

STEBEN COUNTY ADHOC OFFICE SPACE COMMITTEE

Special Meeting

Monday, November 26, 2018

9:30 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
Gary D. Swackhamer Scott J. Van Etten
- STAFF:** Jack K. Wheeler Mitchell Alger Rob Wolverton
Jennifer Prossick Alan Reed Brenda Mori
Eric Rose Brooks Baker
- LEGISLATORS:** Joseph J. Hauryski Kelly H. Fitzpatrick K. Michael Hanna
Hilda T. Lando Steven P. Maio Aaron I. Mullen
Robert V. Nichols Frederick G. Potter Thomas J. Ryan
Gary B. Roush
- ABSENT:** Brian C. Schu

I. CALL TO ORDER

Ms. Lattimer called the meeting to order at 9:30 a.m. and asked Mr. Ryan to lead the Pledge of Allegiance.

II. GENERAL BUSINESS

A. County Manager

1. **Extending Contract with LaBella for Architectural and Engineering Services** – Mr. Wheeler stated an email was sent out about two weeks ago outlining the proposal for the court space renovations. He stated he received LaBella’s proposal for design phase services, bidding and construction administration for the court space renovations and distributed it to the committee. These costs outlined in the handout are in line with what he was expecting.

Mr. Wheeler stated that after discussing this with the Law Department, Purchasing and others, our recommendation is that extending the contract with LaBella is most efficient and cost effective. You could put out an RFP for this, however, their costs are 9.25 percent of the proposed construction cost, which is in line with the industry standard. This proposal is for \$620,000 for a five-year commitment. With your current contract, including outstanding billing, you have \$700,000 which is for a two-year commitment.

Mr. Wheeler explained LaBella has included additional services in this proposal, some you may use and some you may not. An example is engineered drawings or existing conditions, which you may not need. Most of the rest of the services, you would need to talk about as you could have a construction manager do that. He would recommend engaging the services of a construction manager in the near future for this project. He recommended the committee authorize extending the contract with LaBella for a maximum of an additional \$620,000 with the optional items being required to come back before the committee for approval.

MOTION: WAIVING THE PROCUREMENT POLICY AND AUTHORIZING THE EXTENSION OF THE CONTRACT WITH LABELLA FOR ARCHITECTURAL AND ENGINEERING SERVICES RELATIVE TO THE COURT SPACE RENOVATION PROJECT FOR A MAXIMUM OF AN ADDITIONAL COST OF \$620,000 WITH ADDITIONAL OPTIONAL ITEMS BEING REQUIRED TO COME BEFORE THE ADHOC OFFICE SPACE COMMITTEE FOR APPROVAL MADE BY MR. VAN ETTEN. SECONDED BY MR. MALTER FOR DISCUSSION.

Mr. Van Etten asked where will this \$620,000 come from? Mr. Wheeler replied you have \$700,000 - \$750,000 in the ad hoc building project, and \$250,000 budgeted in the 2019 budget. There is enough to cover costs for a couple of years.

Mr. Van Etten commented there is \$133,000 for construction administration, but it seems like that would be paid to the construction manager that we would hire. Mr. Wheeler replied it is, but Labella was here frequently during the construction project of the Annex Building/Records Storage Facility.

Ms. Lattimer asked have you projected the cost of a construction manager? Mr. Wheeler replied no. The prices are all over the board, but with a potential five-year project, you would be looking at \$300,000 - \$400,000. Mr. Van Etten commented the one we had for this project did a great job. Mr. Wheeler stated he will come back to the committee with options for that. We will need to do an interview process and at that time will let them know that it will be a long project, but it would not be necessary for them to be here every day for five years.

Mrs. Ferratella stated LaBella has worked with us a number of times and did the study for the reuse of the old Health Care Facility. Ms. Prossick stated that is part of the resolution that you will consider at this morning's Legislative meeting. We are recommending waiving the procurement process as LaBella has the experience and background of working with the County on previous projects. Ms. Lattimer commented that would be her concern with putting this out for an RFP; the costs would really increase with a different firm. Mr. Wheeler stated there would be months of additional work if a different engineer were to come in. Mr. Van Etten commented that he does not think you want to start over. We were also told that LaBella has a good working relationship with the Office of Court Administration (OCA). Mr. Wheeler replied LaBella has done four or five of the most recent court renovation projects in the State. That relationship with OCA is important to us and to the courts. The courts are very comfortable with LaBella.

Mr. Malter stated the only problem he has is once we do this, we will have filled up every space and there will be no room for future expansion. Mr. Wheeler replied it will be close, but you will still have the South Conference Room that could be used for flex space. Mr. Malter asked if we need 45,000 square feet for the courts, is there an option to build a new building just for that space requirement and could we do it for \$6 million? Mr. Wheeler replied he would guess no. An initial look is that it would cost much more than that. The Annex was an \$8 million project and was 10,000 less square feet. The second part is we currently do not have any land. Then you are talking about going out to the County farm and then needing to relocate departments out there. Mr. Malter commented you have options across the street. Mr. Wheeler replied you do.

Mrs. Ferratella stated you will be moving people whether you build a new building or not. Mr. Malter stated the biggest issue for moving departments was that the District Attorney was adjacent to the courts. Mr. Wheeler stated if you build a new building, the State will want all of the court operations under one roof.

Mr. Van Etten stated if we spend the money we will not have any open space. Do you want open space? Mr. Malter stated we built the third floor on the annex for future use and now we are looking at using that. Mr. Van Etten stated we decided to add the third floor because we knew there would be issues with space in the future. Mr. Malter stated if we had known before we could have used the annex building because it would have been big enough for the courts. Maybe we should have been apprised of that need earlier. Mr. Wheeler replied the courts never put us on notice until after we started the project. In 2014, they were talking about adding a hearing room or two. Then it blossomed.

Mr. Mullen distributed a handout with his written comments regarding this, a copy of which is on file in the Clerk of the Legislature's Office. He stated he was not able to come to the last meeting in November, but the minutes stated this project was already approved. None of us were aware of the scope of this until November. All I have seen is one option.

I would like to see additional options that show potential cost savings. Mr. Malter talked about a potential building somewhere else. Someone had suggested building out by the Jail so we wouldn't have the transportation costs. Maybe we should consider combining this with the detention facility. Mr. Mullen stated he was floored that all of a sudden we are looking at a \$5 million project. His request is that we be given other options. At the Chair's meeting last month, he had asked for an explanation of why the moves that were proposed needed to be done. That was something that was said LaBella would do.

Ms. Lattimer stated she is not sure how to respond. We were given one proposal that LaBella provided that was the best option. She doesn't know if any other options were on the table due to the requirements of OCA. Mr. Wheeler explained you have a fixed footprint to work with. Building a new facility will be far more expensive. We are working with a limited footprint where we are trying to plug things in and each has a resulting option. Maybe we could have kept the committee more apprised, but he believes they did. As staff, part of our role is to have these discussions on your behalf and present them to you.

Ms. Lattimer commented it became clear to her that this is not her area of expertise. LaBella presented what they felt was the most cost effective plan that compromised with OCA. Mr. Mullen asked does the committee know what OCA is requiring? Mr. Wheeler replied this is a bare bones representation of what OCA is requiring. This is the compromise. They wanted everything under one roof and that is not feasible. This plan is what we came up with as a compromise. Ms. Lattimer stated she is not questioning the dynamics of how they are moving departments. Our only job at this point is to watch the cost. That is really the only thing we have control over.

Mr. Malter asked with this proposal, are we putting all of the court system under one roof? Mr. Wheeler replied there will still be a courtroom on the third floor of the Courthouse. They wanted to move Probation out, but we are not going to do that. If you want to build another building, then we can complete a redesign scope. Ms. Lattimer commented if we build a new building the costs will skyrocket.

Ms. Fitzpatrick asked was the committee involved with the negotiations with OCA? Mr. Van Etten replied no, we hired a professional architect to do that for us. They sat with Mr. Wheeler and staff. You do not want all of us sitting in a meeting with OCA. I do not want to do that as that is not my area of expertise. Mr. Wheeler explained we did that on your behalf. You also had every department head potentially impacted by the project meet with LaBella to give input on their space needs. Ms. Lattimer stated we are relying on LaBella's experience with other court projects.

Mr. Van Etten stated that he understands Mr. Mullen's concerns, but this not a want, it is a must. We are being given an edict by the State and if we do not do this, they can require us to build a new building. Mr. Mullen stated I have no idea what OCA would require within this building. I asked if we can get an explanation. It would be nice to know why we are doing all of the things listed. He stated he does not know exactly what OCA is asking. Mr. Van Etten asked what level of detail do you want from OCA? Mr. Mullen stated he wants to know what they are requiring. Mr. Wheeler explained OCA wants to consolidate as much as possible under one roof. They want a drug testing room, a better grand jury room, additional waiting area, a family-children center. They also wanted the District Attorney to be in a different building. The fourth courtroom was included as there may be a fourth judge. Ms. Lattimer stated pretty much what Mr. Wheeler outlined is what OCA is looking for.

Mr. Malter asked are there minutes of those meetings? Mr. Wheeler replied no, we did not keep formal minutes. We can in the future. Mr. Malter stated he was just looking for something that Mr. Mullen could review. Mr. Van Etten asked did the State give you a wish list? Mr. Wheeler replied verbally, the ones that I listed. Their main concern was the consolidation of staff and security. They are currently paying for security at four different locations.

Ms. Fitzpatrick asked what would they do if we did not have the funds? Mr. Wheeler replied you would find the funds. Other counties have bonded for it. He stated that Mr. Alger went through this in Allegany County. Mr. Alger stated they were the last county in the State to comply with the law and they ended up with a \$12 million project to add a new courthouse and renovate the existing courthouse.

Mrs. Lando commented the City of Corning had to redo their courthouse and it cost the city \$500,000 and we didn't have the money, but we had to do it. Mr. Wheeler stated we could push back, but the relationship thus far has been cordial. The State can force you to do just about anything.

Mr. Hanna asked how long will this last before they will want something else? Mr. Wheeler replied they have been working well with OCA. This building was built in a way that the previous judges wanted. That has worked for 30 years and OCA wants to find a solution that works for the next 30 years.

Mr. Malter stated this proposal doesn't include a family center. What if the State comes in and says we need to have one? Mr. Wheeler replied something had to be cut, so it was the family center since they needed the drug testing room.

Mr. Swackhamer asked does the committee have the authority to approve this until the Full Board meets? Mr. Wheeler replied yes, the committee has the authority. There is a resolution being presented at this month's Legislative Meeting that more clearly clarifies the role of the ad hoc committee and ratifies any actions you have taken.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN MADE BY MR. VAN ETTEN. SECONDED BY MR. SWACKHAMER. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature