

**Laws & Rules, Governmental Services Committee
Special Meeting Minutes**

DATE & TIME: June 29, 2021 – 6:00 PM
LOCATION: Legislative Chambers, 6th Floor, County Office Building
PRESIDING OFFICER: Chairwoman Bartels
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Gavaris, Heppner, Roberts & Ronk
ABSENT: None
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Litts, Uchitelle, Walter, & Wawro, Legislative Counsel Ragucci, Commissioners Dittus & Quigley – Board of Elections, Commissioner Jackson and Deputy Commissioners Maneri, Parete & Quesnell – UC DPW, Deputy County Executives Milgrim & Rider

Chairwoman Bartels called the meeting to order at 6:02 PM.

Motion No. 1: Moved to **APPROVE Minutes & Transcript of the May 17, 2021 Meeting**

Motion By: Legislator Roberts
Motion Seconded By: Legislator Gavaris

Discussion: None

Voting In Favor: Legislators Bartels, Gavaris, Heppner & Roberts
Voting Against: None
Votes in Favor: 4
Votes Against: 0
Disposition: **Minutes APPROVED**

Resolution for the July 20, 2021 Session of the Legislature

Resolution No. 283: Authorizing The Chair Of The Ulster County Legislature To Enter Into A Lease Agreement With Higginsville Station, LLC For Board Of Elections Office & Storage Space - Department Of Public Works – Buildings And Grounds

Resolution Summary: This resolution authorizes the Chair to enter into a lease agreement with Higginsville Station, LLC for Board of Elections office and storage space from January 1, 2022 – December 31, 2026 for a total estimated cost of \$726,397.45.

Discussion:

Chairwoman Bartels thanked everyone for making the time to attend the special meeting and pointed out that it was the first in person committee meeting since 2020. She advised the members that she would like to begin the discussion on Resolution No. 283 which was referred back to committee at Session on the 15th by first hearing from the Board of Elections Commissioners.

Commissioner Quigley stated that he and Commissioner Dittus felt the need to be proactive in locating space for the Board of Elections as work at the Old Jail site was expected to commence in the coming months. He added that the lease with Higginsville Station at the former Daily Freeman building on Hurley Avenue represented their ideal situation with the machine technicians, clerical staff and all equipment co-located in the same facility. He stated that the Hurley Ave facility offers space that will allow them to adapt to any changes in election administration from the state.

Commissioner Dittus agreed with Commissioner Quigley and added that the members should have received the BOE's proposal which outlines a number of issues they have with the current location on Wall Street including: a significant lack of parking, ADA accessibility issues getting to and inside the building, responsiveness of the current landlord to maintenance request, issues with climate controls, lack of sufficient space for election day preparations, issuing absentee ballots and secure ballot storage.

Legislator Gavaris states that no one disputes that the current space is inadequate. Legislator Ronk stated that he agreed that the space is not the right location long term, but said that while it is not ideal it is not an emergency situation to relocate it. Deputy Executive Rider stated that the Board of Elections, if moved, had to remain in the City of Kingston. Legislator Ronk interjected that while the main office had to remain in the City of Kingston, branch offices were permitted outside of the county seat.

Commissioner Dittus stated that there are currently two employees who work at a different location than the main office and it presents challenges. She added that significant time could be saved by collocating all BOE operations during times when the techs are needed to help main office staff and when main office staff are needed to help prepare election equipment stored at the tech's facility. Commissioner Quigley added that, due to the nature of Board of Elections operations, when one technician is out of the office the other tech has to relocate to the main office.

Chairwoman Bartels stated that everyone can agree that the ideal circumstance would be to locate the entire BOE operation under one roof. She asked Commissioner Jackson if he would talk about the work that was done to assess county-owned space and the possibility of a move for the Board of Elections within the county.

Commissioner Jackson thanked Chairwoman Bartels and introduced staff with him: Deputy Commissioner for finance Don Quesnell, Deputy Commissioner for buildings and grounds Leo Maneri, and Deputy Commissioner for capital projects, contracts and leases Robert Parete. Commissioner Jackson advised the members that his department was asked by the County Executive's office to do some research on location options for the Board of Elections. He said they met with the BOE Commissioners and discussed their needs including square footage as well as functionality and location issues. He added that they were aware that the Hurley Ave location had been identified, but looked at county-owned alternatives as well. The Business Resource Center was found to have insufficient space and parking and is located outside of the City of Kingston. Commissioner Jackson shared that Enterprise West was also looked at but noted that it is not finished or renovated space and is not located in the City of Kingston. He added that if machines and equipment were to be stored there, work would need to be done for climate control including dehumidification and air conditioning. He added that there are asbestos abatement issues as well that would likely fall outside of the timeline required to move the machines and equipment out of the Golden Hill facility.

Chairwoman Bartels asked Commissioner Jackson to clarify if the focus of his assessment was relocating the voting systems, tech and other equipment currently located at the Old Jail/Community Corrections facility. Commissioner Jackson confirmed that was the primary focus of their assessment as moving the main offices to either the BRC or Empire West would require a referendum. Commissioner Jackson continued by stating that there were no other county-owned facilities available that would be suitable. He added as far as leasing goes, they did not come across one as readily available as the Hurley Ave property, adding that a financial analysis was part of the materials provided. He stated that there would be an estimated average increase over current costs of about

\$62,500 and recognized Deputy Commissioner Quesnell to further explain the analysis. Mr. Quesnell explained that the bulk of the difference is due to the fact that there is no cost for current storage at Golden Hill. He added that utilities are included in the Wall Street lease, but not in the proposed Hurley Avenue lease.

Legislator Ronk asked for further clarification of the costs, commenting that the cost of utilities at Wal Street should be added to the ~\$62k for more accuracy. Mr. Quesnell commented that about \$2/sq. ft. would be a reasonable estimate for utility costs. Legislator Ronk asked Commissioner Jackson for clarification on what he was including when referring to machine storage to ensure everyone was using the same terminology. Commissioner Jackson confirmed his department used the term to encompass the voting systems as well as other electronic poll site equipment and election day supplies. There was a brief discussion of the electric requirements necessary to charge and test voting systems, poll pads, etc.

Legislator Ronk asked if the bids had been received for asbestos remediation at Enterprise West in order to give the members a benchmark for costs if they wanted to move forward with renovating space. Deputy Commissioner Rider responded that he believed the low bidder was ~\$520k and the next was ~\$900k, he stated that he would have to refer back to the bid document to find out what the square footage was to give a price per sq. foot. Legislator Ronk commented that information would be helpful to assess the amount of space necessary for equipment storage and offices for the technicians. He added that classroom space at SUNY Ulster in either Stone Ridge or at the Kingston Center could also be used for training. Commissioner Quigley stated that the community college was less than receptive when approached about classroom space.

Commissioner Jackson commented that the county no longer owns Enterprise West and stated the county wouldn't be able to bond for any capital project or work there. Legislator Ronk responded that the county has a contract with UCEDA. Deputy Executive Rider confirmed that cost for work at Enterprise West would not be bondable.

Legislator Litts questioned whether any other county department was considered for relocation to the BRC to possibly opening up space in the City of Kingston. Commissioner Jackson responded that a few other moves happened recently, explaining that Tourism was moved into the County Building and Purchasing was moved out of the County Building into the BRC. No other space was available.

Legislator Walter followed up on Legislator Litts' question and asked if there was a more in depth assessment of occupied space to evaluate other potential moves. Commissioner Jackson commented that there have been many conversations about the Information Services Department, but there are a number of structural issues that need to be remedied. Deputy Executive Rider mentioned that both the IS Department and Emergency Communications/Emergency Management Department were considered for relocation to the BRC, but the electrical infrastructure proved to be inadequate.

Chairwoman Bartels asked when the last time a comprehensive assessment of all county occupied space, whether owned or leased, was conducted. She added that the last one she recalls was conducted was prior to taking occupancy of the new law enforcement center to evaluate what departments could be housed there. Legislator Ronk offered that she was likely referring to the C&S study which was done in 2007. Deputy Executive Rider agreed. Chairwoman Bartels asked if there was any discussion or intention of conducting a similar study again. She added that there have been discussions in the past about moving shuffling space in the county building, like moving at least a portion of the front facing portion of the BOE there. She asked whether the lease at Hurley Ave was intended to be a short-term solution, or is it intended to be a longer-term commitment.

Deputy Executive Rider responded that there were no discussions about conducting another space study on the same level as the 2007 C&S study. He added that the intention is not to make the BOE move to Hurley Ave permanent, adding that the work to the IS building, and relocation of that department would likely take about five years. He stated that the timeline would be in keeping with the BOW lease and could provide the time necessary

to move the IS Dept and pivot the BOE into that space. He applauded the members for negotiating the terms of the lease to provide for two additional five-year extensions with known rates.

Legislator Ronk stated that he would like to have a conversation about the long-term solution for the BOE. He added that he believed the legislature is united in their desire to locate the BOE on county property. He commented that leasing space is expensive for tax payers and repeated moves of the BOE will confuse voters.

The members discussed bifurcating the BOE operations and locating clerical staff in the County Office Building. Commissioner Dittus expressed a number of concerns with locating the BOE to the County Building including parking availability, fees for parking, ADA accessibility if elevators are out of services, potential candidate names displayed in the building, insufficient space for entire staff to be together, inefficiencies if staff is located on more than one floor, presence of law enforcement, hours of operation outside of traditional M-F, 9-5 and inability to close for COVID. Legislator Ronk commented that many of her concerns could be easily addressed.

Deputy County Executive stated that there is no suitable county space and the 5-year lease at Hurley Ave would provide time to find other solutions. Chairwoman Bartels stated that the current BOE space and cost have been discussed for many years. She commended the Commissioners for looking for a solution, adding that there needs to be an aggressive effort to find an alternative. Deputy Executive Rider stated that studies are being done to evaluate whether South Manor is suitable for county operations. He added that the voting systems need to be moved in the immediate future, ideally, they would be delivered to the Hurley Ave facility after their use in the November Election.

Legislator Ronk disagreed with the timeline for the housing project at the Old Jail and asked where in the process is the study of South Manor Ave. The response was that the county was in contract with a firm to do the engineering and structural evaluation. Legislator Heppner asked what the timeline for completion might be after the contract was executed. He was advised that 90 days would be a fair guestimate. He asked how long the C&S study took. Legislator Ronk and Chairwoman Bartels responded that he study was commissioned in ~2005 and completed in 2007. Legislator Heppner asked if there were any discussions about purchasing the building, or another building. Commissioner Quigley advised the members that he did look at buildings for sale in Kingston and commented that there were only a couple that would have sufficient space. Chairwoman Bartels asked if the county has actively looked in to purchasing property. Deputy Executive Rider responded that there was very low commercial inventory.

Legislator Gavaris asked for clarification on what portion of operations had to be located at the main office. Commissioner responded that the “Central Board of Canvassers” which is the Commissioners and Deputies and storage of ballots needed to be located at the main office. Legislator Ronk explained that Minority Counsel Pascale looked into the requirement and shared that Election Law provides that the BOE must meet at the usual office, but canvassing can be preformed at any other office. Adding that the BOE can establish as many branch offices as it sees fit. He clarified that because the Ulster county BOE established an office in the county seat, the main office must remain in the county seat.

The members discussed various scenarios for locating some, or all of the BOE front facing staff in the county building. The Commissioners expressed concerns with efficiencies for processing absentee ballot applications and issuing ballots while also preparing for early voting and testing and preparing for elections. Legislator Gavaris expressed his support for minimal staff located in the county building with branch offices able to be located outside of Kingston.

Legislator Ronk asked if there had been an analysis of the cost to move the BOE operations. DPW Commissioner Jackson responded that it cost about \$1,500 to move the Purchasing Department out of the County Building into the BRC. Legislator Ronk commented that the voting systems are moved up to 3 time per year and felt that the cost to move them would not be prohibitive. The members discussed the cost to build out the Freeman Building

to accommodate the electrical needs for the voting systems and ancillary equipment. Commissioner Quigley mentioned that there were security related grant funds that could be used to cover that cost. Legislator Ronk commented that he could support renting space in the Freeman Building for the voting systems and equipment but favored leaving staff at Wall Street or pursuing a move to the County Building. The Commissioners stated that collocating training areas will also increase efficiencies as the Commissioners are responsible for training as well as signing off on ballot applications and other work.

Deputy Executive Rider advised the members that the rent being charged for the Freeman Building space is incredibly reasonable and commensurate with market rates. Legislator Gavaris asked if there was other leased property that could potentially be located in the Freeman Building as well. Deputy Executive Rider responded that the Public Defender's Office is the closest comparable space. Legislator Gavaris mentioned that there is a 31,500 sq. ft building for sale on Hurley Avenue and stated that the county should be looking in to purchasing a building. Legislator Ronk commented that there are a number of space concerns in the county with multiple departments working in inadequate space. He highlighted the fact that the Emergency Communications facilities at Golden Hill is a travesty and is a more emergent situation that moving the machine technicians and voting systems. Legislator Heppner stated that there was a recent meeting discussing the 9-1-1 center's needs within the last week. Legislator Ronk stated that the conversation was more theoretical and was under the broader topic of ARP funding.

Legislator Uchitelle commented that there have been no other concrete options presented other than the solution provided by the Elections Commissioners. He added that he did not think that it was a trivial thing that partisan appointed BOE staff would be working along side other county staff who are appointed by and report to elected officials who file candidate paperwork there. He stated that the conversation was begun with the recognition that the current space at the BOE was insufficient for operations. Legislator Ronk reiterated that the pressing issue is the machines, not the entire BOE operation. He added that he understood where the BOE Commissioners were coming from, but the cost to the taxpayer, more than double what is currently being expended for the BOE operation, had to be considered.

Legislator Walter commented that she took issue with the fact that she has heard legislators stating that they have been discussing the BOE and its space needs for "so long" but nothing happened until the Commissioners took it upon themselves to find a solution. She questioned what assurances the Legislature has that the Freeman Building solution is in fact temporary and that the administration is looking in to a permanent location on county-owned property. Deputy Executive Rider defended the work of the DPW and stated that there are moves being looked at by DPW on a regular basis, including the 9-1-1 center, and that no one reached out to DPW to request they look into the BOE. He added that there are a lot of properties that the county owned when the C&S study was completed that have been sold.

Chairwoman Bartels stated that she did not find fault with DPW for not addressing the BOE space concerns. She added that she and other Legislators have had issues with the BOE space, for reasons other than adequacy, for a decade and the fault fell with the administration. She added that she did not feel it is the role of Legislators to contact DPW to request they undertake a study and/or address the BOE issue. She commented that she felt the current issue includes time sensitive need to move the voting systems and technicians, as well as the inadequacy of the current office space. To follow up on Legislator Walter's question, she asked Deputy Executive Rider what assurances they had/would have that the move to the Freeman Building is temporary. Deputy Executive Rider responded that depends on the engineering study at IS as well as an evaluation of the DA and Public Defender's needs.

Legislator Litts commented that the county takes on many tasks to plan for the needs of the future including the 2040 plan and capital programs. He added that a comprehensive space study will aid in those efforts and should be updated. Legislator Walter reiterated her request that the legislature be given assurance and a plan for how the administration will be moving forward to find a permanent location for the BOE.

Legislator Heppner asked what opt out clause exists in the lease for the Freeman Building. Deputy Executive Rider responded that there is no opt out in the new because the build out is significant. Legislator Heppner asked whether there is a provision for an opt out if the county chose to extend the lease for 5 years. Deputy Executive Rider responded that it is not currently written into the lease. He added that the county would know within the first 5 years if they would want or need to extend the lease.

Legislator Ronk commented that no other Department head enjoys the freedom to independently search for better or more ideal conditions. Adding that if any other department had tried to do something like this, the department head would have been fired. He stated for the record that he finds the DPW to be qualified, professional individuals and meant no offense to them or the department. He clarified that he find fault with the current and former administrations for refusing to address the county's space needs, at the BOE, 9-1-1 and other departments. Legislator Roberts stated that he did not think moving the BOE to the County Building does not address the immediate need to find a place for the machines and technicians. He added that the current BOE space may be inadequate and not ideal, but the Commissioners and staff made it work. He stated that saddling the legislature with a 5 year lease that had no opt out provision was unacceptable.

Legislator Heppner stated that the Article 24 in the contract contained an opt out clause. Legislator Ronk responded that Deputy County Executive Milgrim had made it clear during previous meetings and discussions that the lease before them was a draft and has not been signed off on and could change. Legislator Gavaris stated that one of his main issues with voting on the Resolution was the fact that it approves a draft contract that they do not actually know the terms of. He added that the members have been talking about buildings that need repair and perhaps in jeopardy of collapse and suggested that perhaps those buildings not be fixed and the county may be better off purchasing a building that could perhaps house all of these departments in inadequate space, likely saving money in the end on renovations, retrofits and repairs.

Legislator Uchitelle agreed with Legislator Ronk that the BOE Commissioners are in a unique position to forward this request and issue compared to other department heads. He added that it would be helpful if this type of department need could be indicated during budget time, but recognized the uncomfortable position that could put an appointed department head in. He stated that he felt that with the evolving complexities of voting in NYS, their constituents will demand the current BOE situation be addressed. Chairwoman Bartels stated that she agreed that there are many unexplored opportunities, but that the proposal before them is the only concrete solution being presented. She added that she is struggling with the decision but recognized that they were in jeopardy of losing the option altogether if they delayed for too long.

The members briefly discussed the cost of HVAC installation, and upgrade. Chairwoman Bartels asked if the build out costs were included in the cost of the lease. Deputy Commissioner Quesnell responded that the HVAC costs and build out costs were incorporated in the "common fees" portion of the contract. Chairwoman Bartels asked if the county analyzed what the build out would cost and if the county did an assessment of comparable rents in the area. Commissioner Jackson stated that they did look at comps and found the rates to be comparable. He added that he did not have a market analysis for the members, but that the information was looked at.

Legislator Ronk stated that he compared the haste with which they were moving on this to the unprecedented move the legislature made to pay BOE employees out for accrued comp time which was never done or considered for any other department. He added that he didn't support the lease because he didn't believe that the entire BOE operations was in an emergency situation, rather just the voting systems and tech needed to be addressed. He stated that this is another example of partisan appointed staff being given attention that the rest of the county departments and workforce is not.

Legislator Wawro asked when the current BOE lease expired. The members responded 2024 or 2025. The members asked who negotiated the Freeman Building lease. Deputy Commissioner Quesnell responded that he

and Deputy Commissioner Parete and staff negotiated the lease with Joe Deegan and that there was, so far, no push back on the opt out clause. Legislator Walter asked if there was an idea of the costs to renovated space vs. the cost to build out the Freeman Building. Deputy Executive Rider responded that they would have to hire someone to do that assessment, adding that Mr. Deegan is likely not bound by prevailing wages. Legislator Litts commented that there used to be large printing equipment in there so the build out shouldn't be too much. Commissioner Quigley stated that the build out discussed was not particularly complicated. Chairwoman Bartels asked if there was any way DPW could provide an idea of what the build out cost would be based on experience and comparable work completed for the county. Legislator Gavaris commented that current construction costs are significantly inflated right now.

The members again discussed market rate and cost/sq. ft. for office and warehouse space in the City of Kingston. Legislator Ronk asked if the members could see a final contract before they vote on it. The members agreed that they would like to know what has been agreed to by the county and Mr. Deegan and whether it would be changing after approval by the legislature. Counsel Ragucci asked if the lease was looked at by the landlord's attorney. Deputy Executive Rider responded that he believed it was. Counselor Ragucci questioned whether the 60 day opt out was in the lease reviewed by the landlord's counsel. He added that it did not appear that there is any provision for liquidated damages. Legislator Litts stated that the landlord would have some build out costs no matter who they rented to.

Chairwoman Bartels asked what the pleasure of the committee was on the resolution, and whether the members would like to have a follow up meeting before the regularly scheduled meeting in July. She added that she would prefer to continue the discussion outside of the regular meeting. Legislator Roberts stated that he was not sure the committee would be able to have all of their concerns addressed before the Freeman Building option is no longer available. Deputy Commissioner Quesnell and Commissioner Jackson both stated that the landlord said he would move on to other options if the lease was not approved in July.

The members said they were not opposed to another special meeting. Chairwoman Bartels asked the members to forward any questions they would like answered to her as soon as possible and that staff would be in touch to schedule the next meeting.

Commissioner Quigley thanked the members for having them and for considering their request. He added that he recognized the BOE was in a unique position to bring their space concerns directly to the members and that this was part of a bigger conversation for the legislature and administration

Disposition: NO ACTION TAKEN ON THE RESOLUTION

Adjournment

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Gavaris

No. of Votes in Favor: 5
No. of Votes Against: 0

TIME: 7:55 PM

Respectfully submitted: Deputy Clerk Mahler
Minutes Approved: August 16, 2021