

**Herkimer County Legislature
Public Safety/Emergency Management and Ways & Means
Committee Meeting
Monday, June 8, 2020
Via Teleconference
5:45 p.m.**

Persons Attending:

John P. Stephens (Chairman, Public Safety/W&M 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
Lorraine Lewandrowski, County Attorney
Sheri Ferdula, Budget Officer

(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:

Gregory Malta, Sr. (Public Safety committee member)

Mr. Russell and Mr. Stephens called the meeting to order at 5:48 p.m.

Items Discussed:

WAYS & MEANS:

1. Approve appropriation of funds for North Washington Street parking lot
2. Other

PUBLIC SAFETY/EMERGENCY MANAGEMENT AND WAYS & MEANS:

3. Approve change orders for new correctional facility
4. Other

Committee Vote Record:

WAYS & MEANS:

Mr. Wallace stated "Pat, the first item is the appropriation of funds for North Washington Street parking lot. Sheri, do you want to give a quick explanation on that?"

Sheri Ferdula stated "Yes, this is the same thing that we did last time but when I received the balance for the building reserve it didn't have the boilers that we just purchased taken out of that so instead of appropriating \$72,000 from the fund balance we need to appropriate \$166,671 which will bring us to our \$200,000 balance to pay for the parking lot."

Mr. Russell asked if there were any questions on it. With no response he requested a motion.

Item #1 – On motion of Mr. Smith, seconded by Mr. Ackerman for Ways & Means, Item #1 was voted on, approved and moved for Resolution. Unanimous.

PUBLIC SAFETY/EMERGENCY MANAGEMENT AND WAYS & MEANS:

Mr. Stephens stated “On Public Safety we have a request to approve change orders for the new correctional facility. I’ve been talking with Sheri and both Jims and the contractor LaBella. If you guys remember when we were over there last the paint in the cells didn’t go all the way to the floor. We asked a question about that why and they were hanging on to see if we were going to seal that or if we were going to epoxy that like we did the floor in the common areas. It’s completely up to us, whatever we want to do. Either way it is going to get sealed. If we are going to paint it to match the floors with the epoxy it’s going to be a change order of \$68,726.65 and if Sheri or Jim Wallace or anybody else has anything to add please do.”

Mr. Wallace stated “Yes John, that would just leave us with a balance there of \$390,000 in the allowance account.”

Mr. Stephens stated “Yes, correct.”

Mr. Johnson stated “I’m good with just the way it is. If we had went with metal cells then I’ve got to throw it in. That already had the epoxy paint on the bottom and they were cheaper too.”

Mr. Russell stated “I was talking with somebody that does the epoxy paint and I am not sure if it is worth it. I don’t know enough about it. At first I was going to go for this but I got talking to this person I’m not convinced it was better in the sense of lasting that much longer.”

Sheri Ferdula stated “I just wanted to add that the reason they sent this to us, LaBella sent it over a couple months ago, the concrete cells were placed on a concrete slab that was already poured so there is a little bit of a ridge that goes along the inside of the cells. It has been grouted and it would be fine but the epoxy paint will cover that and make a better seal and will allow for easier maintenance and keep up in the future. That’s where this kind of originated and came from.”

Mr. Schrader stated “You’re pouring a slab you know is going to be used for a floor potentially. Wouldn’t you make sure it was a smooth floor? I’ve been in a lot stores. I do a lot of retail stores. They are like glass. I don’t understand why these people are supposed to be the jail experts and we don’t have somebody there that was watching all of this?”

Mr. Stephens stated “This has nothing to do with poor quality. They just want to know if we want to do a different kind of sealant. I think it seals either way we go they just wanted to know if we wanted to epoxy the floors to match out in the common area where we are painting.”

Mr. Ackerman asked “Why are we painting the common area?”

Mr. Stephens responded “The common area is where we had the issue.”

Mr. Ackerman stated “Right and I think that’s Bob’s point. We had an issue and now it’s costing us money again.”

Mr. Stephens stated “It doesn’t have to. We don’t have to approve this. This is just something they wanted to know if we wanted to do at this point instead of waiting before it got too far ahead. It’s going to

get sealed and finished per the original specs it's not going to change anything if we want to epoxy that then it would move up to this extra up charge. Did I say that right Sheri?"

Sheri Ferdula said yes.

Mr. Ackerman stated "Ok. I just wanted to make sure everybody understood the reason there are two different floors and one of the reasons they wanted to do this is to match it and the reason we are matching it is because of an original mistake."

Mr. Schrader stated "That was my point Kurt."

Mr. Campione asked "This is for Ray Johnson. Ray, you are in the construction business, what is your opinion?"

Mr. Johnson responded "My concern is, I know Sheri said it was poured and fixing the grout but all of the flat work on the first floor was poured at one time. They poured the cell floor earlier but the floor on the first floor, the flat work over the jail is horrendous anyway. We all know that. There have been issues on it. If they want to paint the cells, I feel that they owe it to us. I don't feel we should pay for it. If the cells were removed the floor would be the same first floor they are fixing that they had issues with. The only difference is they set a box with no bottom onto it. I think if they want to include it as far as their mistakes they can include it but if not I'm not going to support it. I think we can deal with what it is. I don't think there was enough emphasis on the fact that we wanted quality concrete looking like Lowes or Walmart and I don't think it happened."

Mr. Campione asked "So is there any advantage to either system?"

Mr. Johnson responded "Well if you epoxy it it's going to give you a nicer floor but we have to come up with \$68,000 for an issue I don't think is our fault."

Mr. Campione stated "So basically it's just going to look better."

Mr. Johnson stated "Cosmetic yes."

Mr. Wallace asked "Maintenance is better too, right?"

Mr. Johnson responded yes.

Mr. Shaw stated it would last longer.

Mr. Ackerman stated. "Wait a minute. Fred stated that it would last longer. Is that true?"

Mr. Johnson stated "Kurt, you know wear and tear. I mean, I hate to say it we have 26 people over there. Say we have 30 or 100 the cells are going to wear great."

Mr. Wallace stated "We were told it would wear better and longer."

Sheri Ferdula stated "Yes. It's a heavy epoxy paint that's made to hold up a little bit longer."

Mr. Ackerman asked "If it's that much better why Walmart and Lowes and Home Depot not use it? I'm just asking."

Mr. Johnson stated "You know why they aren't Kurt. They put a hardener on the concrete and they are good with it. I mean, you go to Lowes and the floors look great. That's what I thought we were going to get but it didn't happen over there with the flat work."

Mr. Campione stated "The reason they don't put it in Lowes and Walmart is because it wears out and you have to reapply it. With a concrete floor with just a sealer there is nothing to do outside of sweeping."

Mr. Ackerman stated "I guess that was kind of the point we were getting to. Originally if we did what they did, that's what we wanted, we wouldn't have any maintenance problems."

Mr. Stephens stated "And to your point Kurt and everybody else, either way we go it's going to get a sealer of some sort. This is just something they were wondering if we wanted to do. If we don't, we don't. It's still going to get sealed with a clear sealer and the bottom lip around the cells would get painted a different color than the cell color. It would look like a trim but it's all been grouted, it's all been sealed. It's up to us if we want to do this. If we do we do and if we don't it's going to get sealed either way."

Mr. Keeler asked "It's still going to cost us money with whatever seal we go with, right?"

Mr. Stephens stated "No. It would only cost us extra money if we want to epoxy it. If we just go with the regular sealer. That's already been included in the bid."

Mr. Keeler stated "Alright. I'm satisfied."

Mr. Gaworecki asked "What is the long term cost of each. Obviously the epoxy will last longer but cost more. Is it less per year in the long term? If we don't do it we might have to redo it eventually. "

Mr. Stephens stated "I don't know. That's a great question and I didn't ask."

Mr. Russell stated "I would like to make a statement if I could. In my roof paint they put epoxy on it after the painting. They said it would last ten years on my roof. Cost me thousands of dollars extra. When I figured it all out based on if I had it painted every five years versus every ten years it was cheaper to just put paint on it than to use the extra epoxy. It looked nice though."

Mr. Hollum asked "The \$67,000, is that what the epoxy cost? Pretty much the labor is going to be done either way so that's how much the epoxy cost?"

Mr. Stephens responded "I believe so. Sheri, is that statement correct?"

Sheri Ferdula stated "I don't have the cost break down yet. They gave us the number just so I could get it on but I don't have the break down yet but I do assume that it is the extra cost is for the epoxy."

Mr. Hollum asked "I'm just wondering if they are adding something on because they think they can get away with it or if that's the actual cost?"

Mr. Stephens stated "I didn't think of that. It would make sense that it would be just for materials. Like you said they are going to seal it either way we go but I can find that out tomorrow morning and send everyone a quick email if that's good with everybody or if we don't do anything it would be mute anyway."

Mr. Johnson asked "Mr. Chairman, my question for Sheri is the additional \$68,000, that's just the first floor cells right or is that everything?"

Sheri Ferdula responded "That's just the first floor cells I think Ray."

Mr. Johnson stated "So the second floor cells are still only going to have the hardener and the walk up there is still going to be the same hardener so all we are getting for \$68,000 is half the cells painted. Upstairs if you are up there the floors are going to be standard concrete sprayed hardener."

Mr. Stephens stated "Right, because I think their goal was to match what we were going to epoxy in the two pods anyways."

Mr. Johnson stated "I think the price, John you are going to find out the \$68,000. They are going to be in spraying the main floor anyways so they would want this so if they were going to do it they would do it all at once. That's probably what they are after. So you are only getting half of the cells for that kind of money."

Mr. Schrader stated "Devil's advocate here. Say if something goes wrong with the floors after their warranty which is probably what a year on it? How long do they warranty the concrete work for Ray usually?"

Mr. Johnson stated "One year warranty Bob on workmanship."

Mr. Schrader stated "Ok, so a year and a half in we've got to do something to the floors take them out or whatever, now we are spending more money to epoxy them where we could have just painted them. You guys may think you aren't going to have cracks but I'm telling you, I'm just thinking go with the clear coat. It really wasn't our fault. They want us to do it, my personal opinion, to make their job look better. I'm not going to make them look any better. We've had too many bumps in the road here."

Mr. Stephens stated "I'm kind of on the same page with you on that Bob. I agree with you with your statement about trying to make them look better. I think Ray might even be along the same lines that they're going down that road. Does anybody else have any questions on this? It is my feeling that we are not going to pursue this epoxy, correct and we can just let this die or does somebody want to do something different?"

John Brezinski asked "How do they remove that or what do they do to make the whole situation better when it wears down? What do they do?"

Mr. Stephens responded "Ray, Correct me if I'm wrong but they strip it down just like they did recently in Walmart. They strip it down and then reseal it."

Mr. Johnson stated "With the sealer hardener that we are getting? 10 years down the road. They've got to come in and strip. It's a big process to take the epoxy off to redo it."

Mr. Stephens stated "Either or Ray with the hardener that I have a feeling we are going to go with in eight or ten years they would come in and just take like an eighth of an inch off, smooth it off and reseal it where with the epoxy it would be a little more involved, correct?"

Mr. Johnson stated "Yes. The nice thing about the hardener is the more the wear and tear the floor gets harder, the finish gets better that's the way it's done. What we are looking for so it's kind of a no maintenance thing. It polishes up. They run around and clean it."

Mr. Stephens asked Mr. Brezinski if that answered his question.

Mr. Brezinski stated "When the time comes to take this off, is it under a warranty? Who takes it off, who pays for it?"

Mr. Wallace stated "We pay for it. You are not going to have a warranty for ten years."

Mr. Stephens stated "John Brezinski, that's like preventative maintenance. Eventually it's going to wear out no matter what we put on it and that would be on us in eight to ten years down the road. Are there any other questions?"

Mr. Russell stated "I'm going to move that we don't do it in my committee. I don't think we need a motion on it. We just let it die."

Mr. Stephens stated "I think that's going to be the overall feeling that I'm getting from everybody as far as Public Safety as well. Is everybody good with that? Just let it go?"

Item #3 - No action was taken.

Mr. Stephens asked "Is there anything under other for Public Safety?"

Mr. Schrader asked "John, a question with being the Chairman of Public Safety, this might fall under Pat's situation too for Ways & Means, with the placement of the Sheriff's at the school are we still getting paid being that they are not open?"

Mr. Stephens responded "No. We are using those officers in other positions and sending part timers either home or not giving them hours to work."

Mr. Wallace stated "And cutting down on overtime."

Mr. Stephens stated "Our School Resource Officers are not in school but are being utilized in other positions within the Sheriff's department."

Mr. Schrader stated "So it's not costing us additional money is my question."

Mr. Wallace stated "We believe it's helping us Bob on the overtime side."

Mr. Schrader stated "Ok. I just know that emails from Carl Streeter, his questions are, why do we have so many Sheriff's for the same amount of people that we had before."

Mr. Stephens stated "We don't though Bob. That's the problem because we aren't utilizing a lot of our part time help right now because there is no need for them."

Mr. Russell stated "Just out of curiosity though who let them out of the contract? What was in the contract that would let them out of it?"

Mr. Schrader stated "That was my next question. When we signed the contract was there a 30 day out Jim or no?"

Mr. Stephens stated "The contract states when school is not in session they are not utilized."

Mr. Wallace stated "Right. The fact that the Sheriff has an awful lot of open positions which has caused us to pay an exorbitant amount of over time, he would be just filling those positions at this time. You guys have authorized the positions in the budget."

Mr. Schrader stated "Ok. So stage three of my question, next year when we up these contracts when they all come to us maybe we should be putting something in there stating that it isn't anything to do with us. We may not have that same situation again the next time Jim. Do you follow where I am going with it? We may not need those positions say if they do it two years from now. Maybe we need to put a stipulation in there that if it's not in our control, that they are still bound to pay the Resource Officer. "

Mr. Stephens stated "Bob, I think I understand what you are saying but again it's not costing us anything to not have those officers in the school because we are using them to cover spots in our own Sheriff's Department and cutting down on our overtime and not bringing in other help."

Mr. Schrader stated "That's right now John."

Mr. Stephens stated "No difference than being off in the summer time when we knew we were going to end up having the staff that we were going to use in other places. It's just been a longer summer."

Mr. Schrader stated "Right. I understand that John but what I'm saying is say we don't need all of that extra help, and this happens again, what are we going to do?"

Mr. Wallace stated "Lay them off and pay them unemployment."

Mr. Schrader said ok.

Mr. Stephens stated "I know what you are shooting at Bob but I think either way it's not going to cost us money because, as to Jim's point, we can layoff folks or just not utilize part timers as much or at all."

Mr. Wallace agreed.

Mr. Schrader stated "Ok. I know the other Sheriff would say we could never get anyone to work so I'm looking at the devil's advocate here. We actually have people to work know, know we're going to cut their hours because the school system was shut down, but we have to save money too. That's the other side of it."

Mr. Stephens stated "I understand what you are saying but think it's taking care of itself and if I'm wrong Jim Wallace, correct me, but I think this is kind of working out to our advantage."

Mr. Wallace stated "Yes. It's definitely not a negative."

Mr. Schrader stated "Ok. It was just a question I thought of."

Mr. Wallace stated "It's a good question."

Mr. Russell asked "But who made the decision? That's what I was wondering."

Mr. Wallace responded "Once you guys authorize positions the department has the authority to make that decision which would be the Sheriff."

Mr. Russell stated "What did the nine month school contract say? Just send me the contract. I want to read it."

Mr. Wallace asked "Ok. So Pat, are you expecting the school to pay even though they are not working?"

Mr. Russell responded "I want to see what the contract says."

Mr. Wallace stated "Ok. I misunderstood that."

Mr. Russell stated "Well I know I had to pay my rent when I couldn't even use my building. So COVID didn't help me in that regards so I just want to see what the contract says. Like Bob said, it probably worked out better for us."

Mr. Wallace stated "We will get it to you tomorrow Pat, ok?"

Mr. Russell said alright.

Mr. Schrader thanked Mr. Wallace.

Mr. Stephens asked "Anything else for Public Safety from anybody? Can I have a motion to adjourn?"

At 6:16 p.m., on motion of Mr. Campione, seconded by Mr. Stephens, the Public Safety/Emergency Management Committee adjourned.

Mr. Russell asked "Jim is there anything else for the Ways & Means?"

Mr. Wallace responded "No. You guys are good too."

Mr. Russell stated "What's it looking like from the state because I know I got an email in regards to some payments we weren't getting."

Mr. Wallace stated "Well the next Resolution is asking for the \$630,000 that the state's been holding from the Feds since January. We still have no any authorization on CHIPS. Jimmy and I asked these three or four questions everyday Jim, correct? We can't get an answer. We are also asking for the 12.5% the state usually pays on the floods, the Halloween flood. We can't get an answer there. Karin is starting to get some money released. It's not up to date but it's pretty close. Preschool reimbursements are not forthcoming as quick as usual either. They have also told Tim any reconciliations from now until whenever will not be done and that could be anywhere from \$50 a month to half a million dollars a month."

Mr. Russell asked "Anything else for Ways & Means. Can I have a motion to adjourn?"

At 6:19 p.m., on motion of Mr. Stephens, seconded by Mr. Shaw, the Ways & Means Committee adjourned.