

**Herkimer County Legislature
Public Safety/Emergency Management and Ways & Means
Committee Meeting
Friday, May 1, 2020
Via Teleconference
Follows Human Resources and Ways & Means**

Persons Attending:

John P. Stephens (Chairman, Public Safety/W&M committee member)
Gregory Malta, Sr. (Public Safety committee member)
Raymond Johnson (committee member, both)
Kurt J. Ackerman (committee member, both)
William Weakley (Public safety committee member)
Peter Campione (Public Safety committee member)
Patrick E. Russell (Ways & Means Committee Chairman)
Raymond Smith (Ways & Means committee member)
Frederick J. Shaw, Jr. (committee member, both)
Vincent J. Bono, Chairman of the Legislature
James W. Wallace, Jr., County Administrator
Brandy Serow, Sec. to County Administrator
Lorraine Lewandrowski, County Attorney
Sheri Ferdula, Budget Officer
Steve Billings, Personnel Officer
Scott Scherer, Sheriff
John Raymond, Director of Emergency Management

(Non Committee Members Signed In)

Legislator Mark Gaworecki
Legislator Robert J. Schrader
Legislator Bob D. Hollum
Legislator William E. Keeler, Sr.
Legislator John L. Brezinski
Legislator Peter F. Manno
Legislator Ray Donley

Absent:

N/A

Mr. Stephens called the meeting to order at 10:15 a.m.

Items Discussed:

PUBLIC SAFETY/EMERGENCY MANAGEMENT AND WAYS & MEANS:

1. Approve contract and transfer funds in 911 to update GIS Mapping System
2. Approve purchase to replace Aney Hill 911 Tower Equipment Shelter using 2018 Target grant in Emergency Services and transfer funds
3. Approve purchase of voice recorder system for new jail
4. Approve change orders for new correctional facility
5. Approve amendment to Resolution 125 of 2020 for Construction Attorney for new Correctional Facility
6. Other

Committee Vote Record:

PUBLIC SAFETY/EMERGENCY MANAGEMENT AND WAYS & MEANS:

Mr. Stephens stated “Number one, approve contract and transfer funds in 911 to update GIS Mapping System. John Raymond, are you on?”

John Raymond responded “I am here. Back a few years ago we had a map based system no longer driven by a data base. We really don’t have a GIS Department in the County and much of the data we’re finding in there is either not there or inaccurate. I feel it’s important that when someone takes a 911 call that we map cops to the right location. We have a lot of private roads that are named in the County. We have a lot of snowmobile trails. We have a lot of different things that are missing from the map and this would be an effort to basically do a whole reboot of the mapping at 911 so that we have accurate maps. This is particularly important up in the Town of Webb area where they have a number of private roads. Also Russia, Ohio, Salisbury and there are some areas throughout the County. They feel that they could do this within 30 to 40 days. I think that once they get into this they will probably have more issues than they think, especially when they get up into Webb trying to address things and look for things, do center lines on roads and that type of stuff. I think the project will be a little bit bigger than that so I have down not to exceed \$50,000. And this is with a company that we’ve been using over the last couple of years, Zetron.”

Item #1 – On motion of Mr. Malta, seconded by Mr. Campione for Public Safety, and on motion of Mr. Bono, seconded by Mr. Russell for Ways & Means, Item #1 was voted on, approved and moved for Resolution. Unanimous.

Mr. Stephens stated “Number two, approve purchase to replace Aney Hill 911 Tower Equipment Shelter using the Target grant from 2018 in Emergency Services and transfer funds. John, go ahead if you have a little bit of an update.”

John Raymond stated “Everybody remembers buying an ice canopy to go over this building, it was discovered that over the winter time we had a tremendous amount of ice up in that area, in the Town of Stark. It’s Hyde Hill. We were hoping that the building would be ok through all of that and it was discovered that the entire wall that holds the door is completely rotted out. It was also discovered that the building is made of wood with like a fiberglass exterior over it so it’s a stick built wooden building. It’s completely rotted out. Doing any kind of work in there would, I wouldn’t think would be feasible. We would probably end up spending just as much as getting this building. So Fred Nudd Corporation who has been doing work here at the center putting up towers has a used building that’s in good shape. I drove out and took a look at it. It’s a metal framed building with fiberglass so there is no wood in there. It’s only 10 years old. The structure we have there now at Aney, we got for free. I think we just paid for the transport. It was put there in 2015 but the structure was built in 1994, so this is a much newer building. It solves a major problem that we have right now. Right now I took 2 x 4s down there to support one side of the roof so it’s kind of an issue that needs to be addressed and I think this is the best solution.”

Mr. Stephens asked for a motion.

Mr. Weakley stated “I have one more question. John, will that solve the ice problems?”

John Raymond stated “With this \$25,000, this is paying for the building to be brought, put in place and put on a pad. We’ve already bought an ice canopy. Fred Nudd is going to modify the canopy to fit the new building and they’ll have that installed this year so we are not going to have an issue. At this point I’m using this grant funding to harden everything up so you will be seeing me coming through with other ice canopies for other sites and stuff because I just don’t want to have issues in the future. This is clearly a problem especially on a year we have a lot of ice.”

Mr. Weakley thanked John.

Item #2 – On motion of Mr. Campione, seconded by Mr. Stephens for Public Safety, and on motion of Mr. Shaw, seconded by Mr. Smith for Ways & Means, Item #2 was voted on, approved and moved for Resolution. Unanimous.

Mr. Stephens stated “Number three, approve purchase of voice recorder system for new jail. Sheriff, are you on?”

Sheriff Scherer stated “I am on. I believe Sheri took most of this in for the new jail. This is the voice recorder that’s going to record all of the phone lines in and out of the jail through inmate services. Sheri talked to the vendor on that if she wants to speak a little bit about it.”

Sheri Ferdula stated “We had a couple conference calls with LaBella and I think Tom Adams was on. Sheriff, I’m not sure if you were on those. ConvergeOne, is a company that does a lot of work for the County. In order for this system to be installed at the jail it has to be loaded onto a County server. Information Services was not comfortable going to a vendor we were not familiar with given that this is going to be housed on a County server. ConvergeOne also is supplying all of the equipment off state contract.”

Mr. Russell asked “Was this a part of our initial budget in the jail?”

Sheri Ferdula responded “I believe it would fall within the equipment category for radios and telephones and things like that and it’s something that we do have to have.”

Mr. Stephens stated “The cost is \$17,642.50 and that’s with five years of maintenance.”

Mr. Russell stated “That’s coming out of the jail fund I assume?”

Jim Wallace stated “Correct Pat.”

Item #3 – On motion of Mr. Malta, seconded by Mr. Weakley for Public Safety, and on motion of Mr. Stephens, seconded by Mr. Bono for Ways & Means, Item #3 was voted on, approved and moved for Resolution. Unanimous.

Mr. Stephens stated “Number four, approve change orders for new correctional facility as listed. Can I get a motion?”

Item #4 – On motion of Mr. Malta, seconded by Mr. Bono for Public Safety, Item #4 was voted on, approved and moved for Resolution. Unanimous.

Mr. Smith asked “What are the changes?”

Mr. Stephens responded “LaBella Associates and Gilbane Construction have advised that the Prime Electrical Contractor is in need of an increase. The contract total is \$5,924,000 with an allowance of \$145,000. The breakdown is as follows:

EC Total Allowance	\$145,000
Approved Expenditures	<u>\$84,121</u>
Balance	\$60,879
Processing/Potential	<u>\$55,616</u>
Remaining	\$5,263

In order to avoid an increase in the overall budget, the plumbing contract allows a decrease of \$40,000, and an increase in electrical of \$40,000. The plumbers' completed the majority of their work and has a remaining balance of \$61,830.24 in their allowance. So we are taking \$40,000 from the plumber and giving \$40,000 more to the electrical contractor."

Mr. Russell asked "Can you speak of why it's more on the electric?"

Sheriff Scherer stated "I believe these are some overages, some changes the electric contractor had so out of their \$145,000 in allowances, which is kind of a little bit of overflow we give them. He is getting close to that total. They are not there yet but if something comes up a little bit down the road and the plumber is way under his total for going over on some certain things, they want to transfer some money now so if they needed it down the road it wouldn't need to go through a whole Legislative meeting holding up the project for another 30 days. Not that he is going to go through his total allowance I'm being told but he is getting close to the end of the extra money that we gave him in the beginning for little overages."

Mr. Russell stated "I understand that but why are there overages?"

Sheri Ferdula stated "From the way it has been explained to me from LaBella and Gilbane, the electrician is the one who has the most work in the end of the project and a lot of his work that goes on at the end, when he runs into a problem, it's things that you really can't predict ahead of time because of how everything else is installed. He also has a lot of work on the security system which could possibly need some adjusting as to where things go and where things are wired. It's normal procedure that the electrician is going to have some change orders and just to make sure we have enough to cover us to not hold the project up going forward that's why we are doing the increase in the allowance. Not saying he is going to have \$40,000 worth in changes. He might not have any more but just in case something comes up we need to have that cushion."

Mr. Ackerman stated "When we hired this Gilbane and we hired LaBella, we hired them because they had a lot of experience building jails. And now we are being told we have to spend extra money to the electrician because things might not be where they said they were going to be. That to me doesn't sound right. That should go back on the money we paid them."

Sheri Ferdula stated "Just a note on that, the allowance is included in the total contract so we are not spending any additional funds from our original contract and we are taking from the plumber who also had an allowance. So there is no increase to our budget at all. It's just moving money around to the contractors that need it the most."

Mr. Ackerman asked "Is the plumber done with their work?"

Sheri responded "They are almost 99% complete. They are doing some finishes and some fixtures but all of their major work is done. We are taking \$40,000 of their \$73,000 so they are still going to have a healthy allowance if something were to come up at the end."

Mr. Ackerman stated "Right but that would have been a savings to the County. I'm going back to my point that the electrician bid this knowing what they were getting into and the architect hired him because he has built multiple jails across the state, that's what I was told and now because things might not be in the right place where they originally said they were, where the electrician bid the job for, now we have to pay the extra money. That's still the County money and I don't care where you pull it from."

Mr. Wallace stated "This is Jim. Would it be helpful if we got a list to you guys of all of the changes?"

Mr. Ackerman stated "I don't think I need them all."

Jim Wallace stated "I just thought it might show you where \$2,000 here \$,5000 here, where it ended up. I thought it was getting to the heart of your question. Why these were being made and why these were done."

Mr. Ackerman stated "It is. I guess my point would be then would that be on Gilbane and the architect to come back to us to where they screwed up to cost us money."

Jim Wallace stated "Yes. We have all of that. That's what I'm saying. Do you want us to get that to you?"

Mr. Ackerman stated "Sure. I would love it because if it's something the architect missed then they should be the ones paying the bill."

Mr. Johnson stated "Kurt, I agree with you and I think the group that's meeting at the end, we are going to end up sitting down and having a nice discussion with the architect who has supposedly built a lot of jails. They go under the word omission is how they get around blame but I feel the final payment we should hold back quite a bit to LaBella. Gilbane doesn't answer to us. Gilbane answers to LaBella so that's one thing we don't have recourse on is Gilbane."

Mr. Ackerman stated "Then I will go back to that statement."

Mr. Stephens stated "We are bordering on executive session."

It was decided to go into executive session after all other committees were complete. Vote for the change orders continued.

On motion of Mr. Johnson, seconded by Mr. Bono for Ways & Means, Item #4 was voted on, approved and moved for Resolution. Yes: Russell, Smith, Johnson, Shaw, Stephens, Bono (6). No: Ackerman (1).

Mr. Stephens stated "Number 5, approve amendment to Resolution No. 125 of 2020 for Construction Attorney for new Correctional Facility."

Lorraine Lewandrowski stated "The initial retainer had a cap on it that was suggested by the attorney at \$3,500 and this was to answer a claim letter put in by one of the contractors. However, it has continued on to discussing more legal issues related to getting this project done on time. I had asked the attorney what he thought a reasonable request would be. He had \$10,000. I reviewed a number of retainer agreements that the County has had with prior attorneys. They've worked both ways where some of them have been on an unlimited hourly basis where projects have gone on for years. This one is more of a discrete project dealing with this project so I was asking just to go for \$10,000 for now and review it if we need further."

Mr. Stephens asked for a motion.

Item #5 – On motion of Mr. Johnson, seconded by Mr. Bono for Public Safety, and on motion of Mr. Johnson, seconded by Mr. Bono for Ways & Means, Item #2 was voted on, approved and moved for Resolution. Unanimous.

Mr. Russell stated "I highly recommend this"

Mr. Ackerman stated "This is pertaining to the electrician, correct?"

Mr. Russell stated “This pertains to the electrician and any other matter that might come before the Legislator in regards to the Correctional Facility.”

Mr. Ackerman stated “Ok. That’s fine with me. Thank you.”

Mr. Stephens stated “We have a second agenda here in Public Safety that I was sent. It is both committees and we have to add Properties, correct?”

The Public Safety/Emergency Management and Ways & Means committees continued.

At 10:48 a.m., on motion of Mr. Campione, seconded by Mr. Weakley, the Public Safety/Emergency Management Committee adjourned.

At 11:14 a.m., the Public Safety/Emergency Management Committee reconvened.

On motion of Mr. Bono, seconded by Mr. Malta, the Public Safety committee went into Executive Session at 11:15 a.m., under Public Officer’s Law, Section 105 (d). No vote taken. On motion of Mr. Bono, seconded by Mr. Johnson, the committee came out of Executive Session at 12:07 p.m.

At 12:08 p.m., on motion of Mr. Bono, seconded by Mr. Weakley the Public Safety/Emergency Management Committee adjourned.