 following the Board meeting

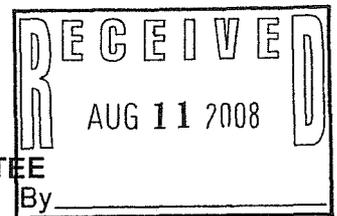
Next Regular Meeting: Wednesday, August 6 at 3:00 p.m.

Adjournment: The meeting was adjourned at 2:05 p.m. following a motion made by Mr. Hall, seconded by Mr. Fanton and carried.

Respectfully submitted by Adele Finnemore, Journal Clerk

**NOT
APPROVED**

**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE
AUGUST 6, 2008**



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

Others Present: D. Allardice (Municipal Solutions), D. Burdick, W. Dibble, A. Finnemore, J. Foels, M. Gasdik, W. Higgins, A. Isenberg (OCA), K. Kruger, J. Margeson, M. McCormick, T. Parker, B. Reynolds, B. Riehle; T. Ross, K. Toot; Media: B. Quinn, Wellsville Daily Reporter

Call to Order: 3:00 p.m. by Committee Chairman David Pullen.

Approval of Minutes:

The minutes of the July 9, 2008 meeting were amended to add the following comment to the middle of page 3: "Mr. O'Grady proposed that the project be presented as two separate plans, the Courthouse addition and renovation as one, and the County Office Building third floor renovation as another, to be voted on separately, but bonded as one." The minutes were approved as amended following a motion made by Mr. O'Grady, seconded by Mr. Hall and carried.

The minutes of the July 16, 2008 special meeting were approved following a motion made by Mr. Hopkins, seconded by Mr. Hall and carried.

Wyoming County and Genesee County Courthouse Tour Photos:

Mr. Dibble distributed copies of photos taken on the Courthouse tours taken several months ago in Wyoming and Genesee Counties.

Office for the Aging / New York Connects / Veterans' Services Facilities:

New facilities for Office for the Aging / New York Connects / and Veterans' Services have been considered at the Crossroads property, as well as a couple of other locations in the County. Today was established as the deadline for proposals to be submitted. County Administrator John Margeson reported that he received one proposal, and he has had phone conversations with another organization, but never heard back on whether or not they wanted to offer a proposal. Mr. Margeson requested an executive session.

Executive Session:

A motion was made by Mr. O'Grady, seconded by Mr. Hall and carried to enter into an Executive Session to discuss the potential lease of real property. Following discussion, a motion was made by Mr. Hopkins, seconded by Mr. Hall and carried to end the Executive Session and return to the regular meeting.

A motion was made by Mr. Hall, seconded by Mr. Pullen and carried unanimously to authorize the County Administrator, with the assistance of the County Attorney, to engage in negotiations to enter into a formal agreement with the Industrial Development Agency (IDA) addressing items identified by Office for the Aging and Veterans' Services, and IDA's proposal to develop facilities at the Crossroads location.

Public Information Brochure Update:

Mr. Margeson reported that a final draft of the Court Facilities and County Space Needs Public Information Brochure Summer 2008 Update had been distributed and comments were requested. Final copies were made available (copy attached to original minutes).

Building Security Sub-Committee:

Mr. O'Grady noted that the Public Safety Committee established an ad-hoc committee to review and investigate security in the new Courthouse addition and existing buildings. He questioned if that issue was part of the Public Safety Committee or this committee. Would security be considered part of the construction/renovation project, and would this committee be responsible to research it and pass recommendations on to the architects? Mr. Pullen commented that the OCA process directs the County to create a plan. The actual proposal will include data on all systems, such as heating, plumbing, electrical, IT, etc., including the security system. There is no particular configuration yet, as these items will be subject to proposal from design professionals and OCA approval. Mr. Isenberg stated that there will be a need in the Court facilities for some type of security that has been approved by OCA. They can provide feedback to the County on different systems used in other Court facilities.

Mr. Dibble noted that the ad-hoc committee will be looking at the buildings on a short term basis, and the second phase would involve ideas and suggestions to be given to Chairman Crandall and himself to make recommendations. Mr. O'Grady felt that whatever security system is used in one part of the complex should be the system used throughout. Mr. O'Grady asked which committee would handle the security system issue, and also noted that we don't want to put a lot of effort into researching systems if that is the charge of the architect or another group. Mr. Pullen stated that it would be a collaborative effort, and something that we will need as we move forward. OCA has their guidelines and minimum requirements. Mr. Dibble's proposal is to first look at the short term. LaBella's timeline shows mid-project at early 2010, so it will be close to three years until occupancy.

Mr. Isenberg noted that there is no date scheduled yet for the next meeting of the OCA Capital Facilities Review Board.

Mr. O'Grady questioned if there were any grants or state funds available to assist counties with Court security and cameras, or a system to link the different Court-related areas, such as the Grand Jury's use of the Legislative Chambers. Mr. Isenberg responded that OCA only assists with a portion of the interest for financing the entire project, so if security is included in the bonding, aid would be received through that avenue. OCA would pay for the cost of outdated equipment, such as magnetometers, but items that are integrated within the facility would be included in the capital project.

Operating Expenses:

Mr. Pullen had previously questioned operating costs associated with the new facilities, and Mr. Isenberg reminded him that we currently have a contract with OCA for reimbursement of Court-related operating expenses. When the time comes, a contract would be negotiated to cover the larger square footage. This would cover the Court areas, and go a long way toward addressing additional expenses.

Allegany County's Court Facilities Capital Plan:

Mr. Pullen noted that a proposed resolution will be considered at the August 11 Legislative Board meeting for the adoption of the County's Court Facilities Capital Plan. The plan has been a major part of this committee's work and he advised committee members to be prepared for discussion.

Correspondence:

Mr. Pullen made note of an e-mail from Assistant County Attorney Leslie Haggstrom. Ms. Haggstrom suggested designing the Courthouse addition with extra supports to allow for additional floors at a later date. It wouldn't add much cost to the project now, but could save significantly in the future. Mr. Margeson noted that he can pass this suggestion along to LaBella to get their take on it, but if the additional research will cost a lot, he didn't feel it would be a good use of our resources at this point. Chairman Crandall commented that it sounds simple to add beams and supports, but there are other issues involved, such as extending the plumbing, electric, heating, and elevator, changing the entire configuration. Chairman Crandall stated that the Board needs to get their charge from OCA taken care of, and he doesn't want the process to get snarled up with other issues and layered conversations. Mr. Pullen noted that Ms. Haggstrom also suggested other County Office Building third floor changes, such as a common break room and alternate methods of egress and traffic routes in the County Attorney area. Mr. O'Grady responded that we need to keep moving forward, and those concerns should have been addressed earlier. Mr. Pullen suggested that some things can be changed at a later time.

Financial Plan:

David Allardice, from Municipal Solutions (formerly Allardice & Associates), presented information regarding a financial plan for the project (copy of printed material attached to original minutes):

Mr. Allardice commented that he has been with Allegany County for a long time; he did the financial plan for the 1976 County Office Building addition. This current project is a large one, and Mr. Allardice has put together a draft financial plan based on what we currently know. There will be questions that have to be answered later on the portion of interest expense that OCA will be responsible for. The draft financial plan assumptions, as presented by Mr. Allardice, are summarized below:

- a. Total cost is \$18,684,000, broken out as follows:

	<u>Project Cost</u> ¹	<u>OCA Aidable/ Eligible Amount</u> ²	<u>Unaidable Amount</u>
Courthouse Addition	\$12,136,621	\$10,100,000	\$2,036,621
Courthouse Renovations	1,796,485	600,000	1,196,485
Office Building Renovations	<u>4,750,894</u>	<u>1,500,000</u>	<u>3,250,894</u>
Total	\$18,684,000	\$12,200,000	\$6,484,000

Notes: ¹ Includes incidentals and contingency
² Per LPCiminelli's April 4, 2008 estimate

- b. The Office of Court Administration (OCA) will provide between 25 and 33 percent of the interest expense associated with eligible/aidable project expenses.

- c. All renovations/addition will be made on a Class A building; therefore useful life is deemed to be 25 years. Maturity schedules will be run for the full 25-year useful life.
- d. Construction will begin in the Spring/Summer of 2009, and will take approximately 24 months to complete.
- e. Borrowings will be matched to the Architect/Construction Manager's cash flow, once it is known.
- f. For planning purposes, the County will borrow \$10,000,000 during the first year to cover soft costs such as design and construction. The borrowing will be bonded immediately, should market conditions warrant. In the Spring/Summer 2010, the remaining \$8,684,000 will be borrowed using a bond anticipation note (BAN) and will be bonded once construction is complete and all costs are known.

Mr. Allardice recommended borrowing a significant portion up front to take advantage of lower interest rates. This would be a "bridge" loan to draw down from. We wouldn't be borrowing the entire amount in case the total project costs come in lower than anticipated. Mr. Allardice included loan schedule charts for the following:

\$12,200,000; Date of First Borrowing – April 2009; 25-Year Maturity

\$ 6,484,000; Date of Second Borrowing – April 2010; 24-Year Maturity

Regarding the OCA-aidable portion of the interest expense, Mr. Isenberg stated that under statute, there is a formula they use to determine eligibility. The percentage is not negotiated. His information indicates that Allegany County's eligibility will be close to the 33 percent, and he recommended that Mr. Allardice talk directly to Bill Clark about it. There are questions that have to be answered, and we need a viable project before we go too far down that road.

The annual County share of principal and interest on the initial borrowing will average \$700,000, and on the second borrowing will average \$470,000, a total of roughly \$1.1 million. It will probably be a little less when all is said and done. This information is only a draft, and it will need to be updated when we have firmer figures. We also need to consider the consequences if we don't move forward with the project.

Chairman Crandall questioned the reason for the \$10 million/\$8 million split on the two borrowings. It's front-end heavy due to the current, more favorable financial outlook, but he wondered if the numbers were just an example. Mr. Allardice responded that it was just an example, and he explained that most contractors will buy the bulk of their materials up front and they have to be paid for. Once the project has been bid out and we have viable contracts, a pre-construction meeting will be held between the County and the contractors. At that time we can ask for their schedule of values or cash flow with month-by-month draw down estimates. We would have to be careful not to risk an arbitrage situation if borrowing more than a certain amount in any year. There would be a spend-down requirement over the two-year period, and this will be determined by the schedule of values submitted by the contractors. A significant portion of the money could be borrowed up front, but we would be paying it back sooner. We need to make sure the impact on the budget is as even as possible. Mr. Pullen noted that the combination of interest and principal have resulted in fairly even payments. Mr. Allardice commented that the state now allows level debt, and it would probably be the way to go. We might want to look at debts coming off and try to match that to keep payments as level as possible. Mr. Margeson noted that when the time comes for the bonding resolution, we will work with David Allardice and also representatives from Orrick, Herrington, & Sutcliffe.

Mr. Hopkins questioned the timing of payments on funds borrowed in 2009. Mr. Allardice noted that the first principal payment would be in 2010 (option to make a principal payment at the end of the second year). We have to make a principal payment within two years of borrowing. The payment in 2009 indicated on his tables is due to the April borrowing. Interest payments are due every six months.

Mr. Hopkins questioned when we would be moving ahead on financing. Mr. Margeson responded that he would like to see the Capital Plan resolution pass on Monday, August 11. Then, he didn't see any reason to act more quickly or slowly than the committee wanted to. The bonding resolution is the last step. Mr. Pullen noted that it would be premature to consider a bond resolution until after the OCA Review Board accepts the County's Capital Plan.

County Treasurer Terri Ross reported that the present estimate of \$18.68 million equates to a 4.54 percent tax levy increase.

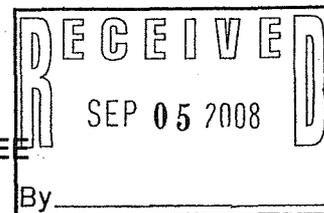
NEXT MEETING: Wednesday, September 3 at 3:00 p.m.

Adjournment: The meeting was adjourned at 4:15 p.m. following a motion made by Mr. O'Grady, seconded by Mr. Hall and carried.

Respectfully submitted by
Adele Finnemore, Journal Clerk

**NOT
APPROVED**

**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE
SEPTEMBER 3, 2008**



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

Others Present: W. Dibble, A. Finnemore, A. Isenberg (OCA), J. Margeson, T. Parker,
B. Riehle; **Media:** B. Quinn, Wellsville Daily Reporter

Call to Order: 3:00 p.m. by Committee Chairman David Pullen.

Approval of Minutes: The minutes of the August 6, 2008 meeting were approved following a motion made by Legislator Hall, seconded by Legislator O'Grady and carried.

Update on Court Facilities Capital Plan:

Allegany County's Court Facilities Capital Plan was approved by the Board of Legislators on August 11 by a vote of nine to six, and it was forwarded to the Office of Court Administration (OCA) Review Board in New York City. Andrew Isenberg spoke with OCA Counsel William Clark; the Review Board is still reviewing the plan. Mr. Clark has indicated that he is willing to come and speak to the Board, if requested by the Board Chairman to do so.

Mr. Isenberg stated that sanctions are very much a reality. It is state law, and the County has been well aware of it for the past 20 years. In fact, sanctions were stayed by the Review Board previously. We are at a juncture now where it won't take much for the sanction process to occur. Although Mr. Isenberg has no authority to say that sanctions will take place, he read excerpts from Mr. Clark's 2006 statement to the Board. Sanction means that state aid will be withheld by the Comptroller, not just Unified Court System related state aid, but a direct intercept of state aid amounting to between \$13-14 million, up to the cost to abate the deficiencies. Mr. Isenberg will try to continue to work with the County to ensure that this project happens and provide input. He commented that he did not believe some of the legislators' comments were accurate regarding state intercession on behalf of the County.

Discussion on having Mr. Clark speak to the Board included the following points:

- Someone in a position of authority needs to make the consequences of inaction or failure very clear to the full Board and the press prior to the bonding vote.
- The report to the Board of Legislators should be timed for when the Review Board has approved the Capital Plan, and it should include a listing of consequences if the plan is not moved forward.
- What the sanction really means and what's involved financially needs to be pointed out.
- The sanction message has already been delivered, and another "threat" won't help.
- The message needs to be gotten across that the Governor and State Legislature are not going to intercede to stop the sanction.

Legislator Hall commented that he couldn't see how the project will work if only the Court portion is passed. County Administrator John Margeson noted that the plans are interconnected and won't work separately. Mr. Hall suggested that that point needs to be stressed.

Legislator O'Grady noted that one of the reservations on approving the bonding is the renovation of the third floor of the County Office Building. Some feel that could wait because the only Court-related function it would include is Grand Jury, and they can still use the Chambers. Another concern is that we still don't have a total cost estimate yet because of the parking issue which might amount to another \$2 million. Legislator Fanton pointed out that the parking is being worked on.

Chairman Crandall noted that Mr. Clark's offer to address the Board would help to accomplish getting the proper information together for Board members prior to voting on the bond resolution. What Bill Clark has to say, whether repetition or update, will be very necessary for everyone to hear, and it will have an impact on how the situation plays out. As the resolution moves to the floor, there will be two choices – yes or no – with a series of consequences for either action, and these need to be all laid out. If there is no action to move forward, the reaction will be sanctions with state aid being intercepted. This will result in a chain reaction of other major effects on the County's finances, credit rating, bond rating, and so on. If the vote is yes, that will have a domino effect also. It was suggested to have other parties present for this presentation, since the OCA perspective is only one piece of the picture. Representatives from LaBella (construction consultants) and Municipal Solutions (financial advisors) should be called in to address the other consequences and effects of a sanction, such as increased construction costs caused by a delay, and financial concerns. It's important to get all the pros and cons of all the issues presented.

Legislator Pullen requested Mr. Isenberg to ascertain the status of the authority for the sanction order, and if all it would take is the order to be issued. Mr. Isenberg will work at getting the information, but noted that the Capital Review Board is not going to go against the Chief Administrative Judge, who under the law has the authority to determine the amount of sanction. They're required by their oaths of office to uphold the Court Facilities Act. Mr. Isenberg referred to Mr. Clark's statement from the last time he spoke to the Board, noting that it was important to understand that the County's "stay" for sanction can be lifted at any time. Regarding the mediation process allowed in Section 39, Mr. Isenberg noted that since there is a stay in effect, we may be beyond the mediation process already. Mediation is not a negotiated process. "Negotiation" took place to cut this project as much as possible. "Mediation," in a sense, has already occurred in that the Review Board has not already done something. Mr. Pullen commented that finding out the status of sanction and mediation will be important to those who are not going to be in favor of any type of project, and it will also have an impact on the perception that there is something else to take place for mediation. Mr. Isenberg noted that mediation is not going to "rescue" the County.

Chairman Crandall commented that we need feedback on the Capital Plan from OCA, because we can't move forward with the bonding process without approval of the plan first. Legislator Pullen noted that we will need to know whether that approval is conditioned on other facilities such as the third floor, and implications like the other displacements from the Courthouse also.

Mr. Isenberg reiterated a point made at a previous meeting that everyone in office is bound by their oath of office to uphold state law. Another way to look at the Court facilities issue is that when the project is completed, this facility will be serving our constituents in a tremendous way. It's where their worst problems will be resolved, and they look to the Courts for help. We are providing outstanding service to County residents, and people don't fully understand that.

Legislator Hall questioned what the County's options would be if a state sanction is imposed. Would it be a matter of a tremendous increase in taxes, or would County government services be shut down? Mr. Margeson responded that shutting down is not an option. Legislator Pullen noted some things that could be done, like not maintaining highways, eliminating Cooperative Extension, Office for the Aging, the things that touch the lives of most people, but the mandated things will need to be continued.

Legislator Pullen illustrated one increase we'd be looking at if the project is delayed by six months (even if the mediation process is possible, it would take about that long). In today's market, construction costs increase ten percent per year; for six months we can assume a five percent increase, or \$900,000. That's an extra taxpayer burden of \$900,000 due just to increased construction costs, even before the first state aid check is intercepted. If we're going to have to do this, it's better sooner than later.

Referral from Public Works Committee Regarding County Museum:

The Public Works Committee has requested that the fate of the County Museum be determined. The building is in need of major roof repairs, and the Department of Public Works does not want to install a new roof if plans include demolition within a year or two. For the interim, the department can make temporary repairs on the roof.

Discussion included the possible use of the Support Building for the Museum if that building is vacated. The Support Building's availability will be contingent on whether the County Office Building renovations take place, as these plans include moving the Support Collection Unit into the main building. Instead of replacing the Museum roof at an estimated cost of \$20,000, it can be temporarily fixed for about ten percent of that. It was pointed out that the rest of the Museum building is not in good shape anyway and will not be adequate for even 20 more years; the roof would not be the end of the needed repairs. Another option for location of the museum may be under the new addition. A suggestion was made to tear down the Support Building and use that along with part of the front lawn for parking. ***The consensus of the committee, as advised by County Administrator Margeson, was to perform interim repair on the roof of the Museum.***

Facilities for Office for the Aging and Veterans' Services at Crossroads:

Mr. Margeson reported that he and IDA Director John Foels have talked about development of facilities for Office for the Aging and Veterans' Services at the Crossroads site, and he hopes to have more of an update for the next meeting. Although the IDA may be looking for guidance from this committee prior to working up floor plans, Legislator Fanton suggested that a general layout plan of the site would be helpful to illustrate how it will fit.

Court Facilities Informational Brochures:

Mr. Margeson reported that the brochures approved at the August meeting are out and available. Distribution will take place as with the previous issue.

Executive Session:

A motion was made by Legislator Hall, seconded by Legislator Fanton and carried to enter into an Executive Session to discuss the potential lease of real property. Following discussion, a motion was made by Legislator Fanton, seconded by Legislator Hall and carried to end the Executive Session and return to the regular meeting.

Construction Management Services Proposals:

Mr. Margeson distributed copies of proposals for provision of Construction Management Services, which were received from the following three companies:

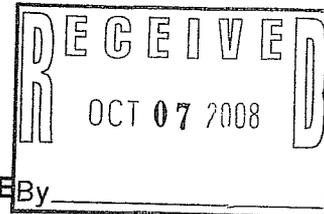
- Bovis Lend Lease LMB, Inc., East Aurora, NY
- LPCiminelli, Inc., Buffalo, NY
- The Pike Company, Rochester, NY

NEXT MEETING: Wednesday, October 1, 2008, at 3:00 p.m.

Adjournment: The meeting was adjourned at 4:30 p.m.

Respectfully submitted by
Adele Finnemore, Journal Clerk

**NOT
APPROVED**



COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE
OCTOBER 1, 2008

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

Others Present: D. Burdick, W. Dibble, W. Emerson, A. Finnemore, J. Foels, J. Margeson, M. McCormick, T. Parker, B. Reynolds, B. Riehle, K. Toot, N. Ungermann; **Media:** B. Quinn, Wellsville Daily Reporter

Call to Order: 3:05 p.m. by Committee Chairman David Pullen.

Approval of Minutes: The minutes of the September 3, 2008 meeting were approved following a motion made by Legislator Fanton, seconded by Legislator Hopkins and carried.

Court Facilities Capital Plan, Update:

Committee Chairman David Pullen reported that he spoke with Mark Kukupka from LaBella Associates, and things are moving along on the Court Facilities plans. Neither Mr. Pullen, nor County Administrator John Margeson, has heard any news on the OCA and Court Facilities Board review of our Capital Plan. Warren Emerson noted that Andrew Isenberg has not passed on any news of developments either. Mr. Pullen will contact Bill Clark for an update. The County needs to have OCA's approval of the plan prior to moving forward with the bonding for the project.

Relocation of Office for the Aging and Veterans' Service Agency to Crossroads, Update:

Industrial Development Agency Director John Foels reported on the proposal for a new facility for Office for the Aging, Veterans' Services, and NY Connects at the Crossroads site. He has met with John Margeson and Kim Toot to review space needs, and the information should be ready for the committee within ten days. Mr. Foels will submit the material to Mr. Pullen for distribution to committee members.

Correspondence was received from the Citizens Advisory Council to the Office for the Aging strongly encouraging the County Legislature to provide adequate facilities for the Office for the Aging as soon as possible (copy attached to original minutes). Office for the Aging Director Kimberley Toot noted that the Council is concerned about conditions the staff is working under and the older clients are exposed to. The Council also encouraged the Senior Foundation in its advocacy efforts for relocation of the office.

Construction Management Proposals, Update:

Mr. Margeson reported that since the last Court Facilities Committee meeting, he has had phone conversations with all three Construction Management firms that submitted proposals, and he suggested that this committee may wish to interview representatives from the firms. They would like some indication from the committee on what the next step is and if the committee would like to conduct interviews. The consensus of the committee was to wait until OCA approves our Capital Plan and that the committee will want to interview as soon as we have plan approval. It was suggested that when the interviews take place, the committee might want to include Warren Emerson or someone else with knowledge of the Courts' needs, and also someone from Department of Public Works.

Executive Session:

A motion was made by Legislator Fanton, seconded by Legislator Hopkins and carried to enter into Executive Session to discuss the potential lease of real property. Immediately following discussion, a motion was made by Legislator Fanton, seconded by Legislator Hopkins and carried to end the Executive Session and return to the regular meeting.

NEXT MEETING: Wednesday, November 5, 2008, at 3:00 p.m.

Adjournment: The meeting was adjourned at 3:37 p.m. following a motion made by Legislator Fanton, seconded by Legislator Hopkins and carried.

Respectfully submitted by
Adele Finnemore, Journal Clerk

Citizens Advisory Council to the Allegany County Office for the Aging

September 4, 2008

Curt Crandall, Chairman
Allegany County Board of Legislators
7 Court Street
Belmont, NY 14813

Dear Chairman Crandall:

The Citizens Advisory Council to the Allegany County Office for the Aging strongly encourages the Allegany County Legislature to provide adequate facilities for the Office for the Aging as soon as possible. Current conditions do not provide a safe and supportive work environment for the employees, or accessible and private meeting space for older citizens.

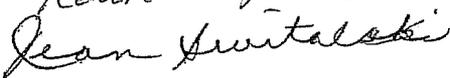
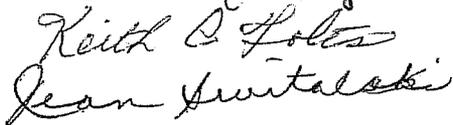
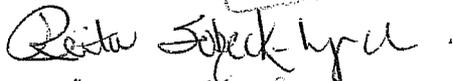
The Advisory Council supports the efforts of the Allegany Senior Foundation in its advocacy efforts for the relocation of the Office for the Aging to a space that is centrally located, easily accessible, has plenty of parking and room for future partnerships.

We thank you for all you've done for the older residents of Allegany County.

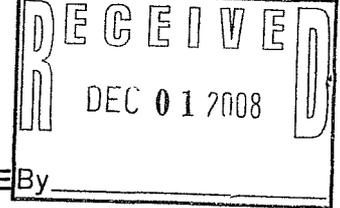
Sincerely,



Wallace Higgins, Chairman



NOT
APPROVED



COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE By _____
NOVEMBER 19, 2008

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

Others Present: L. Ballengee, D. Burdick, W. Dibble, A. Finnemore, J. Foels, K. Kruger, J. Margeson, T. Parker, B. Riehle, T. Ross, K. Toot, N. Ungermann; **Guests:** T. Gilbride;
Media: B. Quinn, Wellsville Daily Reporter

Call to Order: 10:10 a.m. by Committee Chairman David Pullen.

Approval of Minutes: The minutes of the October 1, 2008 meeting were approved following a motion made by Legislator Hopkins, seconded by Legislator Hall and carried.

Court Facilities Capital Plan Update:

Chairman Crandall reported on his conversations with the Unified Court System relative to the acceptance of Allegany County's Court Facilities Capital Plan. We were waiting for the Court Facilities Capital Review Board to meet, but that has not happened because they're waiting for appointments to be made by the Paterson administration. In spite of that Board not meeting, the Chief Administrative Judge has the power to approve or disapprove a plan and has the authority for taking the same actions that the Capital Review Board would. Chairman Crandall read a letter from Chief Administrative Judge Ann Pfau, dated November 18, which stated she is prepared to approve the County's Capital Plan as soon as she receives an updated schedule of milestones and confirmation that the County Legislature has authorized financing. Without these things, the Plan cannot be regarded as complete. Judge Pfau also stated that any further delay in completing this Plan and advancing it in accordance with its terms will result in the initiation of the process set forth in the Judiciary Law leading to the imposition of financial sanctions against the County. Accordingly, she asked that the Legislature act promptly so that the planning process can be completed, the threat of financial sanctions against the County averted, and the needs of the Court and its users can finally be met. (A copy of the letter is attached to the original minutes.) Court Facilities Committee Chairman Pullen noted that we now have contingent approval of our submission, and the next step would be the bonding resolution.

Office for the Aging and Veterans' Service Agency Facilities at Crossroads, Update:

Industrial Development Agency Executive Director John Foels reported on progress made for the provision of facilities on the Crossroads property for Office for the Aging, NY Connects, and the Veterans' Service Agency. The project has reached the floor plan stage, and they are looking at how the expansion will be positioned on the site and establishing cost estimates. Mr. Foels displayed drawings for the extension of the building, which will be one story, with the existing structure to the right and the new structure extending directly south. Reception will be in front, with an overhang meeting traffic. Although the extension will share utilities with the Crossroads Center, and the plan could include a glassed-in walkway between them, it will be a separate entity with its own secure area. They plan to utilize the existing heating system, which presently has enough excess capacity, and they are working with the utility companies. The floor plan includes 6,400 square feet. A second driveway entrance to the property at the south end is included in the plans, as well as an improved, larger parking lot to

accommodate 100 vehicles (the present lot has room for 40). The IDA has met with several banks with favorable results, but they have not finalized cost estimates yet.

The Senior Foundation had expressed an interest in building a senior center on the Crossroads property. Mr. Foels explained that the plan would include a senior area located off to one side after entering through a common entrance. Mr. Pullen noted that part of the layout is based on input from the Senior Foundation. The common foyer provides the opportunity to avoid duplication and has the advantages of cost savings at a later date.

Ms. Toot's impression of the proposal was that it will meet their needs. She conducted a telephone survey of the surrounding counties, and three of them are looking at providing more space for their Offices for the Aging. We all seem to share a common problem, and this proposal will address that problem for Allegany County. It is centrally located, all on one floor, and will offer privacy for client meetings. Ms. Toot explained that the Senior Foundation was part of the original proposal to Houghton College when they were selling the building. At that time, they paid to have architects draw up what a senior center could look like. The Foundation is committed to having a place for seniors that consolidates services and is accessible to everyone, and they have paid for part of these plans as well. They should be looked at as a resource. A fund campaign has not been initiated yet, because the Foundation wants to conduct a survey of needs first.

Mr. Foels explained that the next steps will be taking the plans to the engineering design phase, establishing final cost estimates, and preparing a lease to submit to this committee. Chairman Crandall remarked that the language in the lease will probably be similar to the one already in place for the Crossroads building, but stated that the County Attorney should be involved from the start in the preparation of the lease. ***The consensus of the committee was to authorize Mr. Foels to move forward with the project.***

Maximizing Cost Savings Strategies for the Court Facilities Project:

Terrence Gilbride, Attorney with Hodgson Russ, LLP, presented information on options for cost savings strategies for the Court Facilities Project. (A copy of his notes is attached to original minutes.)

Mr. Gilbride worked with the City of Niagara Falls on their Court Facilities Project when they were at a point similar to where Allegany County is now. They were looking for the most cost effective way to handle the project. Mr. Gilbride's team developed a different delivery model where the Courthouse was the central feature of a larger economic development project. The process involved the creation of a Local Development Corporation and passage of special state legislation. The building was constructed and then sold back to the municipality. The project is nearly completed and on schedule. Mr. Gilbride was asked to look at Allegany County's situation to see if there were ways our County could utilize their model. Allegany County may be able to employ a more cost effective method than conventional construction, but not quite the one Niagara Falls used due to a recent development in state legislation. Mr. Gilbride outlined the options available:

Option 1, Conventional Construction would be the most expensive, but is also the easiest. Pros: This option does not require any special legislation or working with Project Labor Agreements (PLA). Cons: The Wicks Law requires competitive public bidding and acceptance of the lowest responsible bidders. There also would be three to four prime contractors, bidding, time periods, and other constraints. No alternative delivery methods would be available.

Option 2, Special Legislation/Local Development Corporation (LDC) Model, was used for the Niagara Falls project. Pros: This method is not subject to Wicks Law constraints for competitive public bidding. With Public Construction, there is no choice on how to select bidders, and no opportunity to work with the low bidder later to negotiate a better deal. This model allows the development of a "short list" of contractors and only requesting bids from them. One team designs and builds, expediting the process and allowing other efficiencies. Cons: Special state legislation is required due to the creation of a Local Development Corporation (LDC). (Niagara Falls was eligible because their Courthouse was the anchor for an eight-block economic development project.) The Local Development Corporation is fairly easy to create, but the process also involves conveyance of the site to the LDC, bifurcation of the project into "expansion" and "existing" facilities, and working through Project Labor Agreements with union trades. Allegany County is already halfway into the traditional design model, and Option 2 may not be the most cost effective way to go from where we are now. This option also requires the economic development project, so we don't fit.

Option 3, Project Labor Agreement (PLA)/Wicks Exempt Model, was not available with the Niagara Falls project. With the passage of the Wicks Law reform bill this past summer, an exception is now available with the use of Project Labor Agreements, thereby avoiding compliance with the Wicks Law. There would be one construction manager and one contractor, who would still have to be selected through bidding. Pros: No special legislation is required, there is no need for an LDC, and there is no need for bifurcation of the project. Cons: Project Labor Agreements and public bidding will be needed with this method, and alternative delivery methods are unavailable.

Public construction is basically more expensive. Mandates including prevailing wage, bidding, and the Wicks Law add at least 10 percent to costs. All of the options will require adherence to prevailing wage; Wicks Law will be a factor with Option 1, but not in 2 or 3; and General Municipal Law bidding will be required in Option 3, where it isn't in Option 2.

Mr. Gilbride recommended Option 3 for Allegany County as a way to maximize cost savings. It is a more efficient model than Conventional Construction, and the Project Labor Agreement will allow proceeding in the most cost-effective manner, rather than through conventional municipal construction. We also wouldn't have the hassle of special legislation as would be required by Option 2.

Legislator O'Grady commented that back in 2005, he brought this up and was ignored. Legislator Ungermann also suggested private construction and leasing back space, and his idea was put down. Now it's too late to take advantage of Option 2. Mr. O'Grady was on the original Court Facilities Ad Hoc Committee, and they felt that the ideal solution was new construction at the County Jail site. We've "settled" for the addition scenario. He brought this other suggestion up before, and it was tossed aside; now here we are trying to do the same thing with the option we settled on. The County should have had Mr. Gilbride come in at the beginning to consider this option.

Mr. Gilbride pointed out that the legislation that allowed the Niagara Falls process wasn't passed until the summer of 2007. Legislator Pullen noted that there are other issues besides timing and the uncertainty of the rest of this. If the project had been located at the Jail site, it would have required a referendum, and there were other reasons why suggestions encountered opposition. There were costs involved with exploring the other options with no assurance they would be allowable by OCA. The process described in Option 2 has only been used or considered in two places, and they were based on economic development models. Allegany County wouldn't have been eligible. The committee has been trying to come up with ways to

save money, and Mr. Gilbride's proposal will require far less in legal services and is the less expensive option because of where we are presently. The new Wicks Law exemption fits us.

Mr. Gilbride explained that the Project Labor Agreement process involves the owner entering into an agreement to only use union labor in order to ensure a stable workforce. The hired contractor would require laborers to join. The process is routine in larger construction projects. The project is still put out to bid.

Legislator Kruger agreed that PLAs are cost effective, but he doesn't agree with circumventing the standard bidding process. Public projects cost more because no one feels sorry for the government. Mr. Kruger urged caution. The contractor has to pay prevailing wage anyway, and ultimately we may not realize any savings.

Mr. Gilbride noted that Option 3 still requires the selection of a contractor through the lowest responsible bid process. Only Option 2 eliminates that. Converting to a design/build project was discussed, but there were a couple of reasons why it wouldn't be recommended at this stage. We could still get the exemption and special legislation, but that would take time. Our situation is different than Niagara Falls' in that our project is not part of an economic development project, and therefore we would have a tougher case to make for special legislation. Mr. Gilbride felt that Niagara Falls would probably have used Option 3 if it had been available at the time because it would have been more direct, and Option 2 cost them substantial money and effort. He commented that he didn't know of a way to do this more cheaply than Option 2 or 3, and Option 3 is most cost effective at this point. For where we are in the process, we are exactly suited for Option 3. There are substantial cost savings to be achieved, and time savings as well, although savings would be difficult to estimate because it varies case to case. Legislator Pullen explained some of the potential savings:

- The role of the construction manager is key when you have multiple prime contractors; but when you have one prime contractor with sub contracts, he serves as his own construction manager, which saves that cost.
- LaBella's proposal includes a longer timeframe because of the Wicks Law and having multiple contractors; Option 3 shortens the timeframe.
- The prime contractor is able to negotiate costs with subs; we couldn't do that with the competitive bidding process.
- The prime contractor deals with problems with sub contractors, which lessens the County's burden.

Chairman Crandall commented that in 2005, we were not in a position to move forward with an alternative delivery model, but Niagara Falls was. There have been a couple of other municipalities considering it. Now this new legislation puts us close to the advantages Option 2 would have offered, but with less cost and effort. The timing is right.

Legislator Pullen noted that he spoke with Mark Kukuvka from LaBella, and they are aware we are looking at this. Mr. Kukuvka is more comfortable with Option 3 than 2. The County would be more centrally involved.

To proceed with this alternative delivery model will require the services of someone with expertise in this area, because it is not something that is widely used. Mr. Gilbride prepared a sample resolution authorizing Hodgson Russ LLP to act as special counsel for negotiation of the Project Labor Agreement and to provide consultation and assistance with respect to the Courthouse expansion project (copy attached to original minutes). The County Attorney will review the tentative agreement. ***A motion was made by Legislator Hopkins, seconded by Legislator Fanton and carried to refer the matter to the Ways and Means Committee.***

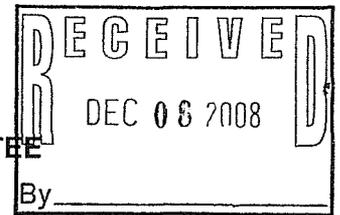
NEXT MEETINGS: Wednesday, December 3 at 3:00 p.m.;
Committee of the Whole – December 3 at 7:00 p.m.

Adjournment: The meeting was adjourned at 11:30 a.m. following a motion made by
Legislator Fanton, seconded by Legislator O'Grady and carried.

Respectfully submitted by
Adele Finnemore, Journal Clerk

**NOT
APPROVED**

**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE
DECEMBER 3, 2008**



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

Others Present: D. Burdick, W. Dibble, A. Finnemore, K. Kruger, J. Margeson, T. Miner, T. Parker, B. Riehle, T. Ross, N. Ungermann; **Media:** B. Quinn, Wellsville Daily Reporter

Call to Order: 3:00 p.m. by Committee Chairman David Pullen.

Approval of Minutes: The minutes of the November 19, 2008 meeting were approved following a motion made by Legislator Hopkins, seconded by Legislator Hall and carried.

Court Facilities Project Bond Resolution Process:

County Attorney Thomas Miner prepared a resolution for consideration entitled, "***A Resolution Authorizing the Renovation of Existing Court Facility Space and County Office Space Together with the Construction of New Court Facility Space Contiguous to Existing County Space in Order to Implement the Court Facilities Capital Plan in and for the County of Allegany, New York, at a Maximum Estimated Cost of \$18,684,000, and Directing the Preparation of a Bond Resolution Authorizing the Issuance of \$18,684,000 Bonds of Said County to Pay the Cost Thereof.***" It is an abbreviated form of a bond resolution, which is the next step necessary to move forward with the Court Facilities Project. The amount used in the resolution is the amount provided by the architectural firm, LaBella Associates. The document presented is not the formal bond resolution, but authorizes the County Attorney to prepare the bond resolution and to have the County's bond counsel review and sign off on it. The bond amount represents a maximum; there is no requirement to spend that amount. At the last meeting, the committee approved, and forwarded to the Ways and Means Committee, a contract to retain Hodgson Russ Attorneys to prepare a Project Labor Agreement, waiving the Wicks Law requirements and hopefully generating savings from the estimates provided by LaBella.

Legislator O'Grady questioned the future possibility of separating the two projects (Court Renovation/Addition and County Office Building Renovation) if they are bonded for as one total. At what point could they be separated, or does bonding for them together preclude separating them later? County Attorney Miner noted that the bond amount is the maximum for the whole project, but it can still be separated out. County Treasurer Terri Ross stated that it depends on how we release the specs for the project.

Ms. Ross explained the bonding process. Normally the committees will refer the bond resolution to the Board and the Board will approve it. The amount included is an estimate. Once the bidding is completed, the dollar amount based on those bids is the amount that is actually borrowed. Due to regulations on spend-downs, the total amount for the project is borrowed in sections. The financing is broken down through Bond Anticipation Notes (BAN), which are short-term for the interim, to allow completion of the project, and then the bonding is done. Mr. Pullen added that the bond resolution approves a maximum dollar figure that the County is willing to borrow for the project. Additional resolutions will be required for the approval of contracts and expenditure of funds on each portion of the project.

Legislator Burdick asked for clarification that we would need a two-thirds vote to authorize bonding, and then a simple majority vote for authorizing each individual contract and corresponding expense associated with the project. Mr. Pullen stated that was correct.

Legislator Hall expounded on Mr. O'Grady's question. It wasn't about the total to be spent, but whether the physical project is separate from this resolution. Can decisions still be made on how to move forward on the project. County Attorney Miner replied in the affirmative. The formal bond resolution will be discussed with bond counsel to ensure it is a properly authorized public project. We can still do a hybrid project.

Legislator Kruger commented that it would be difficult to separate the project, because the plan that OCA has tentatively approved includes space in the County Office Building. Mr. O'Grady explained that he feels the County Office Building is separate from the Courthouse Renovation/Addition portion of the plan. Only the Legislative Chambers in the Office Building will be used by the Grand Jury. Mr. Pullen pointed out that nearly \$14 million will be for the Courthouse Renovation/Addition, and \$4.8 million will be for renovations in the County Office Building - predominantly in the former Jail space.

Chairman Crandall remarked that the proposed resolution will be forwarded to the Ways and Means Committee if approved here, and there may be some wording changes on the actual bond resolution, depending on what bond counsel recommends. Mr. Miner stated that changes would be very esoteric, just some legal phrasing. Mr. Pullen noted that this makes sure the process moves forward, and was prompted by correspondence from Chief Administrative Judge Pfau. This is the next step. The resolution request will be considered by Ways and Means on December 17 and won't have to come back to this committee for approval of any wording changes. Chairman Crandall pointed out that the essence of the resolution would not be changed, only the legal phrasing.

A motion was made by Legislator Hopkins, seconded by Legislator Benson and carried unanimously to refer the proposed resolution to the Ways and Means Committee.

Relocation of Office for the Aging and Veterans' Service Agency to Crossroads:

Committee Chairman Pullen reported that at a prior meeting, the Industrial Development Agency was authorized to move forward on the Crossroads project. There is no further information at this time.

Reminder – Special Committee of the Whole Meeting:

Mr. Pullen made note of this evening's Committee of the Whole meeting that was scheduled to present information on the financial impacts regarding the Court Facilities Project.

NEXT MEETING: Tentatively scheduled for Wednesday, January 7, 2009 at 3:00 p.m.

Adjournment: The meeting was adjourned at 3:25 p.m. following a motion made by Legislator Hall, seconded by Legislator Hopkins and carried.

Respectfully submitted by
Adele Finnemore, Journal Clerk