

**STEBEN COUNTY ADHOC OFFICE SPACE COMMITTEE**

*Monday, March 28, 2016*

*9:35 a.m.*

*Legislative Committee Room  
Steuben County Office Building  
Bath, New York*

**\*\*MINUTES\*\***

**COMMITTEE:** Robin K. Lattimer, Chair Carol A. Ferratella, Vice Chair Brian C. Schu  
Scott J. Van Etten

**STAFF:** Jack K. Wheeler Mitch Alger Pat Donnelly  
Vicki Olin Kelly Penziul Andy Morse  
Shawn Corey Alan Reed Eric Rose

**LEGISLATORS:** Joseph J. Hauryski Dan C. Farrand Kelly H. Fitzpatrick  
Hilda T. Lando Steven Maio John V. Malter  
Aaron I. Mullen Robert V. Nichols Gary B. Roush  
Gary D. Swackhamer

**ABSENT:** Vacancy due to Legislator Crossett's retirement.

**I. CALL TO ORDER**

Ms. Lattimer called the meeting to order at 9:35 a.m.

**II. GENERAL BUSINESS**

A. **Contract Approvals** – Mr. Wheeler informed the committee that they requested quotes for land surveying services. They received three quotes and he recommended awarding to Washburn Land Surveyors of Hornell, NY which came in as the low quote at \$6,100. They will provide topographical and boundary maps of the two sites; the County farm site and the downtown site. This will be paid for out of the building capital project.

**MOTION: AUTHORIZING THE COUNTY MANAGER TO CONTRACT WITH WASHBURN LAND SURVEYORS OF HORNELL, NY TO PROVIDE TOPOGRAPHICAL AND BOUNDARY MAPS OF THE COUNTY FARM SITE AND THE WEST MORRIS STREET SITE FOR A TOTAL COST OF \$6,100 MADE BY MR. VAN ETTEN. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

Mr. Wheeler stated they also requested quotes for an asbestos survey of the two houses that will be demolished on West Morris Street. The low quote was Envoy Environmental Services at \$4,999.

**MOTION: AUTHORIZING THE COUNTY MANAGER TO CONTRACT WITH ENVOY ENVIRONMENTAL SERVICES TO CONDUCT AN ASBESTOS SURVEY OF THE TWO COUNTY-OWNED HOUSES LOCATED ON WEST MORRIS STREET MADE BY MR. SCHU. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

B. **Project Update** – Mr. Wheeler informed the committee that they have met with Labella numerous times and last week met with the Board of Elections and Cornell Cooperative Extension. Labella has also contracted with a records management consultant to provide a detailed survey of our records storage. There is a possibility that we may be able to reuse our current high-density records storage.

Mr. Wheeler stated he has also had some discussions with the Village of Bath regarding the design of the downtown building. We reassured them that the design will be in character with our current office building. We also discussed traffic patterns with the new building and the Mayor will be looking at putting a four-way stop at the crosswalk.

Mr. Wheeler stated one thing that he would like the committee to think about is the recommendation to hire a construction manager. This would be a good investment on our part, however, it is an additional cost. If you factor in the overall impact, a construction manager would allow for more efficient work and also provide risk mitigation. If you decided to do this, we would need to put this out to bid. Our plan right now is to get the building bids ready to go out by the end of 2016, early 2017. The bids would then come back in early 2017 in time for construction season.

C. **Hornell Buildings Tour** – Mr. Wheeler announced we are organizing a visit to the Hornell Courthouse and the Seneca Street facilities after the Finance meeting on April 12<sup>th</sup>. We anticipate leaving Bath around 11 a.m. and starting the tour of the Hornell Courthouse at 11:30 a.m. All Legislators are invited to attend. We will have two motor pool vehicles available. Mr. Donnelly commented that they are researching the abstracts on both the Hornell and Corning Courthouses.

**MOTION: TO ADJOURN MADE BY MR. VAN ETTEN. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

Respectfully Submitted by

Amanda L. Chapman  
Deputy Clerk  
Steuben County Legislature

**STEBEN COUNTY ADHOC OFFICE SPACE COMMITTEE**

*Tuesday, May 10, 2016*

*11:00 a.m.*

*Legislative Committee Room  
Steuben County Office Building  
Bath, New York*

**\*\*MINUTES\*\***

**COMMITTEE:** Robin K. Lattimer, Chair Carol A. Ferratella, Vice Chair Brian C. Schu  
Gary D. Swackhamer

**STAFF:** Jack Wheeler Mitchell Alger Andy Morse  
Shawn Corey Amy Dlugos Pat Donnelly  
Vicki Olin Eric Rose

**LEGISLATORS:** John V. Malter

**ABSENT:** Scott J. Van Etten

**OTHERS:** Mary Perham

**I. CALL TO ORDER**

Ms. Lattimer called the meeting to order at 11:00 a.m.

**II. APPROVAL OF MINUTES**

**MOTION: APPROVING THE MINUTES OF THE DECEMBER 8, 2015, AND MARCH 28, 2016, MEETINGS MADE BY MRS. FERRATELLA. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

**III. NEW BUSINESS**

A. County Manager

1. **Project Update** – Mr. Wheeler stated that everything is going well. We have been working with Labella to get the conceptual designs. They are also working the design of the building for inactive storage. We had a meeting with the Village of Bath to talk about traffic flow and concerns about pedestrian safety in the crosswalk. There was discussion about the potential to have a four-way stop; however, there were concerns about unintended consequences of traffic backups. We are working through that to look at how to make that intersection safer. Issues with pedestrian safety have improved since the bus stop was moved.

Mr. Wheeler stated we likely will need to have a special meeting prior to the May 23<sup>rd</sup> Legislative Meeting to discuss the orientation of the building. There are two options for the orientation of the building. When Labella took the core samples, they discovered there is a glacier deposit of silt in the management parking lot. The further back in the parking lot, the deeper the silt. This could impact the cost. The first option is to put the building near where the houses currently stand and go straight back from the road. The second option is to have a front facing building with Morris Street as the long side so that the building will be in good soil and the shallowest part of the silt deposit. Labella is working on getting cost estimates for both orientations. The design for the building is a two-story with 10,000 square feet per story.

Mr. Wheeler commented we will need to be more creative with parking. At this point, we are about 10 spaces short, but it will not delay the project. We do have enough spaces for traffic circulation and we need to have

enough room for a 26-30 feet truck to be able to pull in for Elections and Records purposes. Once the committee selects a siting orientation, then Labella will do a detailed design and engineering.

Mrs. Ferratella asked would diagonal parking help? Mr. Wheeler replied that is one of the options that Labella is considering. Mrs. Ferratella asked what is the status of checking to see whether there is any funding available through Rural Development? Mr. Wheeler replied we have not found anything yet, but we will continue to search. Mr. Donnelly stated that the rates offered by Rural Development are not as favorable as those we could obtain on our own. Mrs. Ferratella asked did we ever get a final report on the mental health building? Mr. Wheeler replied yes and the summary was shared with the Legislators. The results were that it is a structurally sound building. Mrs. Ferratella asked for an update on the asbestos removal at the houses. Mr. Wheeler stated that is ongoing and they have been working with Envoy Environmental Service.

2. **Abstracts** – Mr. Donnelly stated they conducted title searches on both the Corning and Hornell Courthouses. The Corning Courthouse was built on land deeded to the County in 1893. The original courthouse was demolished in 1904. According to the 1908 fire map, the new courthouse was constructed on land owned by the City of Corning. The original deed contains a restriction that the property is to be used only for governmental purposes. He commented that he does not really know what we could do with it and we would need to determine if those original restrictions are still binding.

Mr. Wheeler commented this is an unknown at this point. Canfield Park is partially on County owned property and the courthouse is on the City property. There is nothing pressing that we need to do at this point. If you choose, we could talk to the City of Corning about getting the property deeded to us.

Mr. Donnelly stated with regard to the Hornell Courthouse, we are looking for the deeds from the Urban Renewal Agency. There is a 20' x 200' strip that connects the property to Allen Street. Mr. Wheeler commented this situation is a little different. He would like to meet with Mrs. Hunter to discuss the DMV. The State DMV has special requirements for storage, and depending what those are, we could possibly relocate DMV to the North Hornell Office Building. This is also something that he would like to discuss with the City of Hornell. He stated we could also appraise and market the building. Mr. Swackhamer commented it is foolish to continue to keep the courthouse. Ms. Lattimer stated the lack of parking reduces the marketability. Discussion followed.

**MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 7§ 105.1.F. THE MEDICAL, FINANCIAL, CREDIT OR EMPLOYMENT HISTORY OF A PARTICULAR PERSON OR CORPORATION, OR MATTERS LEADING TO THE APPOINTMENT, EMPLOYMENT, PROMOTION, DEMOTION, DISCIPLINE, SUSPENSION, DISMISSAL OR REMOVAL OF A PARTICULAR PERSON OR CORPORATION MADE BY MR. SWACKHAMER. SECONDED BY MR. SCHU. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

**MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MR. SCHU. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

**MOTION: TO ADJOURN MADE BY MR. SWACKHAMER. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

Respectfully Submitted by

Amanda L. Chapman  
Deputy Clerk  
Steuben County Legislature

**STEBEN COUNTY AD HOC OFFICE SPACE COMMITTEE**

**Special Meeting**

*Monday, May 23, 2016*

*9:00 a.m.*

*Legislative Committee Room  
Steuben County Office Building  
Bath, New York*

**\*\*MINUTES\*\***

<b>COMMITTEE:</b>	Robin K. Lattimer, Chair Brian C. Schu	Carol A. Ferratella, Vice Chair Gary D. Swackhamer	John V. Malter Scott J. Van Etten
<b>STAFF:</b>	Jack Wheeler Pat Donnelly Shawn Corey	Mitchell Alger Tammy Hurd-Harvey Vicki Olin	Eric Rose Alan Reed Kelly Penziul
<b>LEGISLATORS:</b>	Joseph J. Hauryski Kelly H. Fitzpatrick Steven Maio Gary B. Roush	Eric T. Booth K. Michael Hanna Aaron I. Mullen Randolph J. Weaver	Dan C. Farrand Hilda T. Lando Robert V. Nichols

**I. CALL TO ORDER**

Ms. Lattimer called the meeting to order at 9:00 a.m.

**II. GENERAL BUSINESS**

A. **New Building Orientation/Siting** – Mr. Wheeler stated last week he had sent the Legislature an email with two high-level schematic placement options for a two-story building. Option A runs the building parallel to East Morris Street. The unsuitable soil in that location is shallow and more usable. This would be the least costly option. Option B places the building closer to the Balcom House and the unsuitable soil runs deeper, which will increase the earthwork and foundation costs.

Mr. Wheeler commented his personal opinion is to choose Option A. From a design standpoint, the building will look very similar to the County Office Building. Additionally, with this option the building is situated with the crosswalk. Currently many employees use the back entrance; however, with the new building we will instruct employees to use the crosswalk. We, in conjunction with the Village will be looking at ways to make the crosswalk more visible.

**MOTION: SELECTING OPTION A FOR THE NEW BUILDING ORIENTATION MADE BY MR. SWACKHAMER. SECONDED BY MR. MALTER FOR DISCUSSION.**

Ms. Lattimer commented Option A flows better and there will also be two entrances/exits to the parking lot. Mr. Wheeler stated we will be incorporating a small loading dock into the new building. We will need to incorporate a parking lot design that will make it easier for box trucks to enter and exit the parking lot.

Mrs. Ferratella asked Option A shows a loss of ten parking spaces. Would diagonal parking help with that? Mr. Wheeler replied Labella is looking at the possibility of diagonal parking in the back lot, which would increase the number of available spaces. Ms. Lattimer stated we knew going into this that there would be issues with parking. Mr. Wheeler stated we are looking at all of our options. There are a number of motor pool vehicles that are used infrequently and we may be able to locate those in a different area. Parking issues will not slow down the project.

Mr. Van Etten asked was the original cost for this site \$5 - \$6 million? Mr. Wheeler replied it was closer to \$6 million. Mr. Van Etten stated we are adding an additional 10 percent because of the foundation issues. Mr. Wheeler stated we are

still within our budget. Mr. Duell commented we included 15 percent in our design contingency. Mr. Booth asked what was the original cost? Mr. Duell replied we had originally estimated earthwork and foundation work at \$136,000 and now the estimated price is \$429,330. Mr. Wheeler commented these are worst-case scenario numbers. They will be taking out the unsuitable soil and replacing with structural fill.

**VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 6-0.**

B. **Energy Tax Credits** – Mr. Malter informed the committee that last week he participated in a two-hour seminar regarding energy tax credits that are available. They cannot be used by governments, however, they can be passed through the design work or construction work. There may be energy tax savings on this building and credits available that could offset the costs. Mr. Duell commented that they are aware of these credits and will be pursuing them.

**MOTION: TO ADJOURN MADE BY MR. SCHU. SECONDED BY MR. VAN ETEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

Respectfully Submitted by

Amanda L. Chapman  
Deputy Clerk  
Steuben County Legislature

**STEBEN COUNTY ADHOC OFFICE SPACE COMMITTEE**

*Tuesday, September 13, 2016*

*11:00 a.m.*

*Legislative Committee Room  
Steuben County Office Building  
Bath, New York*

**\*\*MINUTES\*\***

- COMMITTEE:** Robin K. Lattimer, Chair Carol A. Ferratella, Vice Chair John V. Malter  
 Brian C. Schu Scott J. Van Etten
- STAFF:** Jack K. Wheeler Mitchell Alger Kelly Penziul  
 Vicki Olin Alan Reed Jennifer Prossick  
 Pat Donnelly Andy Morse Eric Rose
- LEGISLATORS:** Joseph J. Hauryski
- ABSENT:** Gary D. Swackhamer

**I. CALL TO ORDER**

Ms. Lattimer called the meeting to order at 11:00 a.m. and asked Mr. Schu to lead the Pledge of Allegiance.

**II. APPROVAL OF MINUTES**

**MOTION: APPROVING THE MINUTES OF THE MAY 10, 2016, AND MAY 23, 2016, MEETINGS MADE BY MR. SCHU. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

**III. NEW BUSINESS**

A. County Manager

1. **Floor Plans** – Mr. Wheeler reviewed the footprint of the new building. It makes the most sense to situate the building on the corner of Wilson Avenue and East Morris Street. The two County-owned houses will be demolished and we will have 45 parking spaces available. The building itself will tie into the County Office Building both architecturally and aesthetically.

Mr. Wheeler stated the first floor of the main building will house the Board of Elections. This space includes a waiting room and counter with a closable window. There will be a room for ballot counting and storage, offices for the Commissioners, open space for the other staff, and 2,200 square foot for the voting machines. The loading dock will be accessible to both Board of Elections and Records. He stated for Records, there will be 17,000 square feet allocated for active records storage and will consist of high-density shelving. Our plan is to reuse the current high-density shelving that we have at the Old Health Care Facility. There will be an office for Records, a utility room and a lobby. We do have room on the first floor for a security station if we need one. That will depend on what the State requires and reimbursement.

Mr. Wheeler stated the second floor will house Cooperative Extension and conference space. The square footage for Cooperative Extension will be about the same as they currently have. They have 18 staff. The space will include a demo kitchen, which will be a shared space with the conference center. We will move Public Works into the Cooperative Extension space in the County Office Building. Then we will be able to talk about moving all of the court related functions to the third floor of the County Office Building. The conference center in the new building has the ability to be subdivided. The large space will accommodate 150 seated and 100 in a classroom style. The smaller space will be able to accommodate about 40. Building and Grounds will continue to schedule the use of the conference rooms. This in turn will open up the conference space in the County Office

Building. The Veterans Service Agency will most likely move into the space that Board of Elections currently occupies in the County Office Building. There will be a cupola on the roof for the building mechanicals.

Mr. Wheeler stated the Records facility at the farm will be 4,300 square feet. This will include a small office space and an area for shipping and receiving. This building will be used to store inactive records.

2. **Estimated Costs** – Mr. Wheeler stated we added a third column to the preliminary design development summary. This column is for alternatives for a building-wide generator. The County Office Building only has a generator for emergency lighting, the data room and the refrigerators in Public Health used to store vaccines. The \$250,000 for a building-wide generator for the new building would power everything in the event of a power outage or natural disaster. When we first started, our starting number was \$8.65 million. That includes the purchase of high-density storage and furniture. If we purchase the generator, the total cost is \$9.1 million. We have already paid \$115,000 for design fees, and the original budget included \$440,000 for that.

Mrs. Ferratella asked what about the energy credits that Mr. Malter brought up at the last meeting? Mr. Wheeler replied Labella is still looking into that. Anything we get would reduce the price. He stated we also included \$100,000 for a clerk of the works. The only other cost would be if we paid for a construction manager, which would be about \$300,000. We would budget the high-density storage in the 2017 budget and the furniture in the 2018 budget.

3. **Bonding** – Mr. Wheeler stated the only action item we need at this time is for bonding. There are multiple arguments for how to pay. The first option is we have a good fund balance and could pay for the project in cash. The second option is because our debt is minimal; we could bond the entire thing. The third option is to bond half and pay the other half in cash.

Mr. Donnelly stated the interest rates have dropped ¼ point and are now at 1.75 percent. You still have six months before we commit to do anything. We do have very good credit. Mr. Hauryski stated that he would like to see a decision this month. Mr. Wheeler commented this will need to go to the Full Board.

Mr. Schu stated he likes the thought of a ten-year bond at 1.75 percent, with the option of paying half cash. Mr. Van Etten stated we should never use that much cash at any one time. At those interest rates, we should at least bond half. Mr. Wheeler stated his personal thought is to borrow \$5 million.

Mr. Malter stated we do not know where the interest rates will go. You spend more cash based on the rate of return. Mr. Schu stated that he thinks we have to borrow. Mrs. Ferratella stated we are not earning anything on the money we have. Mr. Wheeler commented it is a risk tolerance question. Mr. Donnelly stated there are no call features on these bonds.

**MOTION: RECOMMENDING OPTION A FOR THE ISSUANCE OF BONDS IN THE AMOUNT OF \$5,000,000 FOR TEN YEARS AT A RATE OF 1.75 PERCENT FOR THE CONSTRUCTION OF THE NEW OFFICE BUILDING AND RECORDS STORAGE FACILITY MADE BY MR. SCHU. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.**

4. **Construction Timeline** – Mr. Van Etten asked with regard to the overall timing, what is the goal by the end of the year? Mr. Wheeler replied within the next couple of weeks the detailed design will be fully complete. The numbers presented today are conservative. We will go out to bid for a construction manager in the late fall, and by that time, we will be in the final design stage. He anticipates going out to bid for construction during the first quarter of 2017.

Mr. Van Etten asked if the bids come in and they are 30 percent higher than anticipated, how much will we have spent up to that point to say no? Mr. Wheeler replied probably between \$200,000 - \$300,000. Our view right now is in the County Office Building, the DA will move to Public Works, Public Works will move to Cooperative



Extension, the Public Defender will move to the DA and Veterans will move to Elections. We will do much of that work utilizing Buildings & Grounds.

Mr. Van Etten asked do you have any idea what the cost would be to add a third floor to the new building at a later date? Mr. Wheeler replied it was significant, in the millions. That is putting up the structural steels and building a shell.

5. **Hornell Space Update** – Mr. Wheeler stated we have been working with the County Clerk and looking at the space in North Hornell. We will give the State a rough sketch of this building and what we would envision. Overall, the County Clerk thinks that space will work.

**MOTION: TO ADJOURN MADE BY MRS. FERRATELLA. SECONDED BY MR. MALTER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.**

Respectfully Submitted by

Amanda L. Chapman  
Deputy Clerk  
Steuben County Legislature

**STEBEN COUNTY ADHOC OFFICE SPACE COMMITTEE**

*Thursday, September 29, 2016*

*9:00 a.m.*

*Legislative Committee Room  
Steuben County Office Building  
Bath, New York*

**\*\*MINUTES\*\***

<b>COMMITTEE:</b>	Robin K. Lattimer, Chair Gary D. Swackhamer	Carol A. Ferratella, Vice Chair	John V. Malter
<b>STAFF:</b>	Jack K. Wheeler Tammy Hurd-Harvey Carol Gamet Phil Roche	Mitchell Alger Alan Reed Vicki Olin	Pat Donnelly Jennifer Prossick Eric Rose
<b>LEGISLATORS:</b>	Joseph J. Hauryski Hilda T. Lando	Kelly H. Fitzpatrick Aaron I. Mullen	K. Michael Hanna
<b>ABSENT:</b>	Brian C. Schu	Scott J. Van Etten	
<b>OTHERS:</b>	Mark R. Alger Mary Perham		

**I. CALL TO ORDER**

Ms. Lattimer called the meeting to order at 9:00 a.m. and asked Mr. Mitch Alger to lead the Pledge of Allegiance.

**II. GENERAL BUSINESS**

Ms. Lattimer stated the purpose of today's meeting is to review the project and provide an opportunity to ask questions.

Mr. Hauryski stated it is important that everyone is on the same page. He wants to make it clear regarding the timing of this meeting; this date was not intentional. In order to meet Open Meetings Law notice requirements, the earliest we could hold this meeting was today. All of the Legislators at Monday's meeting heard that and I had asked if there were any objections for anyone not being able to attend. One Legislator noted that they would be out of town and I suggested that they should share their thoughts with the committee prior so their opinions could be heard. This meeting is not being held to prevent anyone from attending.

Mr. Hauryski stated the AdHoc Committee was formed, and held its first meeting on May 27, 2015. They held five meetings over the course of five months. At each of these meetings, the committee heard every conceivable option that you could think of, in terms of what to do to solve the space needs. We all know we have a space problem. The committee has looked at six options. One of the bigger ticket options was to include moving Mental Health into the new building. One of the lowest ticket items was to just building a Records Center. The committee took those two options off the table. That left four options that they seriously zeroed in on.

Mr. Hauryski stated on December 8, 2015 we looked at all of the options once again. It was the pleasure of this committee that we move forward with Option #5. This option was put forward to the Legislature to vote on. The Legislature met on December 21, 2015 and approved a resolution specifically authorizing moving forward with Option #5. The resolution was approved with one dissenting vote from Mr. Weaver and with Mr. Crossett and Mr. Mullen being absent.

Mr. Hauryski explained, the figure we were looking at was \$8,618,100. On September 26, 2016, that figure increased to \$8,737,500. The difference is \$119,400. The new figure included a generator which the committee felt was important. Without a generator, we do not have the ability to run County operations. Currently in the County Office Building, in the event of a power failure, we are only able to run IT, emergency lighting and Public Health. Two additional items, high-density storage and furniture are not included in this figure as they will be budgeted for down the road. Considering the fact that from December 2015 to September 2016 the difference in cost is \$119,400, that is phenomenal.

Mr. Hauryski stated that he has asked Mr. Roche to address the committee regarding the impact of this project on his department. Mr. Roche stated he was not in attendance at Monday's meeting, however, he was asked to come today as his department will require additional space in the near future. Essentially my department employs six full-time attorneys and three full-time administrative staff. We also employ seven part-time attorneys that are located in private offices throughout the County. Additionally, the Conflict Office for felonies only, employs two part-time attorneys that are located in private offices and the Assigned Counsel Office Administrator is under contract to the County and is located in a private office. Recently we received a State Grant that provided almost all of the funding necessary for a third full-time Family Court Assistance Public Defender position. This grant was in jeopardy due to the lack of office space, which was ultimately resolved by converting a former copy room into an office.

Mr. Roche stated there are a lot of changes coming due to State mandates that will force the restructuring of our indigent defense system and will ultimately require more attorneys. There will be a change in eligibility standards which means that nearly anyone who applies for a public defender will receive a public defender. Along with that will be caseload limits. The State will prescribe the number of cases that each attorney is allowed to carry and we will be required to hire new attorneys. There will now be additional reporting requirements, an approval process and more admissions. Another area will be counsel at arraignment. Every County is required to do this and we currently do not. The Supreme Court, the NY Court of Appeals and our ethical standards all say that we have to do this. We will be required to do this and fairly soon, this will be a condition of State funding which will amount to approximately \$280,000 per year. We have 49 local court judges and we will be required to provide attorneys at any of those courts, at any hour of the day or night. This is substantial considering the size of our County and the State will require this.

Mr. Roche stated we will be hiring a lot of new staff. You can try to find attorneys part-time or contractually, however, I will tell you that there is very little interest out there for people to do this on a part-time basis. Someone had suggested finding space on Liberty Street to house attorneys and that would be possible. However, one of the difficult things about my office is the need for security. We have clients, family members, victims and individuals with mental health and substance abuse issues. Currently individuals coming into the County Office Complex have to go through the metal detectors to get to our office. The presence of security has diffused many situations. We also have panic buttons in our offices. Another issue is getting back and forth to court as well as the inability to have administrative staff. We are in court multiple times per day as well as different offices within the County. The take away is we will be hiring more attorneys and support staff. The question is how do we hire and where do we put them.

Mr. Wheeler commented that Schuyler County has already hired six additional attorneys. Mr. Roche stated we have approximately 3,400 assigned counsel cases per year and Schuyler County does about one-third of what we do. Mr. Hanna asked how much time do the attorneys spend in the office? Mr. Roche replied a Family Court attorney spends about half of their time in the office. The criminal attorneys spend about two-thirds of their time in the office. If you hire attorneys to go out and be in the local courts, they will travel more. They will be out a lot at night and spend about half of their time in court. Mr. Mullen asked how many additional staff and space would you need? Mr. Roche replied with the caseload cap and eligibility standards, we would be looking at hiring two to four attorneys and two support staff. We would need to hire three attorneys to do counsel at arraignment. Mr. Mullen asked if you are centralizing the operation, would it be easier to cover? Mr. Roche replied yes. Mr. Mullen asked if everyone is located in Bath, how does that help you cover the County? Mr. Roche replied we would have more flexibility. We can send an attorney to County Court in the morning and then

to another court in the afternoon. Most of our business is in Bath, Corning and Hornell. Approximately 80 percent of our assigned felonies are in courts in Bath, Corning and Hornell. The problem will be evening and weekend coverage. Mr. Mullen commented you could still have part-time attorneys. Mr. Roche stated you could, but we don't have people practicing criminal law who are interested; in general, or with being on call on nights and weekends.

Mr. Roche stated with regard to caseload caps, our full-time criminal attorneys are over and our full-time family court attorneys are over. In order to be compliant with the standards, we would need at least one additional full-time criminal court attorney and one additional full-time family court attorney. With the new standards, the numbers will go up and that will determine the number of attorneys we will need. Mrs. Lando commented that she does not believe we have ever discussed security needs. Mr. Roche stated that it has never been an issue because we currently have security. If you move us to the new building or to Liberty Street, we would need to have something in place. Mr. Wheeler commented we would also have the liability of having different employees under different working conditions.

Mrs. Ferratella asked what happens with paying rent on Liberty Street or purchasing a building? Ms. Lattimer stated that when we purchase a building, it becomes exempt on the village tax rolls. The village has 43 percent of its properties listed as exempt right now. Mr. Wheeler stated we have been giving the village updates and one of the things they have liked is that we are looking to build on our existing footprint.

Mr. Mullen asked what are the part-time attorneys doing for security? Mr. Roche replied most of those attorneys do not meet with clients in their offices. One of those attorneys uses my office to meet with clients. Another attorney meet clients at the Jail and the others meet their clients at court. Mr. Mullen asked so a lot of the meetings are taking place elsewhere? Mr. Roche replied yes. The part-time attorneys are working with misdemeanor cases and are meeting with clients directly at court. They cannot do that with the felony cases. Mr. Mullen asked what is the difference for requirements for family court versus criminal court? Mr. Roche replied ideally for designing, we would have all of the family court attorneys in one spot, all of the criminal attorneys in one spot and the conflict defender in one spot. They do not all need to be together.

Mr. Wheeler explained the plan is to move Public Works to Cornell Cooperative Extension, and move Cooperative Extension to the new building. That opens up the Public Works space for the District Attorney. In turn, that opens up the District Attorney's Office and Annex space for the Public Defender. Mr. Mullen asked what would be the total square footage allocated to the Public Defender? Mr. Wheeler stated that gives the Public Defender room for growth. The Balcom House will become flexible space and you could put the Conflict Defender over there. He stated adding up all the different areas, they would end up with 3,000 square feet, which is about 1,000 square feet more than they are currently operating with.

Mr. Mark Alger commented we are talking about this because of the Records Center. We recognized a need for the attorneys, both the District Attorney and the Public Defender because both of their spaces are split. The question is do you want to add space, and if so, how? In looking at the square footage, Public Works is picked on because of the size of open space and they are easily transferred downstairs rather than relocating staff elsewhere. Is this a perfect solution? No, because we don't know what will happen when the caseload cap is implemented or when we will need to hire additional attorneys. Counsel at arraignment will be one of the biggest issues. Mr. Mullen commented that is a different issue from office space. Mr. Mark Alger replied not really. We have to have attorneys available at any time. Mr. Wheeler commented along with that, our current plan for flexibility in this building will allow us to do other things with conference spaces. We would free up conference spaces in the County Office Building that would be available for other uses in the future.

Mr. Hauryski stated we had four options and this committee selected option #5. To do option #5, to-date we have already spent \$103,922 to have Labella start the architectural and design work. Mr. Wheeler commented the final design will be sent out on Friday. That will be another \$30,000 - \$40,000 bringing our to-date total to \$150,000 paid out. Mr. Hauryski stated he will not go to his constituency

and tell them that we spent \$150,000 and we are going to start all over again. With that said, the issue at hand is not the selection of the option, but how to pay for it. He read an email that he received from Mr. Schu this morning which reads: "...I'm good with whatever financing they come up with. The committee and others have to understand we approved the project. We are only talking about financing".

Ms. Lattimer stated the dilemma she feels we have on hand is that we have already approved option #5. If there is dissent on the bond, then let's discuss that now. The resolution on Monday that you voted on was how to fund the project, not whether we are going to build. That is water under the bridge. Mr. Hauryski stated that he would propose lowering the amount of the bond from \$5 million to \$4 million. We would be borrowing \$1 million less. Mrs. Lando asked what does that save us? Mr. Wheeler stated it will drop the annual payment \$100,000 and over the course of ten years, you will save \$150,000 in interest.

Mr. Hauryski stated he asked Mark Alger to attend today, as he wanted to hear from him as he has experience with building projects. Mr. Mark Alger stated when we built the new Health Care Facility, we still had the old facility and we were at the point of talking about renovating it. We had a study completed that provided options for renovation. Then we had a change in the membership of the Legislature and the new Board decided not to move forward. That was a \$15 million project. The suggestion was made at that time to tear it down or build a building for the purpose you intended it for. You are now building for the purpose of office space and housing records. This is a more efficient use of space and is less expensive. If we had renovated the old Health Care Facility, you would not be able to deal with these other issues. With regard to the financing you are talking about, reducing the amount of the bond will save you some interest and will not hurt your funding situation. You will have the Jail bond coming off the payment schedule in a couple of years. Mr. Alger stated you will be able to fund this project without impacting taxes and the space is being designed for a specific purpose. Mr. Wheeler stated we are in a position to do this project without raising taxes. Unless something catastrophic happens, this will fit into our financial plan and this is a really good time to do this.

Mr. Swackhamer stated the idea was to take the jail payment and put that toward the new building. Mr. Donnelly stated the bonds will overlap, but it is certainly manageable. Mr. Mark Alger stated that he always enjoyed the ability of this group to work together and come to a consensus. Once you selected the option, it is important to rally together and get it done. The Legislature has done a good job of coming up with a good solution.

Mr. Swackhamer stated the contingencies and some of the other expenses are only there if we authorize them to be spent. They are not part of the original cost. Mr. Wheeler stated some of the contingencies and design contingencies are built in. Those estimates have been conservative. Mr. Swackhamer asked do we have control over those? Mr. Wheeler replied yes. We will put bids out and anything in addition would need to be authorized by the Legislature. Mr. Mark Alger commented the important thing to look at is the bottom line. The project is \$8.6 or \$8.7 million. At this point, you are establishing the budget and that is it.

Mr. Malter stated you will not know anything until the bids come in. Mr. Wheeler stated based on what this committee and the Legislature approved for option #5, that is the top number and that is it. We will be getting a construction manager to act on our behalf. Mr. Hanna stated when we made the decision to build, he was all for it. Controlling the costs from now on, we will need to hold their feet to the fire. Mr. Wheeler stated that is why we suggested hiring a construction manager. The change orders will go through a process. Mr. Mark Alger stated you will establish a construction budget and within that, you

will have a contingency fund. The only way the contingency fund gets spent is with someone's approval. Any changes will be reported back and approved. Small items could be approved by Mr. Wheeler and other items would come to the committee and the Legislature. Mr. Hanna stated that he would like to see more of those approvals come to the Legislature. Mr. Mark Alger stated that he would encourage you to be careful how you do that. Unless you hold special meetings, you will be leaving yourselves open to a delay claim by the contractors. That is the only hesitancy he would have about waiting for the Legislature to act on all change orders. You want to give Mr. Wheeler some authority to approve up to a threshold. You want to empower the AdHoc and Finance Committees to approve many of the change orders. All of the change orders would be reported back to the Legislature.

Mr. Wheeler stated the other comment he would make is we are subject to prevailing wages and Wick's Law. If we did not have that, we could show you a cost that would be two-thirds of this. Mrs. Ferratella stated time is of the essence to get out of the old Health Care Facility. Mr. Wheeler stated, yes. The ceiling in in the old Health Care facility recently started leaking over the elections space. We do not know what those costs will be.

**MOTION: AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF \$4,000,000 TO PAY COSTS FOR CONSTRUCTION OF A NEW OFFICE BUILDING AND RECORDS STORAGE FACILITY MADE BY MR. SWACKHAMER. SECONDED BY MRS. FERRATELLA FOR DISCUSSION.**

Mr. Malter stated that in looking at this based on the original bond amount of \$5 million with an interest rate of 1.75 percent over ten years, the interest would cost \$500,000. Based on the report that Mr. Donnelly provided, less than .5 percent would save you \$212,000 by not bonding, but paying out of the fund balance. The audit report ending December 31, 2015, showed \$84 million in assets. Taking this out of fund balance, it would be replenished because of what we receive in surplus every year. He thinks that it would save us money if we paid for it through the fund balance.

Mrs. Ferratella commented her concern is we do not know what the future will bring. Mr. Malter stated we already are projecting a major fund balance. We could replace \$4 million or \$5 million within three years. He does not see the interest rates changing that much in the next three years. Mr. Wheeler stated that is a good point and is something we have discussed. Our unrestricted fund balance is approximately \$50 million. We are budgeting tighter and tighter every year and we always have the unknown of the sales tax. We do not have much debt, and we could borrow the entire thing. That is certainly an option. The thing that had the committee come to this middle ground was the concern of the unknown.

Ms. Lattimer stated the tax cap also makes the budget tighter and tighter. Mr. Malter stated that he thinks taking it out of the fund balance is the best option. Ms. Fitzpatrick stated you would be taking the bond payment out of the fund balance anyway. Mr. Wheeler commented it really is a risk tolerance question. Mr. Malter asked what are we raising in taxes every year? Mr. Wheeler replied our tax levy is \$50 million. Mr. Malter stated when he was first on the Legislature, fund balance was \$25 - \$30 million and now we have twice that. Mrs. Ferratella asked could we pay down the bond faster if we choose to? Mr. Donnelly replied there is a call feature on the bond and you would pay a higher interest rate up front. You can also issue the bond for a shorter period time.

Ms. Fitzpatrick asked what is the timeframe for the new building to be done? Does the Jail bond end in 2021? Mr. Wheeler replied the anticipated opening would be mid-2018. Ms. Fitzpatrick stated we would be bonding for a project that we will not be starting for another one and one-half years. Mr. Mark

Alger commented you will be spending money right away though. Mr. Wheeler stated once the bids come in, you will spend money on construction as that will begin when the ground thaws.

Mr. Mark Alger stated you can do as Mr. Malter is suggesting, but the bond is fully paid with the fund balance until the Jail bond is paid off, then then your payments will come from the General Fund. Ms. Fitzpatrick asked should we explore the call feature? Mr. Mark Alger replied it is worth putting it in.

**MOTION: AMENDING THE PREVIOUS MOTION TO AUTHORIZE THE ISSUANCE OF BONDS IN THE AMOUNT OF \$4,000,000, SAID AMOUNT TO BE PAID OUT OF THE FUND BALANCE UNTIL THE JAIL BOND IS COMPLETE MADE BY MR. SWACKHAMER. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0. Resolution Required.**

Mrs. Ferratella stated that she would like to make sure that all Legislators get a copy of these minutes prior to the Legislative Meeting. She requested that the minutes be mailed directly to the Legislators.

Mr. Malter stated that a statement was made that we are building a pole barn for records storage. It is much more than a pole barn. Mr. Wheeler stated the records storage facility will be climate controlled, have heating and air conditioning, IT services and a bathroom. It is a working building. Ms. Lattimer commented the downtown facility is much more sophisticated, but the records storage facility is certainly not a pole barn.

**MOTION: TO ADJOURN MADE BY MR. MALTER. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 4-0.**

Respectfully Submitted by,

Amanda L. Chapman  
Deputy Clerk  
Steuben County Legislature

**STEBEN COUNTY ADHOC OFFICE SPACE COMMITTEE**

*Tuesday, December 13, 2016*

*11:00 a.m.*

*Legislative Committee Room  
Steuben County Office Building  
Bath, New York*

**\*\*MINUTES\*\***

**COMMITTEE:** Robin K. Lattimer, Chair Carol A. Ferratella, Vice Chair John V. Malter  
Brian C. Schu Gary D. Swackhamer Scott J. Van Etten

**STAFF:** Jack K. Wheeler Mitchell Alger Eric Rose  
Pat Donnelly Vicki Olin Kelly Penziul  
Jennifer Prossick Amy Dlugos Andy Morse

**OTHERS:** Mary Perham

**I. CALL TO ORDER**

Ms. Lattimer called the meeting to order at 11:00 a.m.

**II. APPROVAL OF MINUTES**

**MOTION: APPROVING THE MINUTES OF THE SEPTEMBER 13, 2016, AND SEPTEMBER 29, 2016, MEETINGS MADE BY MR. SCHU. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 6-0.**

**III. NEW BUSINESS**

1. **RFP Authorization** – Mr. Wheeler stated as we have discussed in the past, we feel that using a construction manager for the project would be of significant benefit to us. We will have two buildings under construction at the same time. He requested authorization to issue an RFP for a Construction Manager. With your approval, we anticipate getting the RFP's out this week and having them returned prior to the Legislative Meeting in January. We most likely will schedule a special meeting of this committee the day of the Legislative Meeting to award the RFP. Our goal is to get the construction manager on board in January, which will allow them time to review the bid documents before they go out in February.

**MOTION: AUTHORIZING THE COUNTY MANAGER, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE A REQUEST FOR PROPOSAL FOR A CONSTRUCTION MANAGER MADE BY MR. SWACKHAMER. SECONDED BY MR. MALTER. ALL BEING IN FAVOR. MOTION CARRIES 6-0.**

2. **Update**

a. *Hornell DMV* – Mr. Wheeler informed the committee that he has been working with the County Clerk to interface with the State regarding moving the Hornell DMV offices to the Seneca Street building. Mr. Rose has been doing a good job working with Public Works to get the blueprints of the as-built and proposed changes. We would like to have the State's approval in January and we will bring this back to committee for discussion.

Ms. Lattimer commented in her opinion, you need to keep pushing this and moving this along as we would like to hear that the State DMV will approve the move and we can get going. Mr. Swackhamer asked how long will it take to construct the new office space? Mr. Rose replied it depends on the State, but the turnaround time will need to be fairly quick. Mr. Wheeler commented there is not a significant amount of work that needs to be done.



b. *General Update* – Mr. Wheeler informed the committee that they have been meeting with Labella on a weekly basis and everything is moving along well. We currently have the 75 percent drawings and expect to have the 95 percent drawings next week. We are trying to mirror this building as much as possible. If anyone would like to see the 75 percent drawings, please let him know.

Mr. Swackhamer asked is there a priority as to which building will be started first? Mr. Wheeler replied our thought was to get the Records Building going quickly. They will largely be reusing the current high-density filing systems. We are also assuming the construction manager will also want to get that building going first.

Mrs. Ferratella asked is there enough room in records to temporarily move the voting machines over? Mr. Wheeler replied no. If you move one or the other, it would be very tight. If we moved all of the inactive records there would be no room for the voting machines. We are on track with the timeline for that.

**MOTION: TO ADJOURN MADE BY MR. SCHU. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 6-0.**

Respectfully Submitted by

Amanda L. Chapman  
Deputy Clerk  
Steuben County Legislature