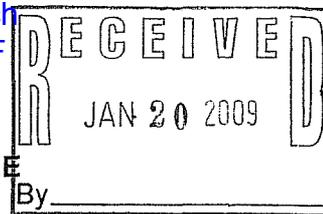


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**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE  
JANUARY 7, 2009**

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

**Others Present:** W. Dibble, A. Finnemore, J. Foels, K. Kruger, J. Margeson, M. McCormick, T. Miner, B. Reynolds, B. Riehle, T. Ross, K. Toot; Media: J. Loyd, Olean Times Herald

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

**Approval of Minutes:** The minutes of the December 3, 2008 meeting were approved following a motion made by Legislator Benson, seconded by Legislator O'Grady and carried.

**Reminder – Special Committee of the Whole Meeting:**

A special Committee of the Whole meeting has been scheduled for January 8, at 7 p.m. in the Board Chambers to discuss the Court Facilities Project. Mark Kukuvka from LaBella Associates will be at the meeting prepared to discuss the plans and related issues and answer questions. William Clark, Counsel for Capital Planning, Office of Court Administration, will also be present.

**Court Facilities Project SEQR Process:**

County Administrator John Margeson reported that the SEQR process is ready to be addressed during a special Committee of the Whole meeting on Monday, January 12, at 1:30 p.m. The short Environmental Assessment Form (EAF) has been completed. He notified Town of Amity's Supervisor, Village of Belmont's Mayor, and the NYS Department of Environmental Conservation that the action is taking place and that the County wishes to be lead agency. Letters in response to our notification have been received from Belmont and Amity so far. Even without the response from DEC, we will still be free to proceed on Monday. Mr. Pullen noted that the SEQR process is required prior to moving forward with the bond resolution.

**Additional Options for County Office Space Needs:**

Mr. Pullen has spoken with Mark Kukuvka over the past couple of months about less expensive alternatives to finishing the former jail space for gaining additional space for County office needs. Other options include building a facility near the Public Safety Facility or finishing off the vacant shell space under the proposed Courthouse addition. Mr. Kukuvka has looked into those options and appears to be ready to report at an upcoming meeting.

Mr. Pullen also pointed out that the County Office Building renovation estimate of \$4.8 million wasn't just for the jail floor, but also included the necessary changes on every floor for moving or expanding departments, the elevator, and additional access. Moving some agencies offsite would have both advantages and disadvantages, but there are still changes needed here. Everything is tied together. Mr. Fanton commented that he was not locked into the use of the former jail for office space. Completing the shell space in the addition may be less expensive if we can get what we need, and use of the jail space for storage may be more appropriate. We do have to address County office space needs.

**Funding Possibility:**

Mr. Pullen noted that Mr. McCormick indicated he is hopeful our new democratic Congressman may be able to gain funding for Allegany County for our Courthouse Project. The Congressman has talked about spending money to jumpstart the economy. If this is true, in the best of possible outcomes, we could do this project without County taxpayer outlay. The next question would be whether to proceed with the bond resolution, and Mr. Pullen believes we should. Mr. Fanton pointed out that the bond resolution is necessary in order to continue on with the engineering phase of the project.

**LaBella's Timeline if Bond Resolution is Approved:**

Mr. Pullen reported that in his conversations with Mark Kukupka, he was told that normally it is a six-month process to get to the point where we will have construction specs to go to bid with, and the bid process takes about two months. It may be able to be compressed, but those are the normal periods. After bids are awarded, it would take about one month to six weeks for contract documents to be executed and approved. That amounts to a total of about nine months and is another reason to move forward on Monday. Mr. Fanton noted that part of the money would be borrowed in 2010; it would not all be compressed in 2009. Mr. Pullen stated that the sooner we can approve LaBella to begin, the sooner we can get down to the specifics for the contractors to proceed on.

**Sanction and State Aid Interception:**

Mr. Pullen has had numerous conversations and spent many hours trying to get a definitive answer on whether or not OCA can actually sanction us and intercept funds. OCA sent him an e-mail yesterday, citing session laws from 1981, two statutory amendments, and judicial law, and yes, they have the authority to intercept funds amounting to a little under \$14 million. They recited that they have used that authority in the past, once for Erie County and once for the City of Newberg.

The question was raised about wording in Judicial Law Section 39 of the interception of funding being taken from the "local assistance fund," as the County Treasurer has noted that very little of our state money falls under that fund. OCA Capital Planning Counsel William Clark responded that when the local assistance fund was abolished in 1981, the State Finance Law allowed the Comptroller to transfer those functions to other funds (where we do get funding from). In other words, the state can withhold funds that appear under other fund names in lieu of the local assistance fund.

If Allegany County does not pass a bond resolution and move forward with the Court Facilities Project, Chief Administrative Judge Ann Pfau will issue a sanction letter and direct the State Comptroller to withhold state aid. We could challenge it, but in the meantime would not receive the funds. County Treasurer Terri Ross added that she has been in contact with the legal department in the Comptroller's Office, and will try to get clarification by Monday. She also received information from Mr. Clark's office, and our remittances from the state do total about \$14 million. The only thing actually denoted as local assistance is handicapped children funding, but from what we've been told, we need to assume it includes everything.

Mr. O'Grady questioned if the County would try to bond \$14 million to pay expenses and figure out where to start making cuts, in the event we were sanctioned. Ms. Ross made reference to the Committee of the Whole presentation on December 3. The County could get by for about two-and-one-half months. She pointed out that you have to have the revenues to

pledge against in order to borrow on a Revenue Anticipation Note (RAN), which we can't do if the state intercepts that money. Fourteen million is a big hit. Mr. Pullen noted the difference between the state intercepting \$14 million to build court facilities and the County approving the project and bonding for \$14 million is that the bond for a capital project with a 25-year period of probable usefulness could be paid back over 25 years. If the money is intercepted and we have to borrow for routine spending, that would have to be paid back over just one year. At the presentation on December 3, County Administrator John Margeson estimated a 50 percent tax rate increase to cover the shortfall. That would be intolerable. If the sanction becomes a reality, we would have to start cutting every non-mandated expense that we could.

County Attorney Tom Miner commented that we don't have any real choice but to move forward. The state holds all the cards. We were given the chance to come up with a plan we could live with, and that plan was submitted in August. The County could play semantic games with the state, and after spending thousands of dollars on a lawsuit that will cost the taxpayers dearly, we will still have to provide new court facilities.

### **Separating the Court Facilities and County Offices Issues in the Bond Resolution:**

Mr. O'Grady stated that he realizes we have to do the court project, but agrees with Mr. Burdick's past comments. He has a problem with the County Office Building renovations being included in the bond resolution, as he doesn't feel we have an extra \$5 million to spend on this building. It's a project for down the road. Mr. Hopkins commented that separation of the two projects would still be possible even if they are bonded for together, but there is no guarantee they will be looked at separately. Mr. Pullen has heard comments from some legislators indicating they won't support the bonding if the projects are combined, but also some saying they won't support it unless both projects are addressed. Mr. O'Grady suggested two separate bond resolutions, one for \$14 million and a separate one for \$5 million, with two separate votes. Ms. Ross noted that we can do two separate bonds, but we can have only one capital project for the entire thing.

Mr. Pullen commented that this meeting and two special Committee of the Whole meetings are all that remain prior to the bond resolution vote, so we should take this opportunity to resolve questions. He has done a lot of research and has copies of applicable sections of law available if anyone wants them. The conclusion he has come to is that OCA is not bluffing about their authority to sanction us. Chairman Crandall is presently in Albany for the Governor's State of the State Address and will also be taking the opportunity to speak with Judge Pfau. Hopefully he can share any information he receives tomorrow.

Mr. Kruger commented on the problems with issues that are not being addressed, such as parking, which will be a major cost, the location, and all the vacant space on the former jail floor. The parking issue can't be put off; there has to be immediate remediation. The project is eliminating 40 to 60 parking spaces, and it hasn't even been discussed. That cost added to the \$18.7 million will be a huge hurdle and a huge expense.

Mr. Fanton pointed out that the reason this Board is in this situation is that our predecessors had the same viewpoint as Mr. O'Grady – that they couldn't afford it and put it off, resulting in us now having to deal with escalation in costs for materials and labor.

### **New Facilities at Crossroads for Office for the Aging and Veterans' Services, Update:**

Industrial Development Director John Foels presented information on the revised layout for the new Office for the Aging and Veterans' Services facilities at the Crossroads Center.

After meetings with the County Administrator, Office for the Aging Director, and Veterans' Services Director, they have revised the drawings to include additional space for NY Connects, to relocate the OFA Director's Office, storage area, and Veterans' Services, and to give Veterans' Services immediate access from the lobby, making it easier to get to. The overall design remains the same, but the square footage has increased from 6,500 to slightly under 8,000, anticipating current needs and some expansion of OFA over the next several years. The proposed layout will provide for the needed confidentiality in dealing with customers. Mr. Foels distributed a preliminary site plan drawing to illustrate how parking will be laid out and the additional access road from State Route 19 (copy attached to original minutes). Mr. Dibble requested drawings to show locations of the Senior Foundation building and the sewer and leach field.

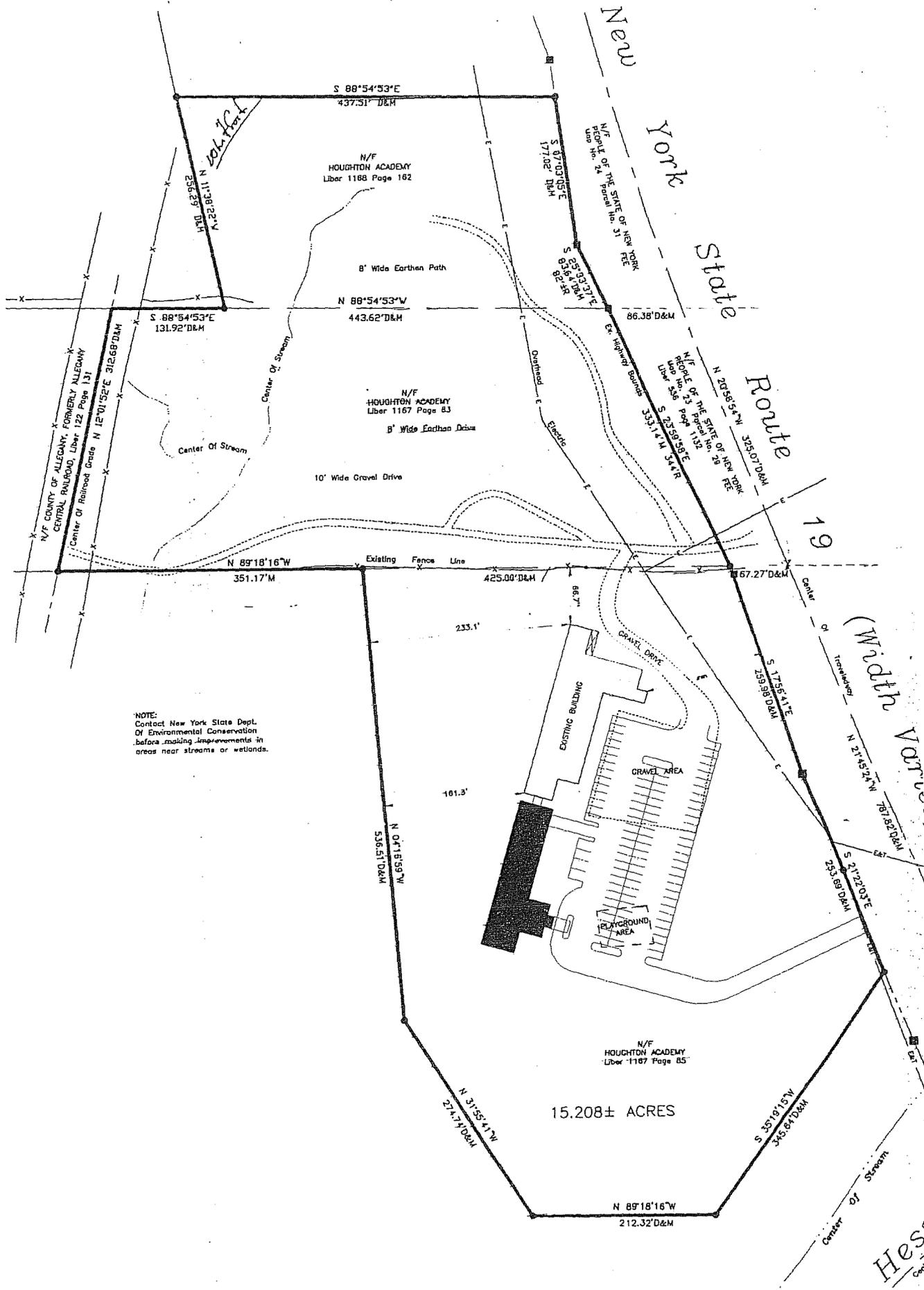
County Administrator John Margeson is currently reviewing an outline of terms and conditions. Mr. Foels briefly summarized that some of the terms would include: utilization of the existing heating system (it is oversized for the present facility); sharing of the water and sewer services; the addition would have its own telephone and electric service; IDA would provide building maintenance, mowing, and plowing; and cleaning costs would be separate. The County would carry insurance to cover liability and contents; in essence the County would have "renters" insurance and the IDA would have the "landlord" insurance. When asked if the IDA was looking for a long-term agreement, Mr. Foels responded that they are proposing a similar agreement to the one the County presently has with the IDA for the existing facilities. They are looking at two five-year leases with renewal. The IDA will be borrowing for the building over a 20-year term, and that would allow them to get funding. Mr. Foels has met with the bankers, and they are in position to move forward. The County's monthly installments would be \$7,500, but that includes maintenance costs, not just debt service, and a little cushion to cover possible interest rate increases, etc. As construction progresses, if expenses come in lower than estimated, that will be reflected. The entire process will be transparent.

Mr. Margeson noted that the next step will be for the legislature to approve a resolution authorizing a lease agreement with the IDA. They will need that prior to applying for the mortgage. The IDA attorney will consult with the County Attorney, and this committee will consider the proposed agreement at its next meeting on February 4, and then will refer it on to Ways and Means.

**NEXT MEETING:** Wednesday, February 4, 2009 at 3:00 p.m.

**Adjournment:** The meeting was adjourned at 4:00 p.m. following a motion made by Legislator Fanton, seconded by Legislator Hopkins and carried.

Respectfully submitted by  
Adele Finnemore, Journal Clerk



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 Contact New York State Dept.  
 Of Environmental Conservation  
 before making improvements in  
 areas near streams or wetlands.

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 Liber 1187 Page 85

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 Liber 1167 Page 63

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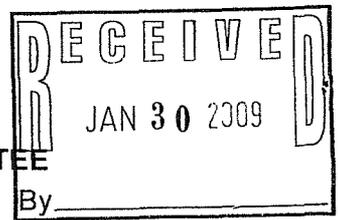
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**APPROVED**

**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE  
JANUARY 26, 2009**



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

**Others Present:** L. Ballengee, D. Burdick, W. Dibble, A. Finnemore, J. Margeson, T. Miner, T. Parker, B. Riehle

**Call to Order:** 11:05 a.m. by Committee Chairman David Pullen.

**Contract for Design Services for Court Facilities:**

A proposal for final design services for the court facilities project was submitted by LaBella Associates and was distributed to committee members for review prior to the meeting. Representatives from LaBella will be present at the next regular meeting of the Court Facilities and County Space Needs Committee on February 4 to address questions. Initial reactions and preliminary questions were discussed, as well as whether to proceed with LaBella's proposal or issue an RFP.

In response to questions asked by committee members, County Administrator John Margeson noted that the fee proposal was approximately seven percent of the total project cost. For comparison purposes, the engineering cost for the new Public Safety Facility was between \$1.2 and \$1.3 million, paid to Kimball Associates, and was also at seven percent of the total project cost.

The Request for Proposals (RFP) process would take about 90 days. It was questioned if the Pre-Schematic Design Services, for which \$70,000 was already paid to LaBella and shown as a credit on their proposal, would have to be completed and charged for again by another engineering firm. Mr. Margeson noted that LaBella doesn't own the material, and we could make it available to another firm. Mr. Hall suggested that the RFP process may help ensure the charges are legitimate, and if we did the RFP, other bidders would have access to the pre-design material. Mr. Pullen pointed out that no one else would be as familiar with our situation or be able to "hit the deck running" as LaBella could. They put a lot more into this project than the \$70,000 worth in hopes that they would get the contract and continue on. Mr. Pullen questioned what OCA's response would be to moving the project out by three to four months for the RFP. Mr. Margeson felt that they would look more favorably on the most expedient action, but if this committee wants to entertain other proposals and do an RFP, there is not much OCA could do. We already submitted the plan and passed the bond resolution, and the Board would just be doing due diligence.

Mr. Fanton asked if the fee for the design services contract is included in the bond amount of \$13.7 million. Mr. Margeson replied that it is included. Mr. Pullen distributed a list of questions he had related to LaBella's proposal:

1. Is this bid a total and final figure? LaBella indicated in the past that some figures are based on estimates and final costs could be slightly different. Is the fee negotiable?

2. What is the role of Bovis Lend Lease as shown on the Organization Chart? They are shown as having a function of cost estimating in LaBella's proposal, and they were one of the companies submitting a proposal for the Construction Manager RFP.
3. How much thought has been given to the sequence of work? What "swing space" arrangements will need to be made? That would be a part of the soft costs. Can those arrangements be reduced by having the new addition built first before we need to disrupt the existing courthouse? The Surrogate Office and Treasurer are slated to be moved into the addition. There would be no place to move them if work on the existing Courthouse is done first. Are there other adjustments that need to be made?
4. Who would be part of the project team that will be working on this on a daily or weekly basis? Does that include someone from the following areas: Court system (preferably a judge and a court clerk), the Board of Legislators, Department of Public Works, and Sheriff's Office? Should there be a representative from the department heads? Mr. Margeson suggested that if a situation needs feedback from department heads, it can be obtained at that time, but there was no need to establish that representation at the beginning. We will need frequent feedback from OCA.
5. Does the proposal reflect the fact that Allegany County is considering using a PLA and may utilize a design-bid approach? Does that make any difference in how LaBella approaches this project? Will it increase or decrease engineering expenses?
6. Does the LaBella proposal include all inspection services that will be needed for the project? Will the County still need to hire a Construction Manager (CM) or a "Clerk of the Works?" If so, would Bovis Lend Lease be conflicted out because of their relationship with LaBella as shown on the Organization Chart? CM proposals came in at \$700,000 to \$1.1 million. How will that impact our soft costs if we have to hire a CM?
7. Under the pre-construction and bidding phase, the first item includes touring other facilities to assist the County in decision making. Hasn't this already been done? Does LaBella anticipate further tours or meetings for this function?
8. The County is extremely interested in energy efficiency issues. Item 7 of the pre-construction and bidding phase refers to making application to NYSERDA for possible funding. What possible funding is available? Has the County project already been registered with NYSERDA? Does LaBella have the capability to do this work, or should Allegany County look to other third party vendors or consultants? How does that impact the lump sum price that was submitted? In speaking with Mr. Kukuvka, Mr. Pullen learned that it will add \$2 million to the project to have a fully certified building. There would be a wide spectrum between being fully certified and nothing being done, and some level of care should be taken, but we need to look at cost. He's not sure how much LaBella is willing to do as part of the project, although they have done some preliminary checking.
9. The construction phase seems to include ongoing involvement by LaBella. Does this eliminate the need for a Construction Manager or Clerk of the Works? Exactly how much involvement will LaBella have during the construction phase? How often will someone from LaBella be on site during the construction phase?

10. The timetable and schedule section does not actually include any timetable. Can LaBella provide us with an approximate timetable for the different phases and milestones on this project? What are those?
11. Is the final price of \$994,000 negotiable, or should we go with an RFP?
12. What questions should we have asked that we have not asked? LaBella's submission indicated that we should not have surprises on this project. How likely is that?

**Hodgson Russ Contract Regarding Project Labor Agreement, Update:**

Mr. Pullen spoke with Terry Gilbride from Hodgson Russ about the PLA, and he requested that Mr. Margeson provide him with information on contacts for the building trades groups we would need to negotiate with. Mr. Gilbride and Peter Godfrey would then begin that process. The County will need to have a liaison for details to be included in the PLA.

Chairman Crandall commented that a decision on the PLA issue will be the answer to Mr. Pullen's question on whether we need a Construction Manager or a Clerk of the Works, depending on if we use that structure with a single General Contractor. That would shift the entity looking out for the County's interests from a full-blown Construction Manager firm to a Clerk of the Works type position, with coordination provided by the sole prime contractor. Regarding oversight, that would be a discussion for the Board, but Chairman Crandall felt that once the project gets to a certain point in construction, legislative oversight should shift to a building type committee, possibly under Public Works. He cited the example of the jail and specific issues that came up, and also noted that during the recent court tours, things like pew type seating versus theater type seating were discussed. Some issues will have more impact on court staff, and input from them on layout decisions would be beneficial. Chairman Crandall addressed the swing area and sequencing question by commenting that he spoke with Mark Kukuvka and understood that since the revision of the bond resolution, the plan is to build the addition first, shift the Treasurer and others being moved into the addition, and then renovations to the existing building would be done.

Mr. Fanton questioned the amount of time involved to formulate the PLA. Mr. Pullen replied that Mr. Gilbride anticipates they would have something within six weeks, but they will need to know whether the County will go in that direction. They would contact the trade unions, and the County would need to have a representative there for input on our issues and interests.

**General Discussion:**

Mr. Hopkins asked how the RFP process would affect the bidding date. The ideal time for bidding is winter. Chairman Crandall estimated five to six months for the design and two months for bidding, putting the start date out nearly nine months.

County Attorney Tom Miner commented that part of the issue with timing is the economy. The sooner we put the project out to bid, the better. If we put the design services out for RFP, we need to factor in increased costs as well as the delay. There may be other things administration should be concentrating on to bring project costs down, and an RFP that might knock off one percent of design costs will create a delay and use of resources taking the focus from those other things.

Chairman Crandall expressed concern and stated that it's not that we should give any firm a blank check or not try to get the best deal, but it's all the planning and the direction we're

going with a specific "appointment" and level of building. He felt we should move forward. Mr. Hall noted that if someone comes in with a lower bid through an RFP, we could still go with the firm we're comfortable with. Mr. Fanton commented that the most we would save would be one percent. He would rather approach LaBella first to see what their lowest price is. Changing design firms at this point would be risky. Mr. Parker pointed out that one reason engineering costs may have been at a lower percentage with the jail project was the "off-the-shelf" design. If the County does an RFP for design services for the court facility, we will lose half of the construction season, and the delay may raise costs.

***A motion was made by Mr. Fanton, seconded by Mr. Hopkins and carried unanimously to approve the contract with LaBella Associates for final design services for the court facility, subject to Mr. Pullen contacting LaBella with noted concerns. Referred to Ways and Means; request pre-file for February 6 Board Resolution.***

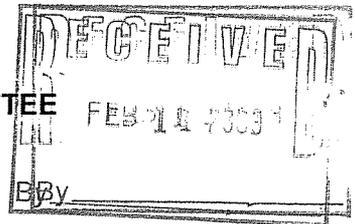
**NEXT MEETING:** Wednesday, February 4, 2009 at 3:00 p.m.

**Adjournment:** The meeting was adjourned at 11:45 a.m.

Respectfully submitted by  
Adele Finnemore, Journal Clerk

**NOT  
APPROVED**

**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE  
FEBRUARY 4, 2009**



**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, B. Hetzel, W. Higgins, K. Kruger, LaBella Associates Representatives (M. Kukulka, R. McClung, Rachel Stuckey), J. Margeson, M. McCormick, T. Parker, B. Riehle, S. Spillane, K. Toot;  
**Media:** J. Loyd, 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 the January 7, 2009 meeting were approved following a motion made by Legislator Hopkins, seconded by Legislator Fanton and carried.

The minutes of the January 26, 2009 meeting were approved following a motion made by Legislator Hopkins, seconded by Legislator Fanton and carried.

**Barbara Hetzel:**

Barbara Hetzel, Chairman of the Allegany County Democratic Party, approached the committee about utilization of energy efficiency and enhancement practices in the course of the court facilities project. Ms. Hetzel voiced her opinion against the bond issue, but now that the bond resolution has been approved by the Board, she wants to make sure that the County tries to make the project as energy efficient as possible, particularly in considering solar power. She also noted that we have three colleges in the area, and would like to see their expertise used on some of the construction, especially in regards to the solar power. The farm at Alfred State College and a couple of the buildings on the Wellsville campus are solar powered. Ms. Hetzel is concerned that with the national party wanting to redo federal buildings and Governor Paterson backing the same view, we may be required to update the building in the future. Although it may be more costly to construct a "green" building, we should do it now appropriately.

Mr. Pullen pointed out that the committee has already brought up the energy efficiency issue, and LaBella Associates has been looking into it and doing some preliminary checking with NYSERDA (their update follows).

Chairman Crandall noted that he spoke with Ms. Hetzel about her opinion on the bond resolution on the day that resolution was considered, and he wanted to reiterate that none of the legislators wanted to have to do this court project either, but action had to be taken. Since then, he and County Administrator John Margeson have discussed green energy and reducing energy cost issues with Alfred State College staff. They are very knowledgeable in this area and have offered their assistance.

Mr. Pullen commented that there has been a lot of research in this area, and we will want the building to be as energy efficient as possible. If we can put solar panels on the roof, it will help to reduce energy costs. There is still the initial cost to be considered, and we have to stay within the constraints of the approved bonding.

Ms. Hetzel noted that she was looking into whether the Office of Court Administration really had the authority to sanction the County for non-compliance with the court facilities issue. Mr. Fanton offered to give her a copy of OCA's sanction letter and stated that they proved their authority by citing a couple of instances where it was done. No one on the Board wanted to do this project, but we are being forced to.

### **Energy Efficiency Update, LaBella Associates:**

Mark Kukulka introduced Rachel Stuckey and Richard McClung, both LaBella Associates LEED Accredited Professional Engineers, to speak about energy efficiency, their capabilities, and services they can provide. They gave examples of other projects around the state, an update on NYSEERDA, and highlighted opportunities available to Allegany County (copy of printed material attached to original minutes).

LaBella Associates has provided services related to NYSEERDA certification and funding for over ten years. They can go through the process with the County to see if we want to go through with it and to what extent. Funding comes from the surcharges on electric bills, so we're already paying into it. LaBella is a FlexTech provider, performing energy audits of existing facilities, recommending change, estimating payback, and monitoring changes to document actual costs and savings. They have been involved in Industrial Process and Productivity Improvement through lake water source cooling, alternative technology for VOC reduction, and recuperative burner installation. Technical Review Services are offered in the Enhanced Commercial/Industrial Performance Program, Peak-Load Reduction Program, and Existing Facilities Program.

NYSEERDA gives funding for energy improvements on the electrical aspects of construction. For new construction, funding would be based on the size and complexity of enhancements:

- Prescriptive Measures (maximum \$30,000)
- Custom Measure Approach (maximum \$200,000)
- Whole Building Design (maximum \$750,000)
- Green Building Option for LEED Projects (maximum \$900,000)
- Applicant LEED Incentives (\$7,500)
- Advanced Solar and Daylighting Incentives (maximum \$200,000)
- Peak-Load Reduction (maximum \$2,000,000)

A fairly typical design would fall under prescriptive measures, with a set amount of money for each item being installed. This would be the easiest, but least lucrative. As you move down the first four items in the list, the options increase in difficulty and expense in order to receive the larger paybacks. LaBella would guide the County through a cost in/cost out analysis.

Mr. Pullen questioned if some of the listed options were cumulative or a choice of either/or. Ms. Stuckey replied that the first four items are on an either/or basis and the last three are add-on items.

Mr. Kruger asked about the stability of the funding, and Ms. Stuckey noted that the incentives are funded by electric bill surcharges, so they should be stable. Also, there is a focus right now on green energy options.

Mr. Pullen commented that peak load reduction wouldn't be applicable for our facility because of our hours of operation. Ms. Stuckey suggested that there are different things that can be done to shift daytime usage to night, higher efficiency measures can be used to reduce total usage, or in some facilities, some things can be shut off. LaBella's approach is to reduce consumption to a minimum and then start looking at other options such as solar panels.

Mr. Kukulka explained that to qualify for the incentives, you have to identify and install the more energy-efficient items. You have to spend more up front, but the idea is that you will recoup some of that extra cost in energy bill reductions. The incentives would pay for a portion of the incremental cost, usually about 50 percent. Mr. Kukulka pointed out that the total incentive Allegany County would be looking at would be thousands of dollars, not millions. It may be as high as \$60,000.

Chairman Crandall questioned the payback periods for the higher cost, more efficient equipment, which would be reduced by a certain amount of NYSERDA funding, and if there were fairly accurate estimates on those and assumptions on funding so that we would know up front prior to commitment. Ms. Stuckey and Mr. Kukulka both ensured that LaBella would go through that process and provide enough information to allow the County to make a decision.

Ms. Stuckey listed a few of the ideas they would suggest for Allegany County's project (figures used are rough averages):

- **Reductions in Energy Use**
  - High Efficiency Equipment
  - Demand Control Ventilation
  - Building Envelope
  - Building Commissioning and Training Staff on the equipment that will require a higher level of maintenance. Mr. Hopkins questioned if the increased maintenance over the life of the equipment would be figured into the cost savings. Mr. McClung noted that it's either a simple payback or a life cycle cost, which is more involved to prepare, but we may want to do both on selected pieces of equipment.
  - Install Sufficient Metering to Track Consumption, and to look at it weekly or daily to find or solve problems. Mr. McClung added that it's fairly easy to do that now with computerized tracking to check performance.
- **Geothermal** (ground source heat pumps)
  - Involves drilling vertical wells outdoors, 150 to 200 foot bore depth per ton, spacing of approximately 20 feet. Well installation would be dependent on site; a test well would be done to check performance. Cost for one well \$8-10,000.
  - Previous study: 28-year simple payback, no outside funding figured.
- **Photovoltaic (PV) or Solar Cells.**
  - Previous study: 26-year simple payback assuming 50 percent outside funding.
- **Wind Turbines**
  - Evaluate local wind properties, site suitability, cost.
  - Previous study: approximate 68-year simple payback, no outside funding figured.

Possible uses for water from the Genesee River were discussed. Ms. Stuckey noted that there is a facility in Rochester that uses the river. If we wanted to pursue that, it would take a lot of lead time to deal with DEC applications, and they would need data on river temps and flow. Mr. Kukulka suggested that we wouldn't want to get hung up in applications and regulations. Use of the river would almost be a separate project with a life of its own.

Chairman Crandall questioned how to know what investment to make in order to get the answers we need to discover the break-even point, while doing everything we can to make this project as green as possible. Ms. Stuckey replied that they would look at our utility rates to see what range we're in, apply their ideas to our building to find the most favorable ones, and take a high level approach before getting too far and prior to any output of money. Mr. McClung noted that LaBella just finished a project for which they provided all the information allowing the client to make a decision after looking at several options.

Mr. Pullen asked if there were general projections for cost for getting a building LEED certified. Mr. Kukulvka noted it usually adds five to ten percent. There are four classifications: certification, silver, gold, and platinum. Each step up costs more and is more creative and innovative. It won't be too difficult to get the court facilities project certified, and may be only a little stretch to get to silver. The additional cost from a design and construction standpoint would be two to three percent for certification and fifteen to twenty percent for platinum. Mr. Kukulvka understood from his past conversations with the committee that the County wanted to do good energy efficient practices on the project but had no time to enter into a formal LEED program. At this time, LaBella's estimate is based on that, and we will be somewhere around a certified building. The estimates do not include a higher-end, innovative, higher-cost payback solution, but they can work up those options to allow a decision.

Mr. Kukulvka commented that our project has not been registered with NYSERDA yet, but as we move forward, we will have to accelerate the process with them. There would be discussion with NYSERDA, and they would provide guidance through the process and assistance on payback estimates.

Mr. Pullen asked if LaBella has had any contact with Alfred State on the solar panel technology. There could be good results through a partnership. Ms. Stuckey responded that they could investigate taking advantage of their expertise as things progress.

Mr. Kukulvka commented that there are energy performance contractors out there, but LaBella doesn't do that. It's a good idea to provide some initial assessment, if a firm offers that service. LaBella has done work for those contractors; they've assisted both parties.

Chairman Crandall questioned what a basic evaluation would do to our timing. He assumed we would have to make some decisions fairly quickly. Mr. Kukulvka noted that enough time is built into design for LaBella's energy team to do that analysis, but it has to happen within the next month or so. They can come back with some preliminary assumptions, and it would take 30 days to develop ideas and another 30 days for a deeper analysis.

An agreement with LaBella Associates for final design services for the Allegany County Court Facility will be considered by the full Board of Legislators on February 6, 2009.

#### **IDA Lease Agreement Proposal for Crossroads Center Addition:**

IDA Director John Foels updated the committee on a lease proposal for the Crossroads Center addition for Office for the Aging, NY Connects, and the Veterans' Service Agency. Chairman Crandall and County Administrator John Margeson have reviewed the lease, which includes two consecutive five-year leases renewable after ten years, with terms very similar to the existing space at Crossroads. There is a termination clause of 30 days. IDA provides heat, water, sanitary, outside maintenance, and snow plowing. Electric and telecommunications would be County expenses. The square footage has been expanded from 6,500 to 8,000 to

accommodate current and some future anticipated needs. The annual lease payment will be \$96,000 (\$12 per square foot). Lease payments will remain flat for the first ten years and negotiated after that. Mr. Foels noted that they would like to have the agreement approved by March 1, and the commencement date would be June 1. IDA's construction costs will be between \$80 and \$100 per square foot, and they will be pushing toward the lower end. Lending will be based on a 20-year term, and the County's ten-year commitment leaves a significant portion of principal left at the end.

When questioned about the expansion from 6,500 to 8,000 square feet, Mr. Foels cited the need for additional storage, additional NY Connects office space due to staff projections, the Veterans' Offices were moved from the previous plans, and a staff break area has been provided that was not originally planned. For perspective, the addition will be about the same size as the left wing of the existing Crossroads Center. It has been designed to be more secure and self-contained. There are some other things to work out, and they will come back with a full set of plans, but start dates and a commitment from the County are needed in order to lock in financing.

Chairman Crandall pointed out that it would cost a fair amount if we were looking at a satellite-type facility without these arrangements for plowing and outside maintenance, and it gets expensive to have to send employees to do those tasks. This type of arrangement makes sense.

Mr. Hopkins commented that having separate rooms for most of Office for the Aging staff will be more efficient than being packed in as they are now. Office for the Aging Director Kimberly Toot noted that they currently pay for electric, heating, and phone out of their budget, with some reimbursement by state and federal funds, so they are used to paying these expenses and have budgeted for them. Veterans' Service Agency Director Scott Spillane commented that he and Ms. Toot have many of the same clients, so this move makes sense.

Mr. O'Grady questioned if the County owns the current Office for the Aging building. Mr. Margeson responded in the affirmative. Mr. O'Grady pointed out that with this proposed lease, we would be looking at an additional \$96,000 per year in the budget. Mr. Pullen replied that the cost is less than the actual total costs associated with other facilities, and there were no other suitable locations available. The present OFA facility is a safety hazard.

Mr. Margeson has reviewed the lease and discussed it with Mr. Foels. He will e-mail the information to committee members tomorrow and have the County Attorney review it.

***A motion was made by Legislator Fanton, seconded by Legislator Hopkins and carried unanimously to support the lease agreement with the IDA for the proposed addition at the Crossroads Center for Office for the Aging, NY Connects, and the Veterans' Service Agency, with terms as described. Referred to Ways and Means Committee.***

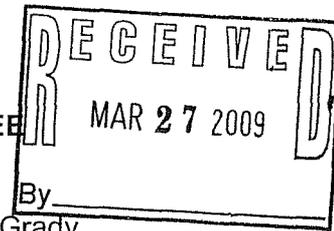
**NEXT MEETING:** Wednesday, March 4, 2009 at 3:00 p.m.

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

Respectfully submitted by  
Adele Finnemore, Journal Clerk

**NOT  
APPROVED**

**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE  
MARCH 18, 2009**



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

**Others Present:** W. Dibble, A. Finnemore, J. Foels, LaBella Associates (M. Kukuvka, R. McClung, R. Stuckey), J. Margeson, T. Miner, K. Toot; **Media:** B. Quinn, Wellsville Daily Reporter

**Call to Order:** 3:10 p.m. by Committee Chairman David Pullen.

**Court Facilities Project, HVAC Energy Efficient Options Update, LaBella Associates:**

Mark Kukuvka, Rick McClung, and Rachel Stuckey have researched, on a macro level, available energy efficient options for heating, cooling, and electrical, looking at a mechanical systems approach, photo voltaics, and wind energy. They presented information on the advantages and disadvantages; energy, maintenance, and initial construction costs; and paybacks for five different HVAC building systems. The information included considerations for the need to backfeed to the existing Courthouse, depending on the system chosen, but for financial reasons, do not include installation of a new system in the current structure. (Handouts attached to original minutes.)

**HVAC System Comparisons:**

**1. Central Air Handling Unit w/ Variable Air Volume (VAV) Reheat / Chiller / Boiler**

Advantages

- Maintenance access
- Acoustics
- Occupant comfort and controllability (humidity, temperature)
- Straightforward method to re-feed existing Courthouse fan coil system
- Long system service life (greater than 25 years)

Disadvantages

- Slightly higher first cost and annual energy cost

Indoor unit; cooling accomplished through a cooled water chiller and heating through a hot water boiler; supplies all airflow at a constant temperature; air is sent out to boxes that control the flow of heated or cooled air back into the building; flexible and adjustable for changes in load and occupancy needs; good acoustics; good for energy efficiency. This is the system that LaBella is recommending, and their previous cost estimate is based on this. It is the best system for our circumstances. The system would be zoned, with some occupancy control for energy efficiency reasons. Installation would be in the mechanical area on the ground floor of the addition.

**2. Water Source Heat Pump**

Advantages

- Energy efficiency (especially when building has interior spaces that require cooling all year)

Disadvantages

- Acoustics
- Maintenance access
- Shorter system service life (typically less than 20 years)

### 3. **Geothermal Heat Pump**

#### Advantages

- Utilizes constant ground temp as a heat source and heat sink for heating and cooling (renewable resource)
- Very efficient

#### Disadvantages

- Limited space in back parking lot for well field; may need to add well space under front parking lot
- Shorter system service life (typically less than 20 years for heat pumps)

Heat pump can be used with second option, but not the first option. Heat pump options typically include a cooling tower which requires a lot of maintenance.

### 4. **Rooftop Units with VAV / DX Cooling / Boiler**

#### Advantages

- Lower first cost
- Located outside of occupied space

#### Disadvantages

- Maintenance access via roof
- Shorter service life (typically 15 years)

Similar to the first option, but installed outdoors rather than indoors. Indoor units are easier to maintain. The unit is generally installed on rooftops for aesthetic reasons, and it was questioned if the service life could be extended with ground installation. It was noted that ground installation may promote better maintenance making the unit last longer, but the shorter life span attributed to exposure to the elements wouldn't change. Also, the outdoor units are package units, whereas indoor units are generally more modular which would reduce repair/replacement costs, and they last longer. The maintenance difference between the indoor and outdoor units is partially the type of equipment – compressors for cooling units versus chillers.

### 5. **Fan Coil Units**

#### Advantages

- Straightforward method to re-feed existing Courthouse fan coil system
- Potential for high level of zone temperature control with four-pipe system

#### Disadvantages

- Acoustics
- Maintenance access
- Shorter service life (typically 20 years)
- No economizer capability, resulting in higher energy consumption

The four-pipe system offers the option of heating and cooling throughout the building, whereas a two-pipe system only allows heating or cooling. There is no economizer capability because there is no link to the outside air to take advantage of conditions.

A graph was used to compare the system energy costs, system maintenance costs, and total annual HVAC costs for the five systems. The geothermal option had the lower annual cost at approximately \$34,000 as compared to the other four systems that all averaged around \$48,000, but the drawback for the geothermal unit is the installed cost at nearly \$500,000 more than any of the other four.

Total system costs are shown below and are project specific for the addition to the Courthouse. Some of the equipment in the existing building will be replaced, but they are trying to maximize use of what's there. These are not the same answers as you'd get for a free-standing new building because they include a component for existing building issues.

System Options	System Energy Cost	Annual Cost (Incl. Maint.)	Base System Construction Cost	Added Cost for Courthouse Boiler and Chiller	Total System Cost	NYSERDA Rebate	Payback Over Baseline Years
Central AHU w/ VAV Reheat / Chiller / Boiler	\$30,499	\$48,800	\$1,344,000	\$180,000	\$1,524,000	-	Baseline
Water Source Heat Pump	\$29,716	\$47,837	\$1,176,000	\$330,000	\$1,506,000	-	0
Geothermal Source Heat Pump	\$26,680	\$33,895	\$1,680,000	\$330,000	\$2,010,000	\$72,000	28
Rooftop Unit VAV / DX Cooling / Boiler	\$31,228	\$51,326	\$1,260,000	\$250,000	\$1,510,000	-	0
Fan Coil Units / Chiller / Boiler	\$31,169	\$45,932	\$1,260,000	\$180,000	\$1,440,000	-	0

The geothermal option includes a 28-year payback, and in that time period we would also have to replace the heat pump. That option is similar to the water source heat pump, but the big cost difference is the installation of 50-60 200-foot wells under the parking lots. (If the geothermal option is considered, test wells would be drilled to determine how many were needed and how deep they had to be.)

LaBella's conclusion was that although some of the systems were less expensive to install and operate, the first option, the Central Air Handling Unit w/ Variable Air Volume (VAV) Reheat / Chiller / Boiler, was the system they would recommend, based on its suitability for our situation. It has the adaptability with the existing building, low maintenance, energy efficient due to the economizer, flexible to allow for load and occupancy changes, takes advantage of free cooling which some systems don't have, and air quality is very good. It was also noted that for our type of application, the Central VAV system is recommended by the American Heating and Refrigeration Association because of the highly variable loads and the acoustics.

**NYSERDA Program Incentives:** Three levels of participation: Pre-Qualified Measures, Custom Measures, and Whole Building Design. Whole building incentive examples based on total building annual electric consumption of 300,000 kWh and 130,000 kW peak:

- 5 percent savings of both annual electric consumption and peak demand results in approximate \$5,000 rebate.
- 15 percent savings of both annual electric consumption and peak demand results in approximate \$20,000 rebate.
- Geothermal heat pump system incentive (\$600/ton) assuming 120 tons capacity = \$72,000.

Ms. Stuckey noted that the NYSERDA incentives available for most of the options we'd be looking at would be in the \$5,000 to \$10,000 range, possible as high as \$20,000, depending on a lot of factors, including the efficiency level of the equipment chosen. The geothermal option offers the highest incentive, but also has the \$500,000 difference in cost.

Mr. Pullen questioned if there was anything in the economic stimulus bill for energy conservation issues. Mr. McClung replied that application of stimulus money in the energy area has not been defined, but LaBella has a task force researching it.

**Solar Energy Options:** (Handout attached to original minutes.)

**1. Flat/Low Angle Arrays**

Advantages

- Minimized shading on adjacent collectors
- Reduced snow and wind loading on roof
- Minimized structural impact
- Roof penetrations for conduit only
- Minimum visibility

Disadvantages

- Reduced efficiency at capturing solar radiation – lower power per area

**2. High Angle Arrays**

Advantages

- Increased angle increases power per unit area

Disadvantages

- High platforms to avoid snow drifting
- Numerous roof penetrations due to structural posts and conduit
- Increased visibility
- Higher installed cost
- Shading considerations require spacing between collectors

**3. Ground Mounted Arrays**

Advantages

- Increased angle increases power per unit area
- Large number of arrays can be deployed if space is available
- No structural concerns

Disadvantages

- Vandalism concerns
- Highly visible
- Steel frames and concrete footings required to elevate

A chart illustrated the installed cost range, NYSERDA incentives and federal tax credits, annual electric production, annual cost savings, and simple payback for 10 kW, 25 kW, and 50 kW solar power options, as well as information for a solar hot water heater. Ms. Stuckey noted that relative to the flat arrays, there is a limited amount of sunlight they can capture, while the high angle units capture more sunlight but have structural issues and there are cost implications. The best case scenario would be ground installation because of the lower cost and shorter payback, but even with those the payback is 28 years. The 10, 25, and 50 kW options were offered depending on how big an initial investment we wanted to make. Mr. McClung pointed out that the 50 kW option would power about 500 fluorescent lamps, or provide about one-third of the addition's power needs on a sunny day, so we would still need to buy power. Power could be sold back to the grid on weekends rather than be stored. Mr. Kukulka noted that the size of the system doesn't seem to change the payback, it's still about 40 years. Ms. Stuckey commented that we are limited to 50 kW due to the size of the roof area and available ground space. The solar hot water unit would consist of a vacuum tube system on the roof. Installed cost is bearable at \$6,000, but we wouldn't be doing it for payback reasons (92 years). We would also want a back-up system.

Mr. Hopkins questioned the effect of snow on the solar units. Ms. Stuckey noted that would be typical for this area, and it would have to be cleared off. Annual cost savings included

in the charts would be the offset energy usage or what's saved on the electric bill. Chairman Crandall pointed out that the 40-year payback assumes the equipment remains operable, and Mr. Fanton commented that panels have to be replaced after a number of years (25 or less). Mr. Hall noted that we can't anticipate what energy will cost us down the road, but we probably won't see much benefit. Mr. Kukulka pointed out that nothing precludes us from doing a solar installation at a later date.

**Wind Energy Options:** (Handout attached to original minutes.)

**10 kW Wind Turbine** (one windmill installed at a height of 200 feet)

Disadvantages

- Wind Data (wind speed variability)
  - [www.windexplorer.com](http://www.windexplorer.com) – Mean wind speed from 30M to 100M is listed as less than 12.3 mph
  - [navigator.awstruwind.com](http://navigator.awstruwind.com) – Mean wind speed at 60M is listed as 9.6 mph
  - Weather website for Friendship NY indicates an average wind speed of 3.7 mph (likely ground level)
- No NYSERDA incentives available if wind speed is less than 10 mph
- Operation and maintenance expenses
- Permitting costs
- Bird habitat
- Zoning issues (currently not permitted)

Advantages

- Small turbines are available which operate at wind speeds of 4 mph.
- If 10 mph winds are found to be available, then NYSERDA incentives are available.
  - Example: 10 kW wind turbine incentives are in the range of \$20,000 to \$40,000.
  - Payback at approximately \$75,000 installed cost with NYSERDA incentive is 37 years.

Ms. Stuckey commented that initial research indicates the wind energy option doesn't seem viable for this location. If it was something the County wanted to pursue further, the first step would be to measure wind speeds.

Mr. Benson questioned the feasibility of installing windmills offsite and transmitting power via lines. Ms. Stuckey noted that the transmission could be an issue. Mr. Kukulka commented that you'd have to find an optimal place, and he suggested that if the County wanted to do this, to do it as an initiative for power to go back into the grid, but not linked as part of this project. Mr. Benson noted that the electric company could transmit the electric back to the site, and Ms. Stuckey replied that the proximity to the grid is critical.

Mr. Hopkins asked about carbon credits. Mr. Kukulka responded that it hasn't been figured yet. Research completed to date was on a macro level to provide enough information for the committee to make a decision and for LaBella to make their recommendations. If there is something the County wants to pursue further in terms of costs, capturing carbon impacts, and comparing equipment for energy efficiency, we can give them direction. Ms. Stuckey noted that so far they considered code compliance and kept a consistent base between systems. They can look at more or less efficient equipment in each category. Mr. McClung commented that using higher efficiency level equipment will qualify for more NYSERDA incentives. Efficiency varies by unit, and there is usually more maintenance required with higher efficiency.

Once the committee decides on a system, LaBella can come back with options including payback numbers, installed costs, maintenance costs, and the best efficiency levels for each piece of equipment.

The consensus of the committee was that although solar and wind energy options were investigated, they will not be considered for this project due to their lack of cost effectiveness.

***A motion was made by Legislator Fanton, seconded by Legislator Hopkins and carried unanimously to select the Central Air Handling Unit w/ Variable Air Volume (VAV) Reheat / Chiller / Boiler HVAC System for the Court Facilities Addition Project.*** Mark Kukuvka noted that LaBella will prepare information on efficiency options for the various components of the system and report back to the committee at the May 6 meeting. The design process can still proceed at the same time.

Mr. Kukuvka reported that LaBella will be holding a design meeting with Court personnel on March 25 in the Support Court area beginning at 9 a.m.

Soil boring samples are being taken this week to determine if the addition can be built on the proposed location behind the Courthouse. Mr. Kukuvka noted that there is no official read yet, but he heard they were hitting rock at a fairly shallow depth (which is good). Mr. Kukuvka didn't know if the geologist would have a verbal answer for him in time for his next visit to the County on March 25. Mr. Pullen requested that Mr. Kukuvka report to John Margeson as soon as he has an answer.

#### **Project Labor Agreement (PLA) Progress Report:**

Mr. Kukuvka has given Hodgson Russ the information they need, but he has not heard back from them. Mr. Pullen reported that he spoke with Peter Godfrey and was told they were setting up a preliminary meeting with union reps. John Margeson has also had phone conversations with Mr. Godfrey regarding strategy and contacts he had to make, but no date was set yet. Mr. Pullen noted the importance of these issues because they impact design and timing and shift work. Mr. Kukuvka commented that there will have to be some second shift work due to Court schedules and not moving people out to a swing location.

#### **IDA Crossroads Center Addition:**

Industrial Development Agency Director John Foels, County Attorney Thomas Miner, and Office for the Aging Director Kimberley Toot were present to discuss the proposed contract with IDA for the new facility adjacent to the Crossroads Center. At 4:15, a motion was made by Legislator Hall, seconded by Legislator Fanton and carried to enter into an Executive Session to discuss the proposed lease of real property. Following discussion, a motion was made by Legislator Hopkins, seconded by Legislator Fanton and carried to end the Executive Session and return to the regular meeting.

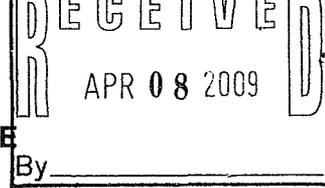
**Adjournment:** The meeting was adjourned at 4:55 p.m. following a motion made by Legislator O'Grady, seconded by Legislator Hall and carried.

**NEXT MEETING:** Wednesday, April 1, 2009 at 3:00 p.m.

Respectfully submitted by  
Adele Finnemore, Journal Clerk

**APPROVED**

**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE**



**April 1, 2009**

**Committee Members Present**

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

**Others Present**

D. Burdick, W. Dibble, J. Foels, L. Haggstrom, K. Kruger, J. Luckey, J. Margeson, T. Parker, B. Reynolds, B. Riehle, K. Toot, N. Ungermann

**Special Guests**

Belmont Betterment Association – President Raymond DeTine, Greg Shelley, Margaret McNinch, Wendy Skinner  
Camelot Choraleers – Greg Shelley, Deborah Hunter, Meredith Chilson  
James Charrette, Allan Automatic Sprinkler Corporation, CA  
Joy M. Carlson, RA, Professor at the Alfred State SUNY College of Technology Computer Imaging & Architectural Engineering Tech Dept and the following students – David Tice, Stefanie Cook, Kyle Drummer, Matt Buckman, Lucia Aparicio, Luissanna Cepeda, Alex Cohen, Marc-Anthony Forgenie  
Lisa Lee, Literacy West NY, Inc. Executive Director

**Media Present**

B. Quinn, Wellsville Daily Reporter

Court Facilities and County Space Needs Committee Chairman David Pullen called the meeting to order at 3:42 p.m.

**Approval of Minutes**

The minutes of the February 4, 2009 meeting were approved following a motion made by Legislator Hopkins, seconded by Legislator Fanton and carried.

The minutes of the March 18, 2009 meeting were approved following a motion made by Legislator O'Grady, seconded by Legislator Hopkins and carried.

Legislator Pullen stated that the primary topic on the agenda today is to consider any expressions of interest that the Belmont Betterment Association (BBA) would have in making a proposal to the Allegany County Board of Legislators relative to the Belmont School. Legislator Pullen turned the meeting over to Raymond DeTine, President of the Belmont Betterment Association.

### **Belmont Betterment Association**

Mr. DeTine apologized about the miscommunications regarding the County's request for proposals last year. Mr. DeTine explained that they had retained CRBE to take care of these types of things, and they mishandled the request and did not properly follow through. Mr. DeTine indicated that he was very sorry and hopes that the County doesn't hold it against them. Since that time, CRBE has been let go.

Mr. DeTine provided a brief overview of the repairs that have been made to the building since the Belmont Betterment Association has taken over which included roof replacement, partial mold and asbestos remediation, securing of building, repair and/or replacement of locks and windows, heating and water delivery systems were evaluated, and estimates for bringing building into ADA compliance were obtained. Mr. DeTine indicated that plans have been made for further mold remediation, and any asbestos remaining in the building has been encapsulated in concrete or is in the form of either floor or ceiling tiles. The plaster was tested for asbestos, and it was found to be clean. All debris has been removed, and all of the old carpets have been torn up and removed which really helped with the mold issues. The grounds have been maintained the last few years. Mr. DeTine thanked the County for the assistance that JobTrak has been able to provide in the clean up of the building. Mr. DeTine stated that they have a very good understanding of what the building needs and how much it will cost; there are no surprises. The parking lot across the street from the school is now owned by Steuben Trust, and the Belmont Betterment Association is in the process of securing the parking lot.

Mr. DeTine stated that they believe that they have a very marketable piece of property. The Belmont Betterment Association has been actively pursuing other entities to occupy the building, and there has been some interest. Their desire today is to show the Court Facilities and County Space Needs Committee that the building could house some County departments, and they would be willing to work with us to accomplish that.

They are currently working with Literacy West who has written a grant to occupy about 14,000 square feet in the building, and if they obtain the grant, they will be moving in and other agencies may be coming with them. They are hoping to see a building with a single point of access for services that Allegany County residents need.

### **Alfred State College Adaptive Reuse Renditions**

Mr. DeTine introduced Joy Carlson, Professor of Alfred State College's Computer Imaging & Architectural Engineering Tech Department. Ms. Carlson briefly explained her experience and credentials. Ms. Carlson talked about the need to renovate more old buildings in the United States. Ms. Carlson brought several students with her who have been through the Belmont School three times, and they made the following historic preservation and adaptive reuse renditions so that committee members could see different possibilities that could be available in the old school:

David Tice indicated that the removal of the old lockers left an eight (8) inch to one (1) foot gap in the walls, and Mr. Tice presented an art display proposal to replace where the old lockers were removed. The proposal featured glass shelving and painting display placed in front of a rock façade with recessed lighting. This could be done in any hallway where lockers were removed, and it creates a perfect place to display art work.

Stefanie Cook designed the current cafeteria into a Bistro. Ms. Cook indicated that she wanted to make the environment a very warm and inviting place, and she briefly explained how she accomplished this by varying ceiling heights and lights. Professor Carlson also talked about how the existing windows were used to create certain effects.

Kyle Drummer created a conference room to fit into an old classroom which was approximately 22 feet by 48 feet. He presented three renditions showing a conventional conference room and two modular type rooms.

Matt Buckman presented samples of executive offices that could attach to a conference room. Mr. Buckman presented two different layouts to show how different needs could be addressed.

Lucia Aparicio presented two different proposals showing how classrooms could be created into office space. The particular classroom was divided into three offices each 14 X 9 feet.

Luissanna Cepeda showed how a classroom can be changed into a bookstore with two different options for shelving layout. Mr. DeTine indicated that if Literacy West comes in, they plan to have a bookstore staffed by volunteers.

Alex Cohen presented a cubicle layout for two different rooms. Mr. Cohen showed how different cubicle styles can be used to maximize the space available. These particular rooms face the courtyard.

Marc-Anthony Forgenie presented two different proposals to change existing classrooms into modern office space as well as a reception area or lobby space.

Committee members complimented the fine job that the students did.

Legislator Theodore Hopkins mentioned the heating in most schools is found along the windows, and he wondered how that was being dealt with when the rooms are split up. James Charrett indicated that they plan to take out the single master heating unit and break it up into three individual units with thermostats at each one. Each room would have its own hot water radiator.

### **Belmont Betterment Association's Lease Proposal**

Mr. DeTine introduced James Charrette, Vice President of Allan Automatic Sprinkler Corporation out of California. Mr. DeTine indicated that Mr. Charrette is very familiar with the construction trade, and he has made an excellent partner with the Belmont Betterment Association. Mr. DeTine indicated that he felt it was important that the County see that they had someone with the financial wherewithal to see the project through.

Mr. Charrette stated that he shares the Belmont Betterment Associations' vision for the school, and it is a tremendous asset that the community should take advantage of. Mr. Charrette indicated that we need to look at the building for what it can be made into.

Mr. Charrette stated that to estimate a cost for the County, he took an 8,000 square foot footprint of offices and incorporated some community common space and combined that with some utility costs. Because it is a common hot water system, they cannot divide off electricity, heating, and plumbing. Mr. Charrette indicated that he approached this as a gross lease arrangement where the figures are inclusive of the utility usage and common space in the building and came up with the following rates:

<u>Lease Year</u>	<u>Office Space</u>	<u>Common Area</u>	<u>Utilities</u>	<u>Total</u>
1 – 5	\$8/sq. ft.	\$1.20/sq. ft.	\$1.55/sq. ft.	\$10.75/sq. ft.
6 – 10	\$1/sq. ft.	\$1.40/sq. ft.	\$2.00/sq. ft.	\$13.40/sq. ft.

Mr. Charrette stated that the figures listed are tentative estimates, noting that it can be very difficult to predict what utility costs will be five years down the road. Mr. Charrette indicated that the utility costs per square foot would go down as more tenants lease space. He believes that the increases reflected in lease years six through ten represent a reasonable estimate of what increased costs will look like. These figures do not include build-out costs, and Mr. Charrette suggested looking at costs for renovating the space needed in one of two ways:

1. The Office for the Aging would hire contractors and make the renovations themselves. Mr. Charrette stated he did not know if that had been estimated or approached from a budgeting standpoint for the other opportunities that we have.
2. The other option would be to work with a contractor to get a dollar amount for the build out, and then pro-rate that into a lease over ten years. Mr. Charrette estimates that the renovation costs would be approximately \$120,000, about \$100 per square foot, or around 12 percent for an amortized cost of build out.

Mr. Charrette indicated that they would be willing to contribute public access and public divisions as necessary to accommodate the tenant space, and they would not be looking to amortize the public spaces. Mr. Charrette asked how interested the Office for the Aging would be in using the gym facility. The gym facility is a state-of-the-art 14,000 square foot facility with about 4,000 square feet of locker rooms. It could be rented for about \$200/day for an event, or we could factor in \$1/square foot (\$8,000/year) of our leased space to have access for the whole year. If we would have less than \$8,000 worth of activities then the County would probably want to look at renting the facility on an as needed basis. Mr. VanTine indicated that some community leagues have expressed interest in using the gym, and if someone was leasing the building for an entire year, they could in turn rent it out to other entities. Mr. Charrette noted that there are more amenities available at the school than any other facility around.

Mr. Charrette indicated that they have performed all the basic infrastructure analysis so they have a very good handle on what it would take to get the building up and running. Mr. Charrette estimates that it would take four to six weeks to get through a layout – an architect would need to be hired to get floor plans, configurations, etc. Mr. Charrette is very optimistic that 8,000 square feet can be built out in three to four months.

The lease prices above do not include the build out costs; however, they do include cleaning, maintenance, snow plowing, mowing, etc.

Legislator Pullen requested clarification on the common area or community space. Mr. Charrette indicated that connecting corridors and foyers are considered common areas. Legislator Karl Kruger asked if an increase or decrease in space would affect the lease price, and Mr. Charrette indicated that they would be willing to discuss that.

Mr. Charrette indicated that they believe they need to have commitments for 10,000 square feet of leased space to make it worthwhile to open the doors. When the space required drops below 10,000 square feet, the practicality of moving forward is borderline.

Legislator Dwight Fanton asked if they planned to install a sprinkler system in the building, noting that he does not know if we can put our people in there without one. They indicated that they did not plan to install a sprinkler system, and although any new construction would require a sprinkler system, old space does not.

Chairman Curtis Crandall stated that the County spent approximately \$30,000 to have an engineering group look at the old school building in November 2003 to determine how appropriate the space would be for County usage. The MRB Group did a study, and their report included the following comments regarding the 1990 addition on the school:

1990 Addition – Repairs Needed:

- Repair roof leaks
- Replace insulation where roof leaked
- Replace exterior doors and hardware
- Remove existing shower rooms and locker rooms
- Modify bathrooms for handicapped accessibility
- Replace delaminated tiles in bathrooms
- Replace damaged ceilings
- Patch and repair floor tiles, carpet office areas
- Few, if any, plumbing fixtures meet ADA and ANSI A117.1 requirements
- Windows are in good condition; however, the caulking around some of the window units is due to be repaired or replaced.

1990 Addition – Recommendations to create a County Office Space:

- At a minimum, at least one new elevator should be provided. Provide a new handicapped elevator including enclosure, machine room, equipment, power, etc.
- There is no automatic sprinkler protection in any part of the building. Adding sprinklers to part of the building would require a new water service dedicated to fire protection.
- Existing lighting system is marginally adequate for office use. Replace the luminaries with more efficient lamp/ballast combinations. Office and Program areas: 50 foot-candles. Corridors: 20 foot-candles.
- Partitions for supervisors; offices, conference rooms, supply rooms, interview rooms.
- Replace HVAC but salvage hot water boilers in the second floor mechanical room.

- Electric system – The existing electrical service to the building is adequate for an educational type use but is not adequate to support office type occupancy.
- There are no means for automatic lighting control as required by the NY State Energy Code.
- Renovation or occupation of the existing building would constitute both a Change of Occupancy and Reconstruction under Appendix K of the NYS Building code. The code will require the electrical, structural, access and life/fire safety systems to comply with current code requirements.

Chairman Crandall asked if all of these items would be included, or if they would need to be addressed as part of the build-out process. Mr. Charrette stated that many of the things listed are recommendations rather than requirements. Mr. Crandall commented that he assumes that many of the ADA requirements would be included in the leased space; however, if the County desired to have specific lighting in certain areas above what is already provided, that would be part of the build-out. Mr. Charrette indicated that the current heating system could be retrofitted for approximately \$238,000 so that air conditioning would be available in the building; however, it has not been configured for the 8,000 square feet. Mr. DeTine stated that they have had engineers go through the building as well, and they know if they were to bring the entire building up to code and meet all of the needs of both sides, they would be looking at \$3.1 million. Mr. DeTine indicated that they do not need to address the other, older side of the building until it is needed. A recent electrical inspection passed with flying colors, and they should be able to support offices with it. Mr. Charrette also commented that the MRB study addressed new build-out that we do not have.

Legislator David Pullen stated that the current Office for the Aging facility is not adequate, and the Board needs to make a decision and move forward. Legislator Pullen asked if the code has been addressed for what we need for a change of use, and Mr. DeTine indicated that an inspection was done Saturday, and he should have a report on that by the end of the week. Legislator Pullen expressed concern about asbestos contamination and asked if the building has been tested and inspected by an asbestos contractor. Mr. DeTine stated that the school board at the time indicated that this issue has been addressed. Legislator Pullen stated that he received correspondence indicating that the asbestos certification requires a new inspection every three years to remain valid. If the building was not maintained, and the containment steps were not maintained, then the previous certifications would not be valid. Mr. DeTine indicated that his understanding was that anything that was not removed was encased in concrete, but he would be happy to look into this matter further with Legislator Pullen. The risk for asbestos is so significant and so severe that we need to make sure things are in order. Mr. Pullen distributed the following summary of issues and concerns some of which have already been addressed:

**1. Cost Issues and Concerns:**

- A. What will be the cost per square foot?
- B. What is included in that cost?
- C. Does your price include utilities?
- D. Does your price include cleaning and maintenance costs?
- E. Does your price include snow removal and grounds maintenance?
- F. Does your price include the use of common areas such as foyers, hallways, elevators, and bathroom/restroom areas?

- G. Does your price include the use of parking areas? I heard that the parking lot is owned by Steuben Trust Company, not by BBA. Is that correct? Does BBA have any type of agreement with Steuben Trust for ongoing use of the parking area?
- H. What areas do you propose for the use of Office for the Aging, NY Connects, and Veterans' Services? How many square feet of space will be included? Are those rooms already suitable for immediate use by those agencies?
- I. Who is going to be responsible for renovation of those areas for use by the County agencies? Are those costs included in the square foot price that is being discussed?
- J. What conditions and/or costs would be involved in use of the gymnasium? Is that an extra charge? What would the terms be? Is the gymnasium ready to be used at present?
- K. Will the rent payment include water and sewer service charges for those services? If not, how will they be determined and assessed?
- L. Does BBA have any estimates for renovation costs that are necessary and planned?
- M. Does BBA have any reserves to cover maintenance, operations, and services for the building? Can BBA obtain and provide a bond to protect Allegany County if we were to locate in these facilities? Would BBA be willing to give such a bond?
- N. How long a lease would BBA be able to give the County? Would it lock in prices for an extended period of time?

## **2. Safety Issues and Concerns:**

- A. Has the building been inspected and tested for asbestos? Can you provide the County with a report from a certified asbestos inspector certifying that the building has no asbestos contamination?
- B. Is the building up to code for use as an office building? Has this been checked out with the local or state building inspector? What will be involved in adapting the former school for use as an office building?
- C. Is the electrical system adequate for use as an office building facility? How many electrical, telephone, computer network and internet connections are available in each room? Who is responsible for providing those facilities?

## **3. Use and Operation Issues and Concerns:**

- A. How is the heating system set up? Can the area proposed for OFA and Veterans' Services be heated separately from the rest of the building? What type of heating system is in the building?
- B. Is the building insulated to reduce utility consumption?
- C. Is the building air-conditioned? Is it capable of being adapted for air-conditioning? What would that involve? Who would be responsible for doing that?
- D. What security measures will be present in the building? Will there be any watchmen or other security services? How will the areas used by County agencies be protected from other tenants or persons gaining access to the facility?

- E. Will there be ongoing construction at the former school facility? What is planned? What adjustments and protections can be afforded to County workers, guests and others using the facility during times of construction and/or renovation?
- F. Who are the other potential tenants who will be in the building? Will BBA give Allegany County any right of approval for such other tenants? What do we do if the other tenants are unacceptable as neighbors for the County agencies?
4. **What are the plans and current status for the rest of the building? Has the condition of the building been stabilized and secured?**
  5. **How soon could BBA be ready to make space available for use by County agencies?**
  6. **Has the building been inspected by an architect or engineer? What have they reported?**
  7. **Does the building need to be modified to bring it up to current code requirements?**

Bathrooms were discussed and Mr. Charrette indicated that they would not be counted as part of the 8,000 square feet of leased space. The County would have a dedicated area with a separate entrance with security. Mr. DeTine stated that the hallways could be laid out based on the County's needs. They talked about using the cul-de-sac for handicapped parking. Legislator Theodore Hopkins asked if the tenants will be able to control what other tenants come into the building, and Mr. DeTine stated that their goal is to have a synergy between the people in the building. The building was re-zoned a few years ago as a business and light industry.

### **Literacy West NY, Inc.**

Literacy West NY, Inc. Executive Director Lisa Lee stated that she submitted a grant to the New York State Department of Education for \$200,000 for three years to create a cooperative learning center with the vision of taking over 12,000 to 14,000 square feet of space in the school. They hope to hear something in May. In addition to that Ms. Lee stated that she has been working with Mr. DeTine and Mrs. Skinner, and they are in the process of applying for a Restore New York grant for \$2.1 million for the renovation of the old school and the final restoration of the Belmont Hotel. Ms. Lee explained that it is a capital grant project offer through the Empire State Development Office. If the grant is awarded, it will help considerably with some of these infrastructure costs, and a lot of the County's concerns regarding codes and ADA compliance will be addressed. The application is due May 4, and Chairman Crandall indicated that the County would be happy to send a letter of support. Ms. Lee will forward additional information to the Clerk of the Board Brenda Rigby Riehle. Ms. Lee indicated that they are 100 percent grant funded.

## Next Step

Legislator Pullen stated that the Committee and the Board need to move forward. Legislator Pullen stated that the Belmont Betterment Association is proposing a lease for approximately 8,000 square feet at a cost of \$10.75/square foot. Legislator Pullen noted that we do not have a floor plan, and we do not know whether we will end up with more or less than 8,000 square feet. The square foot price from the Industrial Development Agency (IDA) at the Crossroads Area is \$12/square foot for new construction. The figures are currently \$1.25 apart; however, you still need to add an amortized cost of approximately \$1/square foot for the build-out costs associated with the Belmont Betterment Association's lease. It was noted that the \$1/square foot for build-out costs is not a firm figure.

Legislator Karl Kruger commented that we are not really comparing apples to apples, and that the new construction at the Crossroads cannot be compared to the materials that the school is made of. No one could afford to build that type of building today. Legislator Kruger stated that the prospect of having municipal sewer and water at the school would help us avoid the problems we may face when we need to add these systems at Crossroads. In addition, there is the potential to expand at the Belmont School; whereas, the Crossroads does not offer that potential. Mr. DeTine briefly updated the committee on the water service that was expanded three years ago as well as their plans to build a new sewer plant.

Mr. Charrette stated that they are trying to get the first brick laid for an organization that will create some real vitality for the Village of Belmont. This proposal not only provides that, but it provides expandability and will hopefully attract other similar agencies to the school. You may not see this type of benefit out at the Crossroads. Legislator Kruger also mentioned that the state is really pushing single point of entry, and he is concerned how long it will be before it is mandated. What would we do out at Crossroads when there isn't enough room for everyone that needs to be together; we would have that option at the school. Legislator Pullen briefly addressed Legislator Kruger's concerns regarding the single point of entry issue.

Legislator Pullen thanked the Belmont Betterment Association for attending the meeting. Legislator Pullen stated that the possibilities are intriguing, and what the BBA and the college students have done is captivating; however, he does not believe that it meets the County's needs at this time. Legislator Pullen does not believe there is enough information to move forward with the BBA's proposal. Legislator Pullen stated that the construction season is upon us, and he believes that we need to be moving forward. If the final conclusion is to go with the Crossroads proposal, the time to be doing that is the summer months not later in the year. Legislator Fanton stated that there are still a lot of questions that need to be answered – asbestos, fire protection, etc., and it can't all be crammed into a few weeks. A lot of homework needs to be done. Legislator Timothy O'Grady stated that he would like to explore the BBA proposal further. Mr. O'Grady asserted that he just doesn't believe we can afford \$100,000 per year, and he believes the issue warrants further investigation. Although the Belmont Betterment Association's proposal is also for over \$100,000/year, Legislator O'Grady believes there are additional options that may result in cost savings. Legislator Fanton expressed concern that the Belmont Betterment Association has known about the County's desire to secure space for almost a year, and many issues still have not been dealt with. Legislator Fanton asserted that the proposal from the Belmont Betterment Association will cost as much or more than the proposal for Crossroads. Legislator Pullen stated that we've looked at opportunities and looked at different properties that haven't worked. Legislator O'Grady made a motion that the County investigate further the concerns that need to be addressed by the BBA and possibly using the

school for potential office space. The motion failed for lack of a second. It was noted that there would be no cost to the County to get answers to our questions; however, timing is an issue.

Chairman Crandall thanked everyone for attending the meeting and for the input. Chairman Crandall appreciates the interest they have in the school, and he is 100 percent in favor of anything that can happen with the school. The Chairman stated that he personally supports the Office for the Aging Program and what has been outlined and the contract that is on the floor, but he hopes it doesn't reflect or diminish the desire to see things happen at the school. Chairman Crandall thanked everyone for their efforts. Mr. DeTine indicated that he appreciated the opportunity to talk to us.

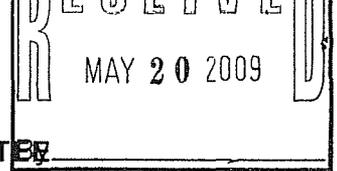
Legislator Fanton stated that he respects what the Belmont Betterment Association has done, but he cannot support Office for the Aging going over there at this time. Legislator Fanton briefly talked about his concerns with asbestos liability.

### **Adjournment**

The meeting was adjourned following a motion made by Legislator Hopkins, seconded by Legislator Fanton and carried.

Respectfully submitted by  
Brenda Rigby Riehle, Clerk of the Board

**NOT  
APPROVED**



**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE  
MAY 6, 2009**

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

**Others Present:** R. Christman, W. Dibble, A. Finnemore, LaBella Associates (M. Kukupka,  
P. Mashtare, C. Bernhard), J. Luckey, J. Margeson, T. Miner, 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 April 1, 2009 meeting were approved following a motion made by  
Legislator Hopkins, seconded by Legislator Fanton and carried.

**Court Facilities Project, LaBella Associates:**

**HVAC System Energy Options Review:**

At the March 18 meeting, the committee selected the Central Air Handling Unit w/  
Variable Air Volume (VAV) HVAC System for the Court Facilities Project. LaBella prepared  
information on energy efficiency options for the various components of the system. Mark  
Kukupka noted that they were nearly halfway through the design phase, and once some  
decisions are made on these component options, they will get the information to their  
estimators.

Casey Bernhard, Engineer, recapped the HVAC system selected and distributed  
handouts (attached to original minutes). Mr. Bernhard explained that the system would be  
located in the mechanical area of the building, and it includes a water-cooled chiller for cooling,  
a gas-fired boiler, VAV boxes, zone controls and an energy recovery mixing box where return  
air is mixed with the outside air (illustrated in the handouts). Advantages are: acoustics,  
occupant comfort with precise temperature and humidity control, maintenance access indoors,  
and a long system service life of over 25 years. It was noted that the new system will serve  
both the addition and the existing Courthouse.

**Chiller Option Review:**

Three chiller options were presented (see charts next page). Energy consumption was  
fairly similar for the air-cooled high efficiency option and the water-cooled option, and there also  
was not much difference in maintenance costs between those two options. Current rates for  
this area were used to figure energy costs and simple paybacks. **LaBella's recommendation  
for the chiller component of the HVAC system was the high efficiency air-cooled chiller**  
due to the shorter (six year) payback and, although it costs a few thousand dollars more, it has  
more capacity, if needed.

Chiller Options	Chiller Full Load Efficiency (kW/ton)	Chiller Efficiencies (COP)	% Improvement Over Energy Code	System Annual Energy Consumption (kWh)	Annual Energy Cost	Installed Chiller Cost	Potential NYSERDA Rebate	Net Chiller Cost	Simple Payback Over Baseline With NYSERDA Rebate (Years)	Simple Payback Over Baseline Without NYSERDA Rebate (Years)
Air Cooled Chiller Standard Efficiency 170 ton	1.239	2.84	1%	55,992	\$ 8,959	\$108,000	NA	\$108,000	Baseline	Baseline
Air Cooled Chiller High Efficiency 170 ton	1.148	3.06	9%	52,156	\$ 8,345	\$115,000	\$ 3,500	\$111,500	6	11
Water Cooled Chiller 172 ton / Cooling Tower	0.645	5.67	16%	51,675	\$ 8,268	\$146,000	\$19,000	\$127,000	28	55

NOTES:

1. Energy Conservation Code NYS Air Cooled Chiller > 150 ton required efficiency is Coefficient of Performance (COP) of 2.80
2. Energy Conservation Code NYS Water Cooled Chiller > 150 ton required efficiency is COP of 4.90
3. High efficiency chillers can provide a first cost advantage when selecting near the upper end of the equipment operating capacities (Example: 185 ton standard eff. chiller installed cost = \$113,000)

NYSERDA Program Incentives

Incentive based on \$0.16 kWh savings and \$540 per summer peak kW saved (capped at 50% of incremental cost)  
 Chiller must exceed NYS Energy Code by 3% to qualify for incentive

Chiller Options	Elect Savings Compared to Std Eff (kWh)	Elect Savings NYSERDA Rebate	Peak Demand Savings Compared to Std Eff (kW)	Peak Demand Savings Rebate	Gross NYSERDA Rebate	NYSERDA Rebate Capped at 50% of Increment Cost
Air Cooled Chiller High Efficiency	3,836	\$ 614	9.9	\$ 5,346	\$ 5,960	\$ 3,500
Water Cooled Chiller	4,317	\$ 690	59.9	\$ 32,346	\$ 33,036	\$19,000

<b>Boiler Options</b>	<b>Boiler Efficiencies (Thermal Efficiency)</b>	<b>% Improvement over Energy Code</b>	<b>Estimated Seasonal Efficiency</b>	<b>System Annual Gas Consumption (therms)</b>	<b>Annual Energy Cost</b>	<b>Boiler Material Cost</b>	<b>Potential NYSERDA Rebate</b>	<b>Simple Payback Over Baseline (Years)</b>	<b>Simple Payback Over Baseline (Years)</b>
Standard Efficiency Non-Condensing Two Stage Copper Fin Boilers (Two – 1500 mbh & One – 750 mbh)	85%	13%	60%	31,529	\$38,781	\$47,600	NA	Baseline	NA
Standard Efficiency Non-Condensing Modulating 5:1 Turndown Copper Fin Boilers (Two – 1500 mbh & One – 750 mbh)	85%	13%	69%	15,607	\$19,197	\$55,305	NA	Less than 1	Baseline
High Efficiency Condensing Boilers Modulating 5:1 Turndown (Two – 1500 mbh & One – 750 mbh)	90%	19%	89%	12,097	\$14,879	\$75,250	NA	1	5

**Boiler Selection Issues:**

1. Keys to efficiency are return water temperature and avoiding boiler short cycling.
2. Substantial amount of hourly dry bulb temperature throughout year is moderate.
  - a. Number of hours in Rochester between 35 deg F and 60 deg F = 4,100 hrs.
  - b. Number of hours in Rochester between 35 deg F and -5 deg F = 2,300 hrs.
3. Boiler plants typically operate at full load 2% of the year and operate below 15% of full capacity more than 50% of the year.
4. Non-Condensing vs Condensing Boilers: Return water temps less than 135 deg F result in condensation in flue gases.
5. Seasonal Efficiency Estimate
  - a. Estimate of 20% differential is due to non-condensing boiler short cycling during low load periods of year.

## Boiler Option Review:

Three boiler options were presented (see chart on previous page). Boiler efficiencies listed are catalog ratings. Keys to efficiency are taking advantage of low return water temps and keeping the boiler from cycling on and off. The condensing boilers can take water back at higher temps, while the non-condensing boilers can't. Another advantage of the condensing boiler is that it can keep running at lightly loaded situations, which keeps it from cycling on and off. There is more cycling with the modulating boiler. The seasonal efficiency puts it in a real-life efficiency mode; thermal efficiency is rated in a lab where constant temperatures and load are maintained.

Condensation and possible corrosion were discussed. The boiler that LaBella is considering has an aluminum cooler, and the pH level would have to be maintained through the use of pH inhibitors to prevent corrosion. Mr. Bernhard didn't consider the maintenance issues with the condensing boiler as more significant than the non-condensing boiler. The stainless condenser would cost a little more than the aluminum one.

**LaBella recommended the high efficiency condensing boiler component for the HVAC system** due to the short payback period and the lower annual energy cost. Although the initial cost is \$30,000 more, the payback is tremendous. Stainless steel will be looked at. Mr. Kukurka will assemble a list of pros and cons between stainless and aluminum, as well as prices, to e-mail to Mr. Margeson.

## Heat Recovery for Air Handling Units Option Review:

Heat recovery involves the transfer of heat and moisture to the air being brought in from outside. Information was presented for four options (see chart below).

Heat Recovery Options	Effectiveness	Annual Gas Energy Cost Savings	Annual Electric Energy Cost Savings	Total Energy Cost Savings	Cost of Heat Recovery Option	Simple Payback Over Baseline (Years)
Heat Pipe	43%	\$ 2,590	\$ 351	\$ 2,941	\$107,000	36
Coil Run-Around Loop	55%	\$ 3,324	\$ 448	\$ 3,772	\$ 49,500	13
Plate Heat Exchanger	65%	\$ 3,926	\$ 530	\$ 4,456	\$ 60,000	13
Total Energy Heat Wheel	84% Summer / 61% Winter	\$ 5,144	\$ 2,435	\$ 7,579	\$ 57,000	8

### Heat Pipes

#### Advantages:

- Easy to clean
- Little or no cross contamination of air stream
- Some applications require no electric power
- Don't require many accessories

#### Disadvantages:

- Only transfers sensible heat
- High frost threshold
- Heavy
- High first cost in large applications

#### Coil Run-Around Loop

##### Advantages:

- Allows transfer of energy between distant locations
- No cross contamination of air stream
- Fits inside air handler

##### Disadvantages:

- Only transfers sensible heat
- Requires additional equipment: pump, expansion tank, piping, etc.
- Extra equipment requires extra space
- Pump requires maintenance

#### Plate Heat Exchanger

##### Advantages:

- Higher sensible effectiveness
- Little or no cross contamination of air stream
- Can be packaged in air handler
- Easy to clean

##### Disadvantages:

- Only transfers sensible heat
- Requires adjacent air streams
- Creates larger air handling equipment
- High first cost

#### Total Energy Heat Wheel

##### Advantages:

- Total energy recovery allows sensible and latent heat transfer
- High effectiveness
- Can be packaged in air handler

##### Disadvantages:

- Allows small amount of cross contamination of air stream
- Belt and motor can require maintenance
- Large unit would require some disassembly to bring in through elevator

The heat recovery chart doesn't include a baseline because the baseline would be not to install it. This is an energy efficiency option that would be an additional feature. Effectiveness is measured as the percent of energy recovered compared to the total. Most of the savings would be on gas. Additional downsides included: the heat pipe would require the addition of a pump to add refrigerant, the coil run-around would need additional equipment in the mechanical room, the plate heat exchanger makes the air units longer than some of the other options and probably won't fit. **LaBella's recommendation for the heat recovery feature for the HVAC system was the total energy heat wheel** because it recovers both sensible and latent heat and, instead of only taking advantage of heat, it also recaptures humidity. The payback period doesn't figure in maintenance, but that would add less than one year. Heat recovery doesn't add to comfort control, but is just an energy efficiency feature. Mr. Kukulka commented that if the County wants to pursue this, it could be handled as a bid alternate, or we could wait to see how the bids come in and use some of the contingency money. Mr. Pullen suggested bidding it as an alternate.

#### Other HVAC Energy Efficiency Items:

Mr. Bernhard highlighted some other energy features that would be done automatically:

- Low pressure duct system due to low velocities required for acoustics.
- Static pressure reset control of air handling unit supply fans so that at least one Variable Air Volume (VAV) box is close to full open.

- Static pressure reset control of pumps so that at least one control valve is close to full open.
- Utilize lighting occupancy sensors to close down VAV boxes saving fan energy and allow the space temperature set point to drift a few degrees.

**NYSERDA Pre-Set Incentive Items:** (Based on the 2008 NYSERDA new construction program; values listed are intended to provide an estimate of probable incentives only; incentives listed do not include possible savings and incentives for lighting efficiencies.)

- Differential Enthalpy Economizer Controls @ \$150/system: Assuming 3 systems: Total Incentive = \$450
- Premium Efficiency Motors: Assuming 8, ranging from 5 hp to 10 hp: Total Incentive = \$360
- Variable Frequency Drives for Controlled Motors: Approximately 10, ranging from 5 hp to 10 hp: Total Incentive - \$1,450

When these potential rebates are added to the \$5,000 to \$6,000 for the chiller, it's reasonable to assume that we will achieve the \$5,000 to \$25,000 from NYSERDA as mentioned at an earlier meeting. Some of the items, such as the variable frequency drives installed on each unit, would probably be done anyway.

#### **Existing Courthouse Ground Floor and Addition Ground Floor Shell Space Plan Review:**

Penny Mashtare reviewed revisions made on the Court Facility Project plans for the ground floors in both the addition and the existing Courthouse (handouts attached to original minutes). In a previous plan, some areas were being moved out of these areas entirely, but LaBella has had to make some changes and evaluate where everyone will fit while dealing with public traffic and risk levels. They are proposing moving the DSS Support Unit, including storage, to where Information Technology and Real Property Tax are currently. Probation will stay where it is. New walls and half-wall partitions are indicated, and they have retained and re-used as much as possible. The new proposal for the ground floor of the addition still includes the Treasurer's Offices, and now will also include Information Technology and Real Property Tax where the shell space was in the prior plan. The public coming from the main corridor will have easy access to either the Treasurer's Offices or Real Property Tax, and beyond that will be just staff. They have also added a building break room, building storage, IT storage, and a holding area for deliveries. LaBella is planning to submit this change for design and estimating as a separate number to allow comparison with previous figures.

Mr. O'Grady suggested moving the Department of Motor Vehicles to the Support Collection building once it's vacated. Motor Vehicles has the largest volume of public use, and the public wouldn't have to be screened if the office was moved there. Mr. Fanton noted that the Support building is not handicapped accessible.

Chairman Crandall questioned if the Treasurer's Office or Real Property Tax would gain any square footage. Ms. Mashtare responded that the Treasurer's Offices, Real Property Tax, and Information Technology all have spaces that are similar to what they have now, but all have a more efficient set up. The public traffic area is open and inviting, and signage will be included in the elevator lobby areas and on doors.

Mr. Pullen expressed regret in the utilization of the shell space so soon, wanting instead to keep some unallocated space for future needs. Ms. Mashtare noted that they tried several scenarios to keep RPT and IT where they were, but they would lose a lot of space. It also

makes sense to move the Support Unit because the area gives them a similar space and security. IT has some plumbing line problems in the server room, so putting them in the new building will be a plus. Ms. Mashtare pointed out that the empty shell space on the second floor of the addition gives some flexibility for future expansion. Mr. Fanton also noted that for future storage space needs, we still have the third floor of the County Office Building.

**Office of Court Administration Meeting Updates:**

Mr. Kukupka reported on recent project activity with the OCA team. Their early involvement will result in fewer design changes later on and will be advantageous as they work through the estimates. OCA has requested more security (more in the way of devices rather than personnel), and LaBella is working on that. The team has worked through a room-by-room checklist of the design including telecommunication/data locations and security requirements. There will be a meeting in June with the OCA architect to go over the changes and the budget. Prior to that meeting, LaBella will meet with this committee on the proposed budget.

**Project Schedule:**

LaBella submits design development report to the estimators on May 14.  
Report and estimates due back to LaBella by June 4.  
Special meeting with this committee to review report and estimates scheduled June 10 at 1:30.  
LaBella meeting with OCA architect on June 16.

LaBella still anticipates being able to go to bid at the end of September.

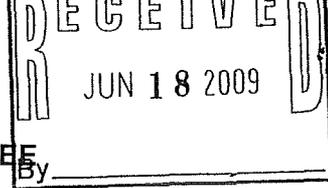
**Executive Session:**

A motion was made by Legislator Hopkins, seconded by Legislator Fanton and carried to go into an executive session regarding contract negotiations.

**NEXT MEETING:** Wednesday, June 10, 2009 at 1:30 p.m.

Respectfully submitted by  
Adele Finnemore, Journal Clerk

NOT  
APPROVED



**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE**  
**JUNE 10, 2009**

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

**Others Present:** W. Dibble, A. Finnemore, LaBella Associates (M. Kukuvka), J. Margeson,  
T. Miner, T. Parker, B. Riehle; **Media:** B. Quinn, Wellsville Daily Reporter

**Call to Order:** 1:35 p.m. by Committee Chairman David Pullen

**Approval of Minutes:** The minutes of May 6, 2009 were approved following a motion made by  
Legislator Hopkins, seconded by Legislator Fanton and carried.

**Court Facilities Project Design Development Report, LaBella Associates:**

Mark Kukuvka, from LaBella Associates, distributed and briefly reviewed the contents of  
their design development report. (The same information was used by the estimators.)

Volume 1: Technical information and general project information

- Section 1: Mission statement, fact statement, detailed cost estimate, project schedule, implementation and controls, summary of areas
- Section 2: Detailed room-by-room sheets, NYS Code reviews for both the addition and renovation sections of the project
- Section 3: Existing site conditions, subsurface geo-technical exploration (includes soil boring logs; engineer indicated that the site is fine, with nothing special needed for footing and foundation)
- Section 4: Detailed system descriptions including structural, mechanical, electrical, HVAC, fire protection, plumbing, security control
- Section 5: Outline specifications as precursor to bidding documents for contractors (including products and materials), asbestos report (in existing facility, some asbestos found in ceiling areas, not in floors or walls)

Volume 2: Drawings to date (not final); precursor to bidding documents

Mr. Kukuvka suggested that the Committee could review the information at the next meeting after everyone has had a chance to look it over. If there are any concerns or questions, they should be given to Mr. Pullen or Mr. Margeson. If any adjustments are needed, this is the time to do it.

LaBella will be reviewing the same information with the Office of Court Administration (OCA) and Court representatives during a working session on Tuesday, June 16, in the Board Chambers. They have had a preview of the room sheets, and they will begin discussing the detailed millwork in the Judge's Chambers, fixtures, etc. As per Committee direction, LaBella is taking a modest approach, yet respectful of the existing Courthouse.

Chairman Crandall questioned how detailed the conversations on materials with Court personnel would be, and used as examples the millwork and ceiling tile. Would they be requesting specific materials, or just the appearance of it? The direction should be a nice looking project, but modestly done. Mr. Kukuvka replied that the conversations would include both imagery and material. There will be places where hardwood is called for, and others where plaster, or painted, or stained materials could be used. Some of the choices they've made

could be negotiable, but in addition to material and imagery, part of the answer will be from a durability and functional standpoint.

Mr. Kukupka suggested another round of meetings with maintenance staff on materials, because they may have preferences and could know of parts and components that aren't easily replaced. Legislator Fanton noted that maintenance wasn't consulted during the Jail project, and we ended up with problems.

Legislator Hall commented on something Judge Griffith said on the Court tour about a particular area that was really nice. The Judges had input. The project was reasonable but looked nice. Having other people's input is a good idea. Mr. Kukupka noted that Warren Emerson sat in on all of the working sessions as a liaison for the Judges, but at some point it may be good to sit down with the Judges also.

**Draft Estimate:**

Mark Kukupka presented the draft financial estimate summary for construction costs and owner's soft costs for the Court Facilities Project. The first two pages did not include the build-out of the addition ground floor shell space, and the last two pages did include that additional scope. (A copy of the draft cost estimate is attached to the original minutes.) A more detailed estimate is included in the design development report notebooks.

***Draft project costs, prior to the additional scope of building out the addition ground floor shell space:*** The worksheet includes construction costs, consultants and miscellaneous costs, and owner's soft costs. Construction includes a 5 percent design contingency for unknowns from what isn't drawn yet; this will go to zero at the next level when the design is final. The worksheet still contains a few unknowns, some left blank, and some filled in with assumptions. The largest unknown is the Clerk of the Works or Construction Manager fees. A decision has to be made on a single or multiple prime contractors, so that estimate will have to be plugged in when known. An owner's general contingency of 5 percent has been included. Construction and owner contingencies may be able to be used for the Construction Manager fees, which were the largest unknown. Mr. Kukupka noted that the construction contingencies (5 percent for the new work and 10 percent for the renovations) will be carried all the way into construction until near the end.

<b><i>Total projected construction budget:</i></b>	<b>\$11,895,489</b>
<b><i>Total projected owner's and soft costs:</i></b>	<b>\$ 1,716,451</b>
<b><i>Total projected project costs:</i></b>	<b>\$13,611,940 (Not incl. CM fees)</b>
<b><i>The budget was:</i></b>	<b>\$13,786,700</b>
<b><i>Under budget by:</i></b>	<b>(\$ 174,760)</b>

***Draft project costs, including the additional scope of building out the addition ground floor shell space and a little more work on the addition ground floor for Social Services:***

<b><i>Total projected construction budget:</i></b>	<b>\$12,524,845</b>
<b><i>Total projected owner's and soft costs:</i></b>	<b>\$ 1,719,755</b>
<b><i>Total projected project costs:</i></b>	<b>\$14,244,600 (Not incl. CM fees)</b>
<b><i>The budget was:</i></b>	<b>\$13,786,700</b>
<b><i>Over budget by:</i></b>	<b>\$ 457,900</b>

Legislator Pullen questioned if the estimates were based on more current figures, considering the economy, than last year during the original development stage. Mr. Kukupka noted that escalation is probably down about 3 percent and that is built in, and yes, the

estimates are current. They assume bidding in September and receiving bids in October. The window is close enough now that prices are more predictable. It's a favorable bidding market right now, and we're also in a good location to get bidders.

Chairman Crandall asked if some of the unknowns, such as insurance, utility connection, and furnishings, could be narrowed down fairly quickly. Mr. Kukuvka and Mr. Margeson will work together to define some of that from past experience, using County forces or moving agencies or getting some actual quotes.

Mr. Kukuvka requested direction from the Committee on pursuing the full build-out of the addition ground floor as the base bid. Consensus of the Committee was affirmative.

**Fire Access Road Cost Estimate:**

Mark Kukuvka reported that, pursuant to meetings with the Code Enforcement Officer, the access road to the addition doesn't comply with fire-fighting access requirements, which specify a 26-foot width. The present County Office Building was constructed prior to these regulations, but the new addition construction will require they be complied with. Mr. Kukuvka presented sketches and a cost estimate summary sheet to widen the western access road (the current exit from the back employee parking lot adjacent to the Office for the Aging, which is currently 15-foot wide) to bring it into compliance. (A copy of the drawings/estimate is attached to the original minutes.) The cost estimates don't factor in any County Public Works labor. Mr. Kukuvka noted that the road wouldn't need to be dealt with for about one and one-half years, but will be needed for legal fire-fighting access.

**20-Foot Wide Road**

<b>Construction:</b>	<b>\$135,160</b>
<b>Construction Contingency at 5%:</b>	<b>\$ 6,758</b>
<b>Soft Costs at 15%:</b>	<b>\$ 21,287.70</b>
<b>Total:</b>	<b>\$163,206</b>

**26-Foot Wide Road**

<b>Construction:</b>	<b>\$203,116</b>
<b>Construction Contingency at 5%:</b>	<b>\$ 10,156</b>
<b>Soft Costs at 15%:</b>	<b>\$ 31,990.77</b>
<b>Total:</b>	<b>\$245,263</b>

Due to the location of utilities and the steep slope beside the property, a 20-foot width would be workable, but the code requires a 26-foot width. Mr. Kukuvka noted that a variance from the state could be applied for to allow construction of the 20-foot wide road, using reasons of the steep grade and physical hardship. Although there is also an \$80,000 cost difference, the physical impediment of the steep slope and addition of a hydrant would be the issues that are stressed.

Mr. Kukuvka pointed out that the piling illustrated in the drawings would be right next to the OFA building and completely avoids the utilities. The addition of a few parking spaces was also discussed. There is a pond included in the drawings at the low end of the site to provide needed retention of storm water. Chairman Crandall questioned if there was a less expensive alternative to widening the slope, by possibly coming up from the west behind the adjacent properties. Mr. Kukuvka replied that it probably would not be workable and would not be less expensive.

Mr. Kukulka estimated that it will take two to three months for the variance on the road. He currently has two items under variance consideration, the second being the firewall between the existing Courthouse and the addition. The firewall variance would be an administrative issue not requiring a hearing, but the road would require a hearing. A question was raised on the additional time and expense for redesign if the variance isn't given. Mr. Kukulka commented that he could use the draft sketch to apply for the variance. The only risk would be calendar days. If the variance is denied, we have to have something in place for the building permit process. The schedule indicates going to Commission of Corrections for approval of holding cells on September 14, and going out to bid in mid-September. He should hear in August on the variance. We may have to make an adjustment and a "commitment to fix" so it will hold up for the building permit.

Legislator Fanton noted that he has had conversations with Public Works about the entrance, and will give them a copy of the drawings. There was discussion on exact placement of utility lines, and Mr. Kukulka noted that he allowed some buffer for utility maintenance. The proposed sheet piling stops short of the hydrant and ties into the existing piling. He also commented that even the 20-foot width would provide two lanes. Chairman Crandall suggested that with the piling and gaining more parking, Public Works may feel it makes more sense and would possibly be able to do the access road in-house. Legislator Fanton expressed concern about the height of unsupported piling on the downside and the need for extensive anchors. A step-back retaining wall would be more expensive, would still have to be anchored back, and there'd be a lot of fill over buried utility lines.

***A motion was made by Legislator Fanton, seconded by Legislator Hopkins and carried to authorize LaBella Associates to apply for a state code variance for the 20-foot wide fire access road.***

**Attorney/Client Session:**

A motion was made by Legislator Fanton, seconded by Legislator Hall and carried to enter into an Attorney/Client Session. Following discussion, a motion was made by Legislator Fanton, seconded by Legislator Hopkins and carried to return to regular session.

**Construction Manager or Clerk of the Works Services RFP:**

***A motion was made by Legislator Hopkins, seconded by Legislator Benson and carried to authorize the County Administrator to issue a Request for Proposals (RFP) for two levels – Construction Manager services or Clerk of the Works oversight – for the Court Facilities Project including the full build-out of the addition ground floor.*** Mr. Margeson noted that the RFP would probably be sent out next week (the week of June 15) and he would allow 30 days for response. Mr. Kukulka will work with Mr. Margeson on wording to define what services would or would not be required for the Clerk of the Works. Results of the RFP will be discussed by the Committee at the August 5 meeting.

**State Environmental Quality Review (SEQR) for Proposed Property Acquisition:**

County Administrator John Margeson reviewed a Short Environmental Assessment Form for property the County is proposing to acquire at 21 Court Street, Belmont, NY, currently owned by the Presutti family. ***A motion was made by Legislator Fanton, seconded by Legislator Hopkins and carried to approve the Short Environmental Assessment Form and issue a Negative Declaration, Notice of Determination of Non-Significance, on the acquisition of the Presutti property on 21 Court Street, Belmont, NY.***

County Administrator John Margeson reviewed a Short Environmental Assessment Form for property the County is proposing to acquire at 25 Court Street, Belmont, NY, currently owned by the Tronetti family. ***A motion was made by Legislator Hopkins, seconded by Legislator Fanton and carried to approve the Short Environmental Assessment Form and issue a Negative Declaration, Notice of Determination of Non-Significance, on the acquisition of the Tronetti property on 25 Court Street, Belmont, NY.***

**Project Labor Agreement:**

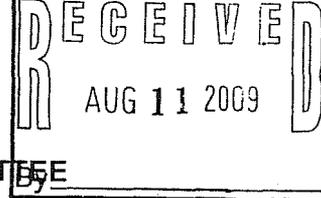
Legislator Pullen reported that he will check with Peter Godfrey regarding the status of the Project Labor Agreement, which would require a resolution before the end of July. If we have an answer from Mr. Godfrey, this will be discussed at the July 1 meeting; otherwise a special meeting will be set up, and the July 1 meeting won't be needed.

**NEXT MEETING:** Tentatively scheduled for Wednesday, July 1, 2009 at 3:00 p.m. (LaBella Associates representatives will not need to be present.)

**ADJOURNMENT:** The meeting was adjourned at 3:35 p.m. following a motion made by Legislator Fanton, seconded by Legislator Hopkins and carried.

Respectfully submitted by  
Adele Finnemore, Journal Clerk

**NOT  
APPROVED**



**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE  
AUGUST 5, 2009**

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

**Others Present:** C. Braack, D. Burdick, R. Christman, W. Dibble, A. Finnemore, W. Goetschius, C. Gowiski, Hodgson Russ Attorney J. Braccio, J. Margeson, M. McCormick, B. Riehle, D. Roeske, R. Scott, N. Ungermann; **Media:** J. Loyd, Olean Times Herald; B. Quinn, Wellsville Daily Reporter

**Call to Order:** 3:15 p.m. by Committee Chairman David Pullen

**Approval of Minutes:** The minutes of June 10, 2009 were approved following a motion made by Legislator Hopkins, seconded by Legislator Fanton and carried. (There was no meeting in July.)

**Access Road to Proposed Courthouse Addition (Current Exit from Back Parking Lot):**

At the June 10 Court Facilities and County Space Needs Committee meeting, discussion included that the access road for the Courthouse addition will need to be widened to 26 feet, or possibly 20 feet with a waiver, to comply with new state fire code requirements. This is currently the western exit from the back employee parking lot, adjacent to the Office for the Aging, and it is 15 feet wide. LaBella Associates had offered estimates of \$163,206 to extend the road width to 20 feet, and \$245,263 to extend it to 26 feet.

Public Works Superintendent David Roeske suggested that Public Works employees could complete this work, and he requested committee approval to begin construction of the access road this fall after logistics, such as waterline and utility placement, are worked out. Mr. Roeske is proposing widening the access road to 26 feet to eliminate the need for a variance, and it can be done without sheet piling. They will use a one-on-two slope to begin with and increase it to one-on-three after the Office for the Aging building is demolished. The proposal was approved by the Public Works Committee earlier this afternoon. When asked for an estimate, Mr. Roeske stated that it would be a lot less than LaBella's estimate, because we will be using our labor force and will not be using sheet piling. **A motion was made by Legislator Fanton, seconded by Legislator Benson and carried to approve the request. REFERRED TO WAYS AND MEANS.**

**Record Storage Space:**

County Historian and Records Administrator Craig Braack reported on the status of existing record storage space. The records building constructed in the early 1990s on the landfill property is nearly 98 percent full, and the secured areas allocated for the Sheriff and Health Department are full. There are presently 100 boxes being stored temporarily for the Health Department in a secure area of the former Jail. Retrieval is a problem, because access is gained through the old receiving area, and a deputy has to be on hand to operate the elevator. This seems to be the only alternative for now, and we could work with it for a year or two. Mr. Braack requested the committee to keep adequate record storage space in the design for the Courthouse addition. It is very important for the Courts to have secure, easy access to records on-site. When asked if hard copies have to be kept, Mr. Braack explained that some

records can be copied to be stored electronically, some are kept for a given length of time, and some are kept permanently. There is an official records retention schedule that he follows closely.

Committee Chairman David Pullen commented on suggestions made during Court tours that no matter how much space is allocated for record storage, it won't be enough. The committee has attempted to plan with that in mind, and there is significant record storage space and some unassigned "shell" space in the plans, so there should be sufficient storage space for the Courts. Legislator Dibble suggested building another records storage building the same size as the existing one. Public Works could do some of the work, and we could apply for grants to help with the expense. Mr. Braack responded that he is aware of the grant opportunities. He has applied for and was successful in receiving two other records-related grants. This topic will be discussed more in-depth at a future meeting.

**Construction Manager / Clerk of the Works Services Request for Proposals (RFP):**

County Administrator John Margeson reported that proposals for Construction Manager and Clerk of the Works Services were solicited, and three companies have responded: The Pike Company, Rochester, NY; LP Ciminelli, Buffalo, NY; and Bovis Lend Lease, Syracuse. Copies were provided to committee members for review (included with original minutes). Mr. Margeson noted that these are the same three firms to submit proposals a year ago. This RFP was advertised and was also sent to Pike, LP Ciminelli, Bovis, Chase, and LC Whitford. Mr. Margeson provided a memo summarizing the fee proposals:

	<u>Clerk of the Works</u>	<u>Construction Management</u>
The Pike Company	\$439,750	\$889,500
LP Ciminelli	No Proposal	\$792,500
Bovis Lend Lease	\$550,000	\$630,000

Mr. Margeson noted that after scanning the proposals, it appears they are comparable. There is only one issue to clarify – one company had assumed the provision of an office or workspace, and the RFP did not include that. It will take a couple of days to work out those details.

Mr. Pullen noted that there was a difference of about \$190,000 between the low bid for Clerk of the Works and the low bid for Construction Manager. A decision on which services to contract for will depend on whether or not a Project Labor Agreement (PLA) approach is used. Mr. Pullen commented that his understanding was that if we go with the PLA and have a single prime contractor, it would be more feasible to hire a Clerk of the Works due to the lesser scope of support services. Without the PLA, the Wicks Law requires multiple prime contractors, and the services of a Construction Manager would be needed. The architects and engineers need to know the County's decision on which approach will be used, because it affects how they draft the specifications and whether the Wicks Law waiver will be sought.

The proposals will be reviewed by committee members. The committee decided to request actual presentations by the three firms submitting proposals. If the presentations are fairly broad and not specific to either Clerk of the Works or Construction Management, they could take place prior to a decision being made. Mr. Margeson suggested having LaBella here for the presentations also. A special meeting was scheduled for Wednesday, September 2, at 9:00 a.m. (This will be in addition to the regular meeting that same day at 3:00.) Mr. Margeson will contact the three firms and LaBella.

**Project Labor Agreement Update:**

Joseph Braccio from Hodgson Russ Attorneys was present on behalf of Peter Godfrey to provide an update on the Project Labor Agreement. Due to the fact that specifics would be discussed about on-going contract negotiations and labor issues, an executive session was called for.

**Executive Session:**

A motion was made by Legislator Hopkins, seconded by legislator Benson and carried to enter into executive session to discuss Project Labor Agreement negotiations with retained legal counsel. Immediately following, a motion was made by Legislator Hopkins, seconded by Legislator Fanton and carried to end the executive session and return to the regular meeting.

Mr. Braccio gave a presentation regarding services rendered by his law firm on behalf of the County and this Committee on a possible Project Labor Agreement. They have taken part in substantive negotiations, but they are not finalized. Mr. Pullen noted that no action would be taken at this time, and until the issue of the PLA is resolved, the Committee would not be able to make a decision on the proposals for Clerk of the Works or Construction Management services.

**Comments:**

Cindy Gowiski asked if the committee planned to address concerns voiced by the public regarding the site for the Courthouse addition. An engineering report mailed to Mr. Margeson recommended that construction should be set back from the river bank to a minimum of 50 feet. The committee needs to consider the project's proximity to the bank. Mr. Pullen responded that all processes relating to the proposed Court facilities have been carried out in accordance with the law, and he is comfortable with the soil boring and engineer's site reports, so dissension on those topics would not be addressed by this committee.

**NEXT MEETINGS:**

- Special meeting, Monday, August 24, at 12:30 p.m.
- Special meeting, Wednesday, September 2, at 9:00 a.m.
- Regular meeting, Wednesday, September 2, at 3:00 p.m.

**ADJOURNMENT:** The meeting was adjourned at 4:40 p.m. following a motion made by Legislator Fanton, seconded by Legislator Hopkins and carried.

Respectfully submitted by  
Adele Finnemore, Journal Clerk

**NOT  
APPROVED**

LEGISLATIVE  
AUG 25 2009

**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE**  
**AUGUST 24, 2009**

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

**Others Present:** P. Curran, W. Dibble, A. Finnemore, K. Kruger, J. Margeson, T. Miner,  
T. Ross, F. Sinclair, N. Ungermann; **Media:** J. Loyd, Olean Times Herald; R. Mangels,  
WJQZ Radio

**Call to Order:** 12:35 p.m. by Committee Chairman David Pullen.

**Approval of Minutes:** The minutes of August 5, 2009 were approved following a motion made  
by Legislator Hopkins, seconded by Legislator Benson and carried.

**Project Labor Agreement (PLA) Update, Executive Session:**

Committee Chairman David Pullen noted that issues relative to the Project Labor Agreement for the Court Facilities Project, including labor negotiations and an agreement governing labor relations, would be discussed; therefore, an executive session would be required. A motion was made by Legislator Hopkins, seconded by Legislator Benson and carried to enter into Executive Session to discuss labor negotiations. Following discussion, a motion was made by Legislator O'Grady, seconded by Legislator Hopkins and carried to end the executive session and return to the regular meeting.

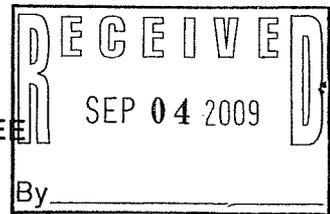
**NEXT MEETINGS:** Wednesday, September 2, 2009, 9:00 a.m. (Construction Manager and Clerk of the Works presentations) and 3:00 p.m. (regular meeting).

**ADJOURNMENT:** The meeting was adjourned at 1:00 p.m.

Respectfully submitted by  
Adele Finnemore, Journal Clerk

NOT  
APPROVED

COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE  
SEPTEMBER 2, 2009



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

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

**Call to Order:** 3:20 p.m. by Committee Chairman David Pullen

**Approval of Minutes:** The minutes of August 24, 2009 were approved following a motion made by Legislator Fanton, seconded by Legislator O'Grady and carried.

**Project Labor Agreement (PLA) Update:**

Committee Chairman David Pullen gave an update on the Project Labor Agreement being negotiated for the Court Facilities Project by Hodgson Russ Attorneys. Mr. Pullen's discussions with Peter Godfrey have indicated that every union with the exception of the elevator service union has indicated its approval of the PLA, and the only problem the elevator union has is with some of the language. Other than that, there is agreement, and we can move forward. LaBella Associates has timeframe issues based on the impact of the PLA on preparing bid specifications; however, before the PLA can be approved, the statute indicates the need for a feasibility study.

**Project Labor Agreement Feasibility Study:**

To proceed with the feasibility study, Peter Godfrey came up with three different approaches for the County to consider, although obtaining costs for the different approaches has been difficult:

- Hodgson Russ Attorneys – Peter Godfrey could prepare a summary based on his expectations, using no outside consultants. It would include savings based on a conceptual analysis and on studies done by the state over the years based on actual experience. It would show what we could anticipate and general conclusions on what practices, such as the use of apprentices, would result in savings. This would be the least expensive option at somewhere between \$1,200 and \$1,500. The disadvantage is that conclusions would be lacking on hard calculations.
- Bovis Lend Lease, as an independent estimator, working with LaBella Associates – This option would have the advantage of hard calculations of savings for the various aspects of the PLA. Bovis' cost for this service would be \$9,200. Mark Kukuvka felt that LaBella's time working with Bovis wouldn't be significant, and it would just be part of their current contract.
- Seeler Engineering – A third option would be the use of an engineering firm to provide the calculations, and Seeler is available to do it on a quick turn-around. The cost would be between \$14,000 and \$16,000, possibly as low as \$12,000. Advantages are that the study would be done by an engineering firm that has worked on these projects, and it's also an independent firm.

Legislator Pullen felt that the independent study by Seeler Engineering, although it costs more, would be the best option, and they would be capable of doing it in time for the committee to consider later this month. To expedite the process in order to keep LaBella on schedule with bidding, the committee would need to approve moving forward with an option for the feasibility study and request a resolution to go to the full Board for consideration on September 14. Then the PLA should be ready to go to the Board on September 28 so LaBella can release bids in mid October. If the study doesn't show significant savings, we would proceed with a standard approach rather than with the PLA.

Legislator O'Grady questioned the potential overall savings of the PLA, and noted that he didn't want to spend \$12,000 on the study in order to save a very minimal amount of money. Mr. Pullen responded that the study will show that. The PLA will allow the waiver of the Wicks Law, which is the largest area of savings (estimated at 10 to 28 percent of the total project cost), but the study will help to verify the savings from that and other aspects of our PLA. They are things a lawyer wouldn't know. It's up to a contractor to say if he's doing a particular thing and factor in the savings. It certainly wouldn't cost us more.

Legislator Hopkins wondered if the PLA may eliminate some potential bidders, and if that is considered in the feasibility study. More bidders would keep the costs down. Also, do they look at the length of time to do a job? Mr. Pullen noted that the PLA is very favorable to the County, and it eliminates some of the issues that usually discourage non-union bidders. Mark Kukuvka is hopeful we will get a significant response when we go to bid. The negative condition of the economy is actually to our advantage.

Chairman Crandall commented that his first reaction on how to approach the feasibility study was that a quick approach by Peter Godfrey would be sufficient; he thought that no matter what the feedback was, it may not change the votes of the Board. He now supports spending the \$12,000 for the independent survey because it will be more Allegany County specific with concrete information instead of assumptions, and it will be specific to our PLA, our geographic location, and those types of things. Once it's done, we'll be better able to decide whether to go with the PLA and one prime contractor, or not have the PLA and use multiple primes.

Legislator Hopkins noted that he would rather have figures pertinent to Allegany County. We have to decide soon on whether we will be using a Clerk of the Works or a Construction Manager and which firm to hire. Part of their work will be to have input on the bidding process. Mr. Hopkins questioned how that would work if the PLA didn't go into effect until the bids go out. Mr. Pullen commented that no one has an obligation to submit a bid, but contractors are not busy, and they will look hard at this. Mr. Hopkins suggested that the Construction Manager could make a few phone calls to determine if firms would submit bids if a PLA was implemented. They all talk and maybe we could get a sense of how they would feel. Mr. Pullen noted that there have been two or three studies done over the years, and there is typically a savings pertaining to the waiver of the Wicks Law, which makes sense. Unions have fought having the Wicks Law repealed for public projects. Mr. Pullen has wondered if it was worth the risk, and in looking at this PLA that's been described as being so favorable to the County, the only downside he sees is the possible loss of competition. The feasibility study is the only way to get all the data on savings related to the specific terms of our PLA. Mr. Pullen felt that savings could be substantial, or between \$500,000 to \$1 million. He wouldn't support the PLA if savings only amounted to \$10,000. We owe it to the taxpayers to bring this project in at the least cost.

***A motion was made by Legislator O'Grady, seconded by Legislator Fanton and carried to retain Seeler Engineering to perform a feasibility study on the Project Labor Agreement relative to the Court Facilities Project at a cost not to exceed \$12,000 with the***

**condition that their report must be submitted by September 23. PREPARE RESOLUTION FOR SEPTEMBER 14 BOARD MEETING.**

Committee Chairman Pullen has requested Peter Godfrey to have the final Project Labor Agreement in by the middle of next week (around September 9). To move the PLA forward for consideration by the Board on September 28, **a special meeting of the Court Facilities Committee is being scheduled for September 14 at 12:00 p.m.** The PLA, along with a summary, will be given to the Clerk of the Board to distribute to committee members mid week to consider prior to the meeting on the 14<sup>th</sup>.

If the Board approves the contract for the feasibility study on September 14, having the report due back from Seeler Engineering by September 23 or 24 will allow for distribution to committee members for review prior to **a special meeting of the Court Facilities Committee September 28 at 12:00 p.m.** It was then decided to distribute the report to the entire Board. If the report doesn't show significant savings, the committee could withdraw the PLA resolution from consideration at the September 28 Board meeting.

Legislator Hopkins questioned if one union not signing off (elevator service union) would affect the rest of the unions involved in the PLA. Mr. Pullen replied that it wouldn't. All of them have agreed to all the terms important to us. It's just that some of the language doesn't quite square up. All of the major trades have signed off on it.

Chairman Crandall questioned at what point the PLA would become a public document. Mr. Pullen replied that Mr. Godfrey should lock it in first, but if the committee approves it on September 14, it would become public and would be attached to a proposed resolution.

**Construction Manager / Clerk of the Works Proposals – Executive Session:**

Presentations were given this morning by the various firms responding to the RFP for provision of Construction Management and Clerk of the Works services. A motion was made by Legislator Fanton, seconded by Legislator Benson and carried to enter into an executive session to discuss matters leading to the employment of a particular corporation. Following discussion, a motion was made by Legislator Fanton, seconded by Legislator Benson and carried to end the executive session and return to the regular meeting.

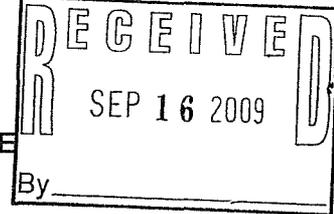
**NEXT MEETINGS:** Monday, September 14, 2009, 12:00 Noon (Special Meeting)  
Monday, September 28, 2009, 12:00 Noon (Tentative - Special Meeting)  
Wednesday, October 7, 2009, 3:00 p.m.

**ADJOURNMENT:** The meeting was adjourned at 4:45 p.m. following a motion made by Legislator Benson, seconded by Legislator O'Grady and carried.

Respectfully submitted by  
Adele Finnemore, Journal Clerk

NOT  
**APPROVED**

**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE  
SPECIAL MEETING  
SEPTEMBER 14, 2009**



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

**Others Present:** D. Burdick, W. Dibble, A. Finnemore, J. Margeson, T. Miner, B. Riehle,  
D. Russo; **Media:** B. Quinn, Wellsville Daily Reporter

**Call to Order:** 12:00 p.m. by Committee Chairman David Pullen.

**Project Labor Agreement:**

Committee Chairman David Pullen reported that the Project Labor Agreement for the Court Facilities Project, drafted by Peter Godfrey from Hodgson Russ Attorneys, was received and e-mailed to committee members for review late last week. Mr. Pullen was told by Mr. Godfrey that what we have is 99 percent complete; there is still a small problem with the elevator group. The Construction Trade Council met on September 11 to go over the PLA and hopefully approve it and send it on, but Mr. Pullen hasn't heard the results of that meeting yet.

If the committee finds the PLA to be in the best interest of the County, the next step would be to request a resolution to be pre-filed for the September 28 Board meeting, subject to receiving positive results from the feasibility study. The feasibility study report will be due on September 23, and it will then be forwarded to all legislators. The Court Facilities and County Space Needs Committee will meet prior to the Board meeting on September 28 to determine if there will be sufficient savings to justify the PLA. Mr. Pullen felt that if savings are not projected to be in the \$300,000 to \$500,000 range or higher, the committee could withdraw the Project Labor Agreement resolution.

Legislator Fanton questioned how Seeler Engineering would calculate cost savings in the feasibility study. Mr. Pullen responded that some elements would be dependent on past studies; for instance, savings related to the Wicks Law waiver. For other things specific to our PLA, Seeler will work with LaBella to calculate savings; for instance, on the use of apprentices with reduction in wage rates, they will look at the percentage of work that can be done by apprentices and estimate the corresponding savings. Some of the issues will result in very significant savings. Peter Godfrey had recommended the use of an independent firm for the study because the other possible options included parties that were already involved (Hodgson Russ, Bovis, and LaBella), and may be viewed as having a stake in the project.

Mr. Fanton asked if the study would also involve savings related to the use of a single contractor versus several prime contractors. Mr. Pullen noted that the primary advantage of a PLA is that it entitles us to waive certain requirements of the Wicks Law, so the study will look at those potential savings, although we could still do multiple primes.

Most of the cash savings related to the specific aspects of this Project Labor Agreement can be quantified. After reviewing the agreement, Mr. Pullen remarked that everything was included that he had understood should be. The agreement is very favorable. Mr. Pullen highlighted some of the provisions of the PLA:

- Allows the use of apprentices with reduction in wage rates
- Flexibility on starting/ending times with notice and shift work performed at regular time pay, which saves from having to pay premium rates
- Includes a no-strike guarantee
- Supersedes any other agreements, which will prevent jurisdictional conflicts
- Hiring of new employees for project work at a ratio of one journeyman employee referred by the applicable trade or craft, to one "core employee" employed by the contractor
- Contractor retains authority for management of operations including the right to direct the work force
- No restriction on the contractors' choice of materials, installation, equipment, or use of pre-fabricated products (It was noted that compliance with material specifications is between us and the contractor; clearly the contractor must comply with bid specs. This provision just means that the union can't object to materials.)
- Option for contractors to pay core employees the required benefits payment in cash (a substantial concession)

Legislator Hopkins commented that the elevator issue may be a small part of the project, but he questioned if that could cause the other unions to have problems with the agreement. Mr. Pullen replied that Peter Godfrey had relayed to him that the elevator technicians didn't have problems with the agreement; they were only national scope language issues. If they withdraw, they won't be subject to the PLA. Mr. Fanton referred to the language in the PLA that provides for hiring of capable people. If there is a snag with the elevator people, he questioned if we could hire someone else that's qualified. Mr. Pullen responded that we could, but we would have to maintain the one-to-one union to non-union employee ratio.

Mr. Fanton questioned previous comments about PLAs limiting the number of bidders. Mr. Pullen noted that some contractors won't work with unions at all, and some never get involved in public projects because they don't want to pay prevailing wage, so they may refrain from bidding, but there is nothing preventing any contractor from bidding.

Mr. Fanton asked how the weather would be factored in, since the project won't begin until January or February. Mr. Pullen stated that there was provision for show-up hours of pay, but if prior notice of bad weather is given, employees don't show up. There's no guaranteed number of hours. It was noted that some issues will be handled with the contractor and are not included in the scope of this agreement, such as proximity of parking to the work site.

***A motion was made by Legislator Hopkins, seconded by Legislator Fanton and carried unanimously to approve the Project Labor Agreement negotiated for the Court Facilities Project by Hodgson Russ Attorneys. (The resolution may be withdrawn if the feasibility study does not indicate significant savings.) PREPARE RESOLUTION FOR SEPTEMBER 28 BOARD MEETING.***

A special meeting of the Court Facilities and County Space Needs Committee will be held on Monday, September 28 at 12:00 p.m. to review the results of the feasibility study. At that point, we will have a clearer understanding of the savings, and if the PLA is approved, LaBella Associates can finalize the bid specifications for release in mid-October. One of the construction management firms indicated they looked at the PLA and spoke with several contractors. There is a lot of interest out there. Construction has been slow, and hopefully that

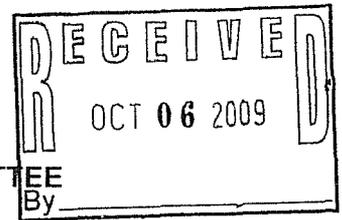
will bode well for our project. The issue of stimulus money may come up. If Allegany County is designated as a hardship area, we could have some of the bonding forgiven.

**Next Meetings:** Monday, September 28, 2009, 12:00 p.m. (Special meeting)  
Wednesday, October 7, 2009, 3:00 p.m.

**Adjournment:** The meeting was adjourned at 12:30 p.m. following a motion made by Legislator O'Grady, seconded by Legislator Fanton and carried.

Respectfully submitted by  
Adele Finnemore, Journal Clerk

**NOT  
APPROVED**



**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE  
SPECIAL MEETING  
SEPTEMBER 28, 2009**

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

**Others Present:** D. Burdick, W. Dibble, A. Finnemore, M. Healy, J. Margeson, T. Miner,  
B. Reynolds, B. Riehle, T. Seeler (Seeler Engineering), F. Sinclair, N. Ungermann

**Call to Order:** 12 noon by Committee Chairman David Pullen.

**Project Labor Agreement Benefits Analysis (Feasibility Study):**

Tim Seeler, from Seeler Engineering, forwarded his report on the Project Labor Agreement Benefits Analysis for the Courthouse Project late last week (copy attached to original minutes). Committee Chairman David Pullen noted that he spoke with several legislators to make sure everyone was aware the information was available on the Internet. Mr. Seeler was present at the meeting to discuss the report and answer questions.

Legislator Hopkins questioned what the County had to give up during negotiation of the PLA in order to obtain the favorable provisions. He also commented on some information from NYSAC where Dutchess County's PLA was vetoed because it excluded non-union contractors from the bidding process. Mr. Hopkins asked if this agreement will limit the number of bids from non-union contractors. Mr. Seeler replied that the County conceded the additional commitment to supply union labor to the project by way of the "tag-along" provision included in the agreement where 50 percent of the labor comes from the union halls, and 50 percent comes from contractor shops that are open shops. The County gave up that 50 percent. Mr. Seeler stated that in his opinion, the agreement does not in any way limit competition. In fact, the County was able to negotiate far more favorable conditions with this agreement than others in Upstate New York in this "tag-along" provision. Typically unions will not go lower than 75 percent. In addition, the other thing they look at is whether there are limitations of availability of all the other benefits in the agreement to non-union contractors, and there is not. Non-union contractors have been provided all the access, and they are not required to participate in union trust funds, health benefits, or retirement. They are allowed to maintain their own benefits packages, and can directly pay employees the difference between what prevailing wage rate requires and what they provide. So there will be no change in how non-union contractors participate in those existing programs, with one exception. If they have nothing, they have to either pay the full benefit dictated by NYS law, or they have to participate. Usually it's just the differential in a check to the non-union employee. Mr. Seeler addressed Mr. Hopkins' concern about Dutchess County. They were trying to establish Project Labor Agreements as a whole across the board. PLAs are meant to be considered project by project. It is a project management tool that is sometimes applicable, sometimes not.

Committee Chairman Pullen noted that the benefits analysis was broken down to show labor savings directly attributable to provisions in the PLA, and that totaled \$192,600. He asked Mr. Seeler to explain how he arrived at that estimate and what was included in the analysis.

Mr. Seeler summarized the analysis process. When determining if a PLA is applicable, (1) you must demonstrate an economic benefit directly due to terms and conditions negotiated in the agreement, and (2) you must make sure there is no favoritism. Seeler Engineering looked at the information provided by LaBella Associates (design team) and Bovis Lend Lease

(cost estimator), met with LaBella to fully understand the features of the project, and then evaluated the individual cost breakdowns. They put that together and projected the amount of labor that goes into the project, using previous models for similar projects. On that, they imposed the special circumstances, i.e. weekend work to avoid certain conditions, night work to allow building operations to continue, etc. Those things trigger most of the premiums associated with a project. A projection of labor was made, totaling about 125,000 hours, which was then broken down by trade, and each trade was evaluated for those special conditions to ascertain what can be saved for this project by applying the PLA that's been negotiated (Section 5, Table 2 of the report). That led to the projections included in the summary table.

There are a couple of things that entered into that from a project execution standpoint. There are really two components: the new addition and the renovations to the existing structure. The key to getting to these renovations and maintaining the project on schedule is being able to move the Court system into the new structure during the short period of time when the Courts are not in operation, so some things will have to be done by a certain time. Otherwise you would have the potential of disturbing the Court calendar and adding to the cost of the project. The second piece is the renovations. Some areas will be renovated in the absence of personnel, but others will have to be renovated while staff is working there at the same time. Those kinds of things add the premiums, primarily in second shifts and weekends. Seeler Engineering has identified the savings to be realized in those work activities. The PLA was negotiated with no shift differential, where typically it's five to ten percent, and this provides significant flexibility for how the work is executed without worrying about extra pay.

The other thing that shows up in the estimates that's available because of the PLA, but wouldn't be otherwise, is the ability to use a four ten-hour work day program. There is a significant increase in productivity just in the normal work day cycle, especially for the general trades, in the existing building areas where there would be a lot of prep time, special clean up, and protection of equipment. They have found that a significant benefit can be derived by going to a four ten-hour day program.

In addition to the reduction in the shift differential to zero, there are other things that are favorable to the County, like the negotiation of industry funds and flexibility in start and finish times. All of that packages into one of the last things Seeler made a projection on, and that was management rights. In a union situation, most agreements don't say anything about management rights; it's inherent in the way they operate. They will dictate to the contractor for staffing requirements, delivery of the labor, and levels of skill base - all adding to the costs or slowing the project down. The PLA negotiated for the County completely removes those rights from the unions; they have no right to participate in those decisions. That adds value to the project as well.

In the end, the labor hours and all those different scenarios are looked at to arrive at detailed calculations that support the numbers for each individual thing (Appendix G). This shows how Seeler arrived at the \$192,600 estimate. These are dollars directly related to the County's project: the labor and how they work on the job.

Two key things that allow the application of a PLA are economic savings, which this demonstrates, and the absence of favoritism, which the agreement in total demonstrates. If those two conditions are met, then you look at the additional benefits, which are things you can account for later on, but can't be used in the decision-making process (Section 6 of the report). This has all been established through the past ten to twelve years of implementing these types of projects. Included are all of the other intangible benefits that don't directly drive cost savings shown in Section 5, but are still valuable.

About two years ago, the state changed the Labor Law to say that for certain projects in certain dollar ranges, you are allowed to step outside the Wicks Law and implement your project in a way that's more favorable to you. The Wicks Law requires at least four very specific contracts for any public labor bid job: general, electrical, mechanical, and plumbing. The implementation of a PLA allows stepping outside that to package the project in a way that is much more favorable to the project owner. That was not taken into direct account in the report, because it's really more an indirect benefit, but studies done by the state and cited in the report indicate you can reduce the project cost by anywhere from 10 to 30 percent as a result of repackaging outside of that standard Wicks Law requirement. In Mr. Seeler's opinion, the County would not see a 30 percent reduction; however, there is the potential for up to 10 percent.

An additional benefit, the management rights clause mentioned earlier, or the right to manage the project the way the management team sees fit, may be an intangible, but the County has control of the project.

Another aspect typically evaluated in the report is the potential for project disruption. They look at the labor market and the potential for disruption due to strikes, walk-outs, and job actions, and then try to make an assessment of risk. The economy has made people more anxious about their employment, and the change in national politics has allowed more of a voice for those organizing labor, so things are changing a little. Mr. Seeler characterized the mood in Western New York as mixed. During the course of this project, six of the trade unions' contracts will be up for renewal. At any of those points, there is the potential for that particular union to go out on strike, and that could impact the project. The risk is difficult to assess, but Mr. Seeler felt it was not a very severe risk, because the marketplace is so poor with project opportunities. There is some potential benefit here and some potential risk by executing the project through the normal process. A lot of the risk is taken out of the project by the no-strike clause negotiated in the PLA.

Seeler assessed the marketplace, the type of project, and also what they expect as the bidding environment, to make some projections, and those are reflected in the estimates. The County can expect up to 60 percent of the project being conducted by union contractors due to the high percentage of the skilled trades (electrical, mechanical, and plumbing) that are union. Also, the general contract is large enough to make it a real stretch for some of the local generals, but it would draw attention from Buffalo, Rochester, and Corning, and a high percentage of those contractors are union. There will be a fair number of union contractors bidding on the project.

Mr. Seeler concluded by stating that the economic savings are clearly demonstrated, the agreement is fair and equitable to both union and non-union contractors, and the County will also see additional benefits.

Legislator Fanton asked how much time operating engineers would be involved in the project, and expressed concern about the high rate of pay with the project beginning in the winter. Mr. Seeler replied that about 6,000 labor hours are projected. A chart included in the report lists typical guaranteed hours for unusual conditions under existing agreements in the absence of a PLA, but "guaranteed" pay was eliminated in the County's PLA. The agreement only guarantees one hour of work across the board. The PLA acts like a master labor agreement that overrides all local agreements, but if nothing is said in the PLA on a particular issue, the local agreement applies. The key features of the local agreements are summarized in the PLA.

Legislator Reynolds questioned if the PLA eliminates the need for a construction manager, allowing the retention of a clerk of the works with a potential savings. Mr. Seeler responded that the County could consider eliminating the full construction manager scope of services and reduce it to a clerk of the works. There are some advantages to having a more comprehensive set of services. Some of the studies that address the reduced cost by going to a single contractor and eliminating the Wicks Law found that the claims related to a contract will go up, even in a single contractor environment. Managing risk and the potential for claims may add a higher cost for litigation or resolution. A construction manager's presence helps to resolve issues on the site, such as between the sub-contractor and the prime, and just enforcing the prime contractor. You really want someone with more involvement in the project. There is a very substantial difference in the quotes the County received for construction management and clerk of the works services, but that depends on the scope of services. Mr. Reynolds questioned if any of the responses received for clerk of the works qualified. Mr. Pullen answered that the committee interviewed three firms that quoted on both approaches, two for clerk of the works and three for construction management. The committee hasn't made a decision, but is still gathering information and checking references. Mr. Pullen's opinion was that even with the savings (there was \$190,000 difference between the low quotes), there were additional advantages to be gained by retaining the construction management services: additional inspection services, supervision, value engineering, etc. We would not be choosing the cheapest approach, but would be gaining other advantages. Mr. Pullen has gathered viewpoints from several people outside of the County, including some from uninvolved engineering firms, and the conclusion was that the retention and involvement of a construction manager as soon as possible will save money and improve the quality of the project. He personally would choose construction management services, and there were similar sentiments expressed by committee members.

Legislator Hopkins asked how many PLAs Seeler has looked at, and what their experience was for accuracy in estimating cost savings. Mr. Seeler replied that they have done about 13, and they recommended nine of the 13. It's difficult to measure savings after the fact, and typically they don't. Bids come in based on either the conventional approach or under the PLA, and we wouldn't have the bids the other way. They can look at hours, but it's hard to translate back into savings. The County could approve the PLA and still go with multiple prime contractors, and we would still see the savings projected in Section 5 of the report, but not the considerations in Section 6. Mr. Seeler commented that the measurement of savings is not there, but projects that were executed under PLAs have gone smoothly, and they get reports back from project managers saying that it was advantageous to have the agreement.

Chairman Crandall referred to the break-down of categories included in Mr. Seeler's cover letter, and some of the issues, such as the four ten-hour work days, need to be actually implemented by the construction manager in order to experience the savings. Mr. Seeler acknowledged that was true. Six of the seven savings areas identified become automatic with the implementation of the PLA. The only one that's optional is the four ten-hour work day program, which would have to be implemented, so that message would have to go back to the design and management teams.

Committee Chairman Pullen reviewed the next steps, and noted that LaBella is anxiously awaiting the decision on the PLA, as it affects how the specs are drawn up for the bidding process. They plan to advertise in mid-October, with bids to be received sometime in November. If this committee approves of the benefits analysis, the PLA is already scheduled to be considered by the full Board this afternoon. If the committee is unhappy with the study or feels that the PLA would be detrimental to the project, the resolution can be withdrawn. The law

requires that this analysis be done, and it has to show an economic benefit. It is clear that there is an advantage, and Mr. Seeler has recommended moving forward with the PLA. Chairman Crandall voiced his opinion that the \$192,600 estimated savings is very positive, and he would support the PLA. He noted that there is no further action needed from this committee, unless it desires to withdraw the PLA resolution. Mr. Fanton asked if the PLA has to be approved by any other entity. Mr. Seeler noted that no one else needs to approve it, and the unions have their own approval process. Mr. Pullen reported that Peter Godfrey, from Hodgson Russ Attorneys, indicated that all unions have voted to approve the PLA, but they'd like to hold off on signing until the County approves it. Steve Thorp, from the Construction Trades Council, will circulate the agreement for signatures. LaBella Associates wants to send out signed copies with bids.

Legislator Ungermann questioned how the no-strike protection provision in Section 5.2 of the report affects the savings estimate. Mr. Seeler responded that it was not projected into the estimate. He is assuming the project will proceed without disruption as a conservative way of estimating savings. Mr. Pullen added that there could be disruption without a PLA, and if so, that would add cost to the project.

Legislator Reynolds expressed concern about the apparent lack of negotiations with the unions. Mr. Pullen dismissed that concern and explained that over three months were spent in negotiations with the unions, which were conducted by Attorney Peter Godfrey, acting on behalf of the County. All of the issues that have been mentioned – the "tag-along" provision (one-to-one union-to-non-union labor ratio), payment of union benefits by non-union employers, use of apprentices, and premium pay – were on the table and negotiated. Five major points were identified by Mr. Godfrey, and he was able to get all five, possibly due to the lack of work.

Legislator Hopkins questioned what would happen if the PLA is approved and then some of the unions end up not signing it. Could the County still go back to a conventional labor approach for the project? Mr. Pullen noted that all parties have to be on board or it would take away the primary benefit and we wouldn't have a valid agreement. He reiterated that all the unions have approved of the PLA, we just don't have the signatures yet.

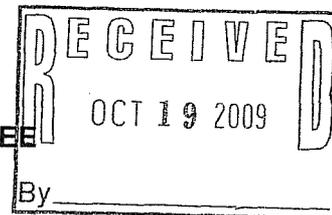
**Next Meeting:** Wednesday, October 7, 2009, 3:00 p.m.

**Adjournment:** The meeting was adjourned at 12:45 p.m. following a motion made by Legislator Hall, seconded by Legislator Fanton and carried.

Respectfully submitted by  
Adele Finnemore, Journal Clerk

**NOT  
APPROVED**

**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE  
OCTOBER 7, 2009**



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

**Others Present:** D. Burdick, W. Dibble, A. Finnemore, M. Kukuvka and P. Mashtare (LaBella Associates), J. Margeson, T. Miner, N. Ungermann; **Media:** B. Quinn, Wellsville Daily Reporter

**Call to Order:** 4 p.m. by Committee Chairman David Pullen.

**Approval of Minutes:**

The minutes of September 2, 2009, were approved following a motion made by Legislator Hopkins, seconded by Legislator Fanton and carried.

The minutes of the special meeting on September 14, 2009, were approved following a motion made by Legislator Fanton, seconded by Legislator Benson and carried.

The minutes of the special meeting on September 28, 2009, were approved following a motion made by Legislator Hopkins, seconded by Legislator Fanton and carried.

**Court Facilities Project Estimate Update – LaBella Associates:**

Mark Kukuvka, from LaBella Associates, provided committee members with their latest budget estimate for the Court Facilities Project, which is at the construction document phase, or what Mr. Kukuvka referred to as the "80 percent" estimate. The previous estimate was for the design/development phase. (Copy of handout attached to original minutes.) Two summary sheets were included, the first for the base project, and the second for project costs with additional scope. Items that Mr. Kukuvka highlighted for each section were:

**Base Project Costs:** (completed as a benchmark for what the Legislature approved, does not include Treasurer, Information Technology, or Real Property Tax spaces)

**Construction Basic Costs -**

- Construction costs are separated out for addition and renovation.
- Design contingency has been lowered from five to one percent, due to the documents being more complete at this stage.
- Projected construction cost on bid day is estimated to be in the \$12 million range.

**Consultants and Miscellaneous Costs (Soft Costs) -**

- Architect/Engineer hard and soft costs, other related project costs, such as geotechnical – many of these have not changed from the previous estimate. There are still some items that the County needs to finalize.

**Owner Costs -**

- Allowances that have been included: miscellaneous owner costs at \$200,000, and the owner general contingency was lowered a little to \$100,000.

**Total Projected Base Project Costs - \$13.786 million, or just slightly under budget.**

**Project Costs with Additional Scope:** (ground floor finished shell space and ground floor renovation, including space for Treasurer, IT, Real Property Tax, and DSS)

**Construction Basic Costs -**

- Design contingency has been lowered from five to one percent, due to the documents being more complete at this stage.
- Projected construction cost on bid day is estimated to be \$12.7 million.

**Consultants and Miscellaneous Costs (Soft Costs) -**

- Remaining soft costs are very similar.

**Owner Costs -**

- Contingencies have been adjusted and allowances were pointed out as before.

**Total Projected Project Costs with Additional Scope -** \$14.5 million, or about \$700,000 over what the Legislature approved for bonding.

Mr. Kukuva noted that the remainder of the handout contains a detailed breakdown (Bovis Lend Lease was hired by LaBella to prepare the estimates). The sections are broken down into new addition and renovation costs for each of the major trade areas (general construction, electrical, mechanical, and plumbing). From the base project, LaBella worked hard with OCA and the County to stay within the initial budget.

**Bid Alternates:**

Mark Kukuva and Penny Mashtare presented information on several bid alternates (handout attached to original minutes). These alternates are additional items LaBella will be asking the contractors to provide break-out prices for in the event that money is available. When the bids come in, LaBella will review the alternates and make recommendations to the committee. OCA may want to be present, because the first four items were additional things that they wanted, and they may be able to provide funding for them. The six alternates include:

1. Polish Brass Light Fixtures (in existing Ornamental Courtroom and Law Library)
2. Light Fixture Removal/Replacement (in existing Hearing Room, replace with pendant lighting)
3. Strip and Refinish Pew Seating & Jury Box Seating (existing Ornamental Courtroom)
4. Enlarge Existing Ornamental Courtroom Bench (clerk's counter space)
5. Replace Existing Fan Coil 3-Way Control Valves with 2-Way Control and Add VFD Pumping (in existing Courthouse building, also remove existing circulating pump motors, replace with Inverter duty rated motors and variable speed drives)
6. Solid Surface Lavatory Two Station (in lieu of base bid required laminate counter with two porcelain sinks in public restrooms)

Alternate No. 5, the heating unit, may result in some energy savings. When this was reviewed previously, the payback period was not that great (seven to ten years), but there is more energy efficiency. The cost estimate for the heating unit was somewhere between \$70,000 and \$100,000. Alternate No. 6, solid surface lavatories in the public restrooms, would be more durable for the higher level of use.

**Draft Project Schedule:**

Mr. Kukuvka and Ms. Mashtare presented a draft project schedule, which has also been bound into the bidding documents for the contractors. The handout included the following:

<b><u>START</u></b>	<b><u>FINISH</u></b>	<b><u>TASK</u></b>
<b>10/06/09</b>	<b>01/05/10</b>	<b>BID PHASE</b>
10/06/09	10/08/09	CD Documents to Print & Code Enforcement for Building Permit
10/05/09	10/07/09	Advertise for Bid
10/08/09	11/12/09	Contractor Bidding Period
11/12/09	11/12/09	Bids Due
11/13/09	11/19/09	Bid Review & Recommendation to Legislature
11/20/09	12/08/09	Legislature Bid Awards
12/08/09	01/05/10	Fully Execute Contract
12/08/09	01/05/10	Bond & Insurance
01/05/10	01/05/10	Contractor Notice to Proceed
<b>01/05/10</b>	<b>06/24/11</b>	<b>CONSTRUCTION</b>
01/05/10	02/10/10	Mobilize on Site
01/19/10	04/12/10	Shop Drawings & Submittals
<b>01/05/10</b>	<b>12/27/11</b>	<b>COURTHOUSE ADDITION</b>
03/02/10	05/03/10	Foundations
03/02/10	03/31/10	Structure
04/01/10	08/18/10	Building Envelope
04/01/10	08/30/10	MEP Rough In
08/19/10	09/23/10	Interior Framing and Partitions
09/25/10	12/27/10	Finishes
11/27/10	12/27/10	Punch List
12/27/10	01/05/11	Move In Period
<b>01/05/11</b>	<b>06/24/11</b>	<b>EXISTING COURTHOUSE RENOVATIONS</b>
01/05/11	02/08/11	Demolition
02/09/11	03/11/11	New Framing & Partitions
02/19/11	04/11/11	MEP Rough In
04/04/11	06/20/11	Finishes
05/24/11	06/24/11	Punch List
05/24/11	06/24/11	Site Work Completions
06/25/11	06/30/11	Move In Period

Ms. Mashtare highlighted the following points. Bidding documents will be available to contractors October 8, with bids due back November 12. A pre-construction bidders' walk-through is scheduled for October 22 at 10 a.m. Bids will be opened here on November 12, in the Legislative Chambers, at 2 p.m. LaBella will have a week for bid review and recommendations, then awarding of bids will take place between late November and early December. Execution of contracts and bonding will occur between December 8 and January 5, 2010, with notice to proceed on January 5. There is a twelve-month period of time for construction of the addition, with a built-in "move in" period suggested by the Courts for the period between Christmas and New Year's when they typically close down. Renovations will begin January 5, 2011. Job completion is planned for June 30, 2011. This schedule has been put into the bid specifications after the summary of work as a guideline for the contractor. We are looking at 535 days of construction.

Legislator Fanton expressed concern about beginning the project in January. Mr. Kukuvka noted that this project lends itself well to that. There are shop drawings, lead time for

materials, site prep, demolition, mobilization, setting up temporary power - things they can do in cold weather. It helps them to have that time because three months are needed for shop drawings; if they can use that three months to correct any coordination issues, then as soon as spring breaks, they can hit the ground running. Foundations will be going in between March and May.

Mr. Kukupka commented that in order to stimulate interest in the bidding market place, bid documents will be scanned onto a website to allow view-only access by sub-contractors prior to purchasing. They can also view the plan-holder list, making it easier for them to make contacts. Mr. Kukupka noted that the PLA, including all signatures, has been bound into the bidding document. Contractors will be aware of the PLA and that we are looking for a single prime contractor.

Legislator Benson questioned the January 5 date for execution of contract, as a new Board will be in place on that date. Mr. Kukupka replied that the legislative award of bids will take place at a Board meeting sometime between late November and early December; the rest is administrative with the County Attorney, just a procedural matter.

Mr. Kukupka suggested that the committee may want a special meeting with LaBella prior to Board consideration of bids. The first Board meeting in December is the 14th, so the committee could meet on December 2 to hear LaBella's recommendations on contract bids.

#### **Construction Management / Clerk of the Works Services:**

Mr. Pullen noted that proposals for Construction Management and Clerk of the Works services have been reviewed and interviews were held. We are at the point where we need to decide how to proceed. Discussion was held at the committee meeting on September 28, at which time Mr. Pullen stated he felt it was to our advantage, although not the cheapest option, to retain the services of a Construction Manager. A decision needs to be made so that whoever is retained can be involved in reviewing the bids when they are received.

#### **Executive Session:**

A motion was made by Legislator Fanton, seconded by Legislator Benson and carried to enter into executive session to discuss the performance history of particular corporations. 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.

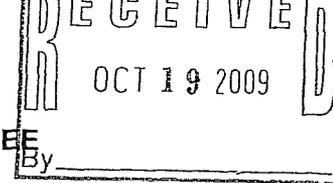
No action was taken on the retention of a Construction Management firm, but the issue will be considered at a special meeting of the committee on Tuesday, October 13, at 1:30 p.m.

**Next Meetings:** Special meeting, Tuesday, October 13, 2009, 1:30 p.m.  
Regular meeting, Wednesday, November 4, 2009, 4 p.m.

**Adjournment:** The meeting was adjourned at 4:55 p.m. following a motion made by Legislator Fanton, seconded by Legislator Hopkins and carried.

Respectfully submitted by  
Adele Finnemore, Journal Clerk

**NOT  
APPROVED**



**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE  
SPECIAL MEETING  
OCTOBER 13, 2009**

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

**Others Present:** D. Burdick, W. Dibble, A. Finnemore, M. Healy, J. Margeson, M. McCormick,  
B. Riehle, N. Ungermann; **Media:** R. Mangels, WJQZ Radio

**Call to Order:** 1:30 p.m. by Committee Chairman David Pullen.

**Court Facilities Project Construction Management Services:**

At the last meeting on October 7, the committee considered matters relating to the appointment of either a Clerk of the Works or a Construction Manager for the Court Facilities Project. Questions were raised during executive session, and a response was requested from one of the prospective firms. A letter received from Mark Balling of Bovis Lend Lease regarding staffing levels was distributed to committee members prior to the meeting (copy of letter attached to original minutes). Committee Chairman Pullen noted that the letter addressed the staffing concerns by indicating that there will be a commitment of at least one and one-half people on site.

Legislator Burdick referred to the assignment by Bovis Lend Lease of Mark Armstrong to the project. According to Alfred State College, Mr. Armstrong is good, and he knows his business, but with a big project coming up at the college in the next year or two, Mr. Burdick questioned if Bovis Lend Lease would guarantee Mark's presence here until our project is finished. Mr. Pullen had no definite answer. He didn't feel there was a guarantee of a particular person on site. Bovis Lend Lease is making this commitment, and in their correspondence they indicated Mark Armstrong by name. Mr. Pullen stated that it would certainly raise issues if they pulled Mr. Armstrong off our project to place him on another site.

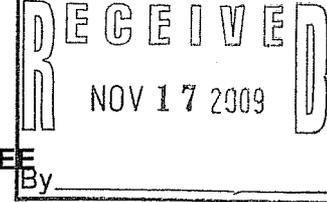
***A motion was made by Legislator Hopkins, seconded by Legislator Benson and carried to retain Bovis Lend Lease LMB, Inc. for Construction Management services for the Court Facilities Project. County Attorney to prepare Resolution for October 26 Board meeting.***

**Next Meeting:** Wednesday, November 4, 2009, 4 p.m.

**Adjournment:** The meeting was adjourned at 1:35 p.m. following a motion made by Legislator Hopkins, seconded by Legislator Fanton and carried.

Respectfully submitted by  
Adele Finnemore, Journal Clerk

**NOT  
APPROVED**



**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE  
CONTRACTOR BID OPENING  
NOVEMBER 12, 2009**

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

**Others Present:** Bovis Lend Lease Representatives (M. Armstrong and M. Balling), W. Dibble, A. Finnemore, LaBella Associates Representative P. Mashtare, J. Margeson, T. Miner, and numerous contractor representatives

**Court Facilities Project Contract Bid Opening:**

LaBella Associates representatives opened and reported aloud the bids received from nine General Construction Contractors, beginning at 2:00 p.m. (see bid tabulation on next sheet).

**Call to Order:** Committee Chairman David Pullen called the meeting of the Court Facilities and County Space Needs Committee to order at 2:12 p.m.

**Attorney/Client Session:**

A motion was made by Legislator Hopkins, seconded by Legislator Fanton and carried to enter into an attorney/client session. Following discussion, a motion was made by Legislator Hopkins, seconded by Legislator Fanton and carried to end the attorney/client session and return to the regular meeting.

**Next Meeting:** Wednesday, December 2, 2009, 4 p.m. (LaBella Associates will be presenting their recommendations relative to the contractors' bids.)

**Adjournment:** The meeting was adjourned at 2:30 p.m. following a motion made by Legislator Hopkins, seconded by Chairman Crandall and carried.

Respectfully submitted by  
Adele Finnemore, Journal Clerk

PROJECT: Allegany County Courthouse Addition & Renovation Project											
CONTRACT: General Construction								DATE: November 12, 2009			
CONTRACTOR	BASE BID	ALTERNATES						BID SEC. BOND	ADDENDUMS RECEIVED		
		1	2	3	4	5	6		1	2	3
		Polish Brass Light Fixtures	Light Fixture Removal & Replacement	Refinish Pew & Jury Box Seating	Enlarge Existing Courtroom Bench	Replace Existing Control Valves	Solid Surface Lavatory Two Station (PC-1)				
Javen Construction	\$8,997,000	5,000	14,000	7,500	15,000	30,000	8,800	X	X	X	X
LeChase Construction Services	\$9,720,000	8,000	13,000	6,500	3,500	43,000	5,000	X	X	X	X
LP Ciminelli	\$9,654,000	2,960	16,000	12,000	3,700	29,000	15,000	X	X	X	X
Manning, Squires & Hennig	\$9,450,000	3,600	21,800	12,100	8,300	33,800	10,800	X	X	X	X
Patrick Development	\$10,129,100	8,100	17,200	6,600	14,000	40,000	5,600	X	X	X	X
Savarino Construction	\$9,533,000	4,300	14,200	12,400	5,300	38,000	7,800	X	X	X	X
Streeter Associates	\$9,870,000	8,000	14,000	11,000	12,000	43,000	5,000	X	X	X	X
William H. Lane	\$9,987,000	9,000	17,500	11,500	10,500	42,500	16,500	X	X	X	X
Holdsworth Klimowski	\$9,823,000	6,300	15,500	2,000	15,000	39,000	5,500	X	X	X	X

**COURT FACILITIES AND COUNTY SPACE NEEDS COMMITTEE  
DECEMBER 2, 2009**

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

**Others Present:** M. Balling (Bovis Lend Lease), D. Burdick, W. Dibble, A. Finnemore, L. Haggstrom, M. Kukuvka (LaBella Associates), J. Margeson, T. Parker, B. Riehle, N. Ungermann; **Media:** B. Quinn, Wellsville Daily Reporter

**Call to Order:** 4:10 p.m. by Committee Chairman David Pullen

**Approval of Minutes:**

The minutes of October 7, 2009, were approved following a motion made by Legislator Hopkins, seconded by Legislator Benson and carried.

The minutes of the special meeting on October 13, 2009, (Construction Management Services discussion) were approved following a motion made by Legislator Hopkins, seconded by Legislator Fanton and carried.

The minutes of the special meeting on November 12, 2009, (General Contractor bid opening) were approved following a motion made by Legislator O'Grady, seconded by Legislator Hopkins and carried.

**General Contractor Bid Recommendations – LaBella Associates:**

Mark Kukuvka from LaBella Associates reported that there was a good response from general prime contractors, with nine bids received. The budget estimate for construction costs was about \$12 million, and the low bid came in at a little over \$9 million. LaBella and Bovis discussed the scope of work with representatives from Javen Construction, the low bidder, and they stated that they are aware of the requirements of the project and their bid covers the scope of work identified in the contract documents for all construction work. LaBella Associates recommends award of the construction contract to Javen Construction Co., Inc. for the amount of their base bid plus the following alternates:

Base Bid -	\$8,997,000
Alternate No. 1 – Polish Brass Light Fixtures -	+ \$ 5,000
Alternate No. 2 – Light Fixture Removal & Replacement -	+ \$ 14,000
Alternate No. 3 – Refinish Pew & Jury Box Seating -	+ \$ 7,500
Alternate No. 4 – Enlarge Existing Courtroom Bench -	+ \$ 15,000
Alternate No. 5 – Replace Existing Control Valves -	+ \$ 39,000
Alternate No. 6 – Solid Surface Lavatory Two Stations (PC-1)	+ \$ 8,800
 Total Amount of Contract Award	 \$9,086,300

Alternates Nos. 1 through 4 were requested by Office of Court Administration (OCA), and will be paid for by the state. Alternate No. 5 is an energy efficiency option for the existing heating system in the Courthouse. LaBella originally estimated a 13-year payback period, but with this current price, the payback will be more in the nine to ten-year payback range.

Alternate No. 6 is a durability option, also recommended by LaBella. (A copy of LaBella's Bid Recommendation Letter is attached to original minutes.)

Legislator Fanton questioned if the use of the Project Labor Agreement (PLA) and the prime contractor affected cost savings. Mark Balling from Bovis Lend Lease stated that most of the contractors he spoke with didn't feel that the PLA made any difference to them, but it did turn away some of the subs. Mr. Fanton felt that the use of one prime contractor would generate a cost savings. Mr. Kukuvka noted that it is tough to determine possible savings without bidding both ways. It was noted that 80 percent of sub-contractors will be union, due to the PLA, but it is a prevailing wage rate job. They will also have to do the apprenticeship program.

Legislator Hopkins expressed concern about accepting the first four alternates in case the state backs out of paying for them, and questioned if the funds would be available up front. Mr. Kukuvka noted that the County may have to pay and then be reimbursed. County Administrator John Margeson reported that he received an email from Andrew Isenberg, OCA, asking if the County would be willing to pick up the cost of the court's four alternates in light of the low bids received. Mr. Margeson responded that OCA should approach the Committee, but he hasn't heard back from Mr. Isenberg. Discussion ensued regarding the court's alternates, acceptance of alternates, the change order process, and that bids are generally good for 45 days.

***A motion was made by Legislator O'Grady and seconded by Legislator Fanton to accept the base bid of \$8,997,000 submitted by Javen Construction for General Construction Services related to the Court Facilities Addition and Renovation. The motion carried unanimously. PREPARE RESOLUTION FOR DECEMBER 14 BOARD MEETING.***

***A motion was made by Legislator Hopkins and seconded by Legislator Fanton to accept Javen Construction's bids for Alternate No. 5 - Replace Existing Control Valves (an energy efficiency option) at an additional \$39,000, and Alternate No. 6 - Solid Surface Lavatory Two Station (a durability option) at an additional \$8,800. The motion carried unanimously. PREPARE RESOLUTION FOR DECEMBER 14 BOARD MEETING.***

***A motion was made by Legislator Fanton and seconded by Legislator Benson to accept Javen Construction's bids for Alternates Nos. 1 through 4 contingent on written verification from NYS Office of Court Administration prior to December 14 that they will provide funding for these alternates. Committee Chairman David Pullen recommended that a separate resolution be done for Bid Alternates Nos. 1 through 4; then if verification is not received from OCA, that resolution will be withdrawn. If OCA decides at a later date that they want to fund the alternates, they can be done as change orders. The motion carried unanimously. PREPARE RESOLUTION FOR DECEMBER 14 BOARD MEETING.***

**Next Meeting:** Tentatively set for January 6, 2010 at 4 p.m.

**Adjournment:** The meeting was adjourned at 4:30 p.m. following a motion made by Legislator O'Grady, seconded by Legislator Fanton and carried.

Respectfully submitted by  
Adele Finnemore, Journal Clerk