

**ORANGE COUNTY BUILDINGS COMMITTEE MEETING
MINUTES**

**MONDAY, FEBRUARY 23, 2015
2:00 P.M.**

PRESENT: L. Stephen Brescia, Chairman, Orange County Legislature
Christopher W. Eachus, Majority Leader
Michael Amo, Independent Party Leader
Katie Bonelli, Legislator, Chair, Physical Services Comm.
Barry J. Cheney, Legislator
Myrna K. Kemnitz, Legislator
Steven M. Neuhaus, County Executive
Steven M. Gross, Commissioner, Department of Human Resources
James P. Burpoe, Commissioner, Department of General Services
Christopher Viebrock, Acting Commissioner, Public Works/Engineering Division
Jim Brooks, Deputy Commissioner, Public Works
Anthony Capozella, Director of Facilities, Department of Public Works
John McCarey, Director, Real Property

ALSO

PRESENT: Leigh J. Benton, Legislator
Jeffrey D. Berkman, Legislator
James Kulisek, Legislator
Michael D. Paduch, Legislator
Paul Ruskiewicz, Legislator
Roseanne Sullivan, Legislator
Matthew A. Turnbull, Legislator
John S. Vero, Legislator
Shannon Wong, Legislator
Antoinette Reed, Legislative Counsel
Langdon Chapman, County Attorney
Joseph Mahoney, Assistant County Attorney
Susan Whalan, Assistant County Attorney
Hon. Alan Scheinkman, Administrative Judge
Richard Rose, Jr., Commissioner, Dept of Parks, Recreation and Conservation
Craig Cherry, Deputy Commissioner, Emergency Svcs./Acting Deputy Commissioner,
Emergency Mgmt./Div. of Police Liason Svcs.
Tim Tucker, Budget Analyst
Phil Clark, CEO, Clark Patterson Lee
Don Lee, Senior Designer/Architect, Clark Patterson Lee
Susan Clark, Designer, Clark Patterson Lee
Jason Streb, Designer, Clark Patterson Lee
Mark Johnson, Senior Architect, Clark Patterson Lee
Mark Fellenzer, Electrical Consultant, Clark Patterson Lee
Rich Morelle, Senior Mechanical Engineer, Clark Patterson Lee
Phil Stiller, Construction Manager, Holt Construction
Howard Protter, Jacobowitz and Gubits, LLP

Mrs. Bonelli opened the meeting at 2:03 p.m. All committee members were present with the exception of Majority Leader Bonacic who was absent.

In regards to the first agenda item, an update on the outer-buildings, Mr. Capozella stated that there was additional asbestos found in the 1841 courthouse building and had assumed additional asbestos in the IT Webster Avenue building which was not.

Mr. Clark, Mr. Lee, Ms. Clark, Mr. Fellenzer, Mr. Streb and Mr. Stiller addressed the committee with a power point presentation (see original minutes) regarding the design philosophy, exterior design, and interior design for the Orange County Government Center Building as well as the proposed agenda for the March meeting. Mr. Clark also distributed an edited fact sheet (see original minutes) which showed the building size, total cost, site disturbance and Division 1 and 3 façade options.

Judge Scheinkman commented that he is very pleased with the progress and glad they have reached a conceptual understanding of the Division III layout. He added that they look forward to moving into the new space.

Mr. Turnbull asked why they would seal the walls when they don't need to be. He then stated that he considers the spreadsheet to be a result oriented report and what he means by that is Mr. Clark wanted to make a point so he produced numbers in order to do so. Furthermore, he invites anyone to take a look at the walls and then tell him they need to be replaced.

Mr. Clark responded that he respects Mr. Turnbull's opinion but they did not create a spreadsheet to prove a point. He then referred to the fact sheet and stated it is factual.

Mr. Stiller added that they looked at whether or not the outside block can be saved and it was determined that it cannot be done with the current structure.

Mr. Turnbull stated that he has a huge problem with the price of the renovation because it keeps changing. He would like clarification on why the mold issue is still an issue because mold does not grow on concrete and yet they are still going through with this expensive process.

Mr. Clark stated that the mold issue is not a driver although it has been alleged and has been an issue and is not something that can be totally ignored, it has to be addressed. He wouldn't argue with Mr. Turnbull about the mold but it has to be addressed.

Brief discussion ensued between Mr. Clark and Mr. Turnbull about the walls and the outside block.

Mr. Amo commented that his concern regarding the building is if there is a mistake made there could be a lawsuit.

County Executive Neuhaus stated in regard to the exterior wall, a letter from Dr. Avila was received which basically states he is a qualified licensed physician who has completed a two year fellowship in Environmental and Occupational Medicine at Mt. Sinai, and with respect to the Government Center renovations whether the façade should be replaced, removed, left as is, the structure has sustained several episodes of water damage. Furthermore, given the long history of extensive water damage dating back to 1970 and persistent mold growth since 2011 or possibly back to 1970, the prudent and safest approach to remediating this public building and space would be to

remove and replace the façade to minimize health issues related to mold exposure to both employees and the members of the public. During the process of the façade removal, the contractor and the remediation professionals will have a view of the extent of any water damages and proliferation of mold throughout the elements of the buildings substructure.

Mr. Amo commented that they need to explore that as a committee because if they get into litigation, just the cost alone for defending it over time is a lot. He then asked are they really saving money by arguing over this or is it better to spend the money and be sure it is taken care of.

Ms. Kemnitz commented that as much as she respects and admires Dr. Avila, he is a medical doctor and they have heard and saw demonstrations by Dr. Pedone who specifically said time and time again that mold does not grow on cement or concrete, it needs food and water. She added that Dr. Pedone even brought in machinery that was used to test the building. The walls in the government center building didn't turn pink; therefore, there was no mold. Again, as much as she likes Dr. Avila and considers him a top medical man, Dr. Pedone is the expert on mold.

Mr. Clark pointed out that there is a difference on mold; he does not think mold is the driver. The driver in his opinion is cost and a new system rather than a repaired system. It is an expensive item but this needs to be done right.

Mr. Lee briefly explained how the system is replaced and the details of putting in a new one. He added that they shouldn't take any risks in keeping the old walls.

Mr. Berkman stated that he is not going to debate whether or not the walls should come down, at least not today. Some of the legislature wanted to see this opportunity to see if they can scale back the project and save some money, that was the objective. He added that the building is now 10% bigger than what they thought, 20,000 square feet which is a big miscalculation. He doesn't know what to say about it other than it's very disappointing. Secondly, this has been a long arduous, agonizing process. He has never seen some of the people standing here today who work for Clark Patterson Lee and one is the lead architect. He then reiterated what happened to the other teams and how they left as well as his concerns because he feels that it is hard to buy in with confidence to a process that some people are excluded from.

Mr. Clark responded that Mr. Berkman's questions and comments are fair. He explained some of the power point slides that were in the presentation and the difference between the two divisions.

Mr. Berkman stated that he is hoping for a general theme of compromise because they all need a better understanding of what is going on and any changes that are made especially when it comes to the public at large who have a commitment towards historic preservation for Divisions I and III.

Mr. Clark commented that he responds to anyone who calls from the legislature, Department of Public Works, or the County Executive and to say that it is a "challenge" for them at any given time is a frustration. They would like more clarity on how to do this efficiently because June is approaching quickly. If everyone wants the facility to be completed in spring of 2017, they have to finish the design and if they don't, that changes everything.

Chairman Brescia stated that he saw the plan two or three months ago and made his concerns known and the more he sees them, the more he likes them. The programming hasn't changed. He thinks they need to move forward.

Mr. Berkman stated that he is not talking about the architecture; he is talking about the walls and treatments.

Ms. Clark reiterated that in regards to Divisions I, II, and III, all the interior walls have to come down when the exterior block comes down. It is a four inch back-up to the exterior wall so in order to put the new block on the outside back and insulate there is no way or reason to put the interior block back on the inside. There are very few walls in Division I and III that are staying in their exact same location. The courtrooms, five out of six are more or less in the same location but to make everything handicap accessible throughout both Divisions I and III as well as the program changes, they need a completely clean slate down to the columns.

Mr. Berkman stated that makes a compelling point about the exterior walls but the interior walls don't make sense to him.

Mr. Streb responded ADA. It doesn't meet some of the program and space requirements they have and it is not their intention to say, "Let's clear this. it's nothing." They want to be as sensitive as they can to do these buildings but still provide everyone with the space they need moving forward in order to reoccupy it. As much as they can, they would put back the block or maintain or try to keep the character. In certain areas where there is modern office space and the way things function today, the block just doesn't fit in the space that wasn't there. If the building is going to be reoccupied it needs to be updated to a certain point.

Mr. Clark stated that is why at the last meeting he went through the floor plans and showed where the block would be used as fill-ins. This is all new and they are preserving the essence of what was there.

Chairman Brescia commented that they have saved money on the siding as well as the site work and he thinks they can save in other areas. He is glad Clark Patterson Lee incorporated a lot of the Rudolph Building into the plans. He reiterated that if anyone has questions or concerns they can call him or Mrs. Bonelli at any time and they will discuss it with Mr. Clark and his team.

Mrs. Bonelli concluded the meeting by stating that the next Buildings Committee meeting will be held in March before the Physical Services Committee meeting at 2:00 p.m. If anyone has any input or suggestions they need to get them to her so it can be placed on the agenda.

The meeting adjourned at 4:07 p.m.