

**TOWNS OF OVID AND
LODI
Shared Justice Court Study**

A Study Prepared Pursuant
To
The New York
State Uniform Justice Court Act
Section 106-b

Prepared for the Towns of
Ovid and Lodi
Seneca County, New York
By the
South Seneca Shared Court Services
committee: Prouty, Davidson,
Getman, Mirras, VanCleaf, Champion

Introduction

The Seneca County towns of Ovid and Lodi are proposing to create a shared town justice court under New York State Uniform Justice Act Sections 106 and 106-b. Both towns would be served by one justice operating out of a single facility located in the Town of Lodi municipal building. The towns have been sharing one justice (elected in the Town of Lodi) on a temporary basis since the death of the presiding Ovid Town Justice. This judge rides circuit to hear cases in both town. Maintaining each facility at appropriate standards for accessibility and court functions is also costly for each town's tax payers.

Justice Court Characteristics

Municipal Demographics

The Towns of Ovid and Lodi are located in the southwestern portion of Seneca County. The combined area of the two towns is approximately 65.29 square miles. Population totals as of 2010 were 2311 for Ovid and 1550 for Lodi. Median household income reported in the 2010 census were \$31,963 of Ovid and \$37,063 for Lodi.

Municipal Facilities

The Lodi Justice Court operates out of the Town of Lodi municipal building, located on Main Street (NYS Rt 414) in the Town and Village of Lodi. The building features numerous assets, including: location on a well plowed state road with sufficient street lights; code compliance; up to date heating, lighting and air conditioning; adequate restroom facilities; space to accommodate a jury trial; a custom built raised judicial bench with an entrance/exit door behind the bench which leads directly to the safety of the office area; a separate attorney room for conferencing; computer server for back-up of court documents; telephone service at the bench so that unauthorized personnel never have to enter the office area to use a phone; high-speed internet access with networked printers and spacious office space for the Justice and Court Clerk. The building also includes advanced security and safety enhancements in accordance with OCA guidelines, including; video surveillance and monitoring with digital recording of the courtroom and outside entrance; a safety wall and door with bulletproof window and "dip tray" separating the public courtroom area from the Justice office; discreet "panic" buttons in the courtroom and office areas; a metal detector for weapon screening in the courtroom; custom made wood tables and linked chairs which cannot be easily picked up and thrown.

The Ovid Town Court operates in the basement of the Village of Ovid municipal building, located on Main Street in the Town and Village of Ovid. The village of Ovid owns the majority of the building. The Town of Ovid owns a portion of the lower level/basement of the facility.

In 2008, the Village of Ovid undertook a "condition survey" of the municipal building. A true copy of that survey, prepared by the MRB group, is annexed hereto and made a part hereof. As detailed in that survey, the building appears to be structurally sound. Two of the issues referenced in the report, the need to remove existing fuel tanks and asbestos, have been addressed. However, many upgrades are required to the building to be a functional facility.

In addition, the court's parking lot is not visible from the street which makes it dangerous for court staff. The court room is too small and seating capacity is quite inadequate. The Justice office is located at the extreme rear of the courtroom with no separation barriers or escape route for court personnel. There is no bench of any kind and court is held at a table. There is no way that these facilities can be made safe in accordance with OCA guidelines and cannot not in any way be made large enough to meet the necessary capacity. The chairs are light weight and could be easily picked up and thrown. Security is non-existent in this building. There are no restroom facilities located within the town portion of the building.

Case Load and Structure

Current caseload for 2011 was 328 for Lodi, and 600 for Ovid. Table 1 summarizes the case loads for the two town courts for 2009-2011. The cases consist primarily of traffic violations combined with Penal Law, CPL, Ag and Markets

Law, Transportation Law and Environmental Conservation Law. Domestic and civil cases are heard as well. There has been one jury trial during 2009-2011.

TABLE 1
Justice Court Case Loads

	V&T	ECL	PL	Other	TOTAL
Lodi	563	5	166	86	820
Ovid	1495	8	185	72	1760

Municipal Court Expenditures

Table 2 summarizes the two town justice court expenses since 2009. Generally expenses are for personal service and contractual expenses related to court administration. The Lodi court had extra expenses over the past two years related to a new records storage facility for all municipal records, including its justice court. This records facility will now be available for both justice courts.

TABLE 2
Municipal Court Expenditures

Lodi

	Personal Service		Contractual						Total
	Justice	Clerk							
2009	\$5,000	\$16,000		\$3,000					\$24,000
2010	\$5,000	\$1,6000		\$4,000					\$25,000
2010	\$5,000	\$1,6000		\$5,000					\$26,000

Ovid

	Personal Service		Contractual						Total
	Justice	Clerk							
2009	\$9,240	\$5,000		\$1,850					\$16,090
2010	\$9,240	\$5,000		\$1,850					\$16,090
2011	\$9,240	\$5,000		\$1,850					\$16,090

Municipal Court Revenues

Table 3 summarizes court revenues for each of the justice courts.

TABLE 3
Municipal Court Revenues

Lodi

	Fines & Forfeited Bail	JCAP Grants	TOTAL
2009	\$26,116	\$3,600	\$29,716
2010	\$28,224	\$11,848	\$40,072
2011	\$31,572	\$6,708	\$38,280

Ovid

	Fines & Forfeited Bail	JCAP Grants	TOTAL
2009	\$48,940	None	\$48,940
2010	\$46,088	None	\$46,088
2011	\$49,525	None	\$49,525

History of Justice Sharing Between the Two Towns

Upon the death of Ovid Town Justice, Wayne Ewing, in December 2011, Lodi Town Justice Louis A. Van Cleef was appointed to cover Ovid Town Court effective December 9, 2011 by Hon. Craig Doran, Administrative Judge for the Seventh Judicial District. Justice Van Cleef currently travels between the two towns to hear cases as a shared Justice. Under the current setup, Justice Van Cleef holds court once every week in Ovid and once every week in Lodi with one additional day in Lodi during the third week of every month. Justice Van Cleef's court clerk from Lodi Town Court is now also his clerk in Ovid as well. Both towns pay for Justice Van Cleef's services as previously established for the position in each town.

Problems with the Current Arrangement

The current shared Justice arrangement between the towns is effective but suffers these issues: The lack of appropriate court facilities in the Town of Ovid creates problems in that court, such as; inadequate space and seating creates an uncomfortable environment for persons attending court proceedings. They become restless and irritated. Many people have to stand, and in fact, some have to wait outside in the elements due to lack of space; The Ovid Court is tragically deficient in safety and security which makes it an extremely dangerous situation for court personnel and all others in the facilities; Due to the construction and layout of the building it would be nearly impossible to make the Ovid facilities any safer or more functional;

It is believed that a shared Justice facility located in the Town of Lodi Municipal Building would create a more efficient and safer system, saving taxpayer dollars in both towns and especially in the Town of Ovid. Also, Lodi Town Court has taken advantage of available Justice Court Grants and Ovid has not. Lodi Town Court was OCA's "Pilot Court" for technology integration and therefore has advanced capabilities which Ovid has none of. Furthermore, the current shared arrangement is only temporary unless affirmative steps are taken to consolidate both courts and create a single position.

Under section 106 of the New York State Justice Court Act the towns are authorized to share a single court facility which could make the Town of Lodi facility the single court location.

Amendments to the Uniform Justice Court Act

The creation of a single justice position would be accomplished through the procedures outlined in Uniform Justice Ct Act § 106-b and related authority. Under that section, if the single position is approved by the town boards of each town, such resolution must then be forwarded to the state legislature, "and shall constitute a municipal home rule message pursuant to article nine of the state constitution and the municipal home rule law. No such joint resolution shall take effect until state legislation enacting the joint resolution shall have become a law."

Chapter 56 of the Laws of 2010 amended Section 106-b of the Uniform Justice Act to allow the election of single justice for two or more adjacent towns. The Acts states that "two or more adjacent towns within the same county, acting by and through their town boards, are authorized to jointly undertake a study relating to the election of a single town justice who shall preside in the town courts of each such town. --- Upon the adoption of a joint plan by two or more adjacent towns, the town boards of the towns adopting such plan shall each adopt a joint resolution providing for:

- a. The election of a single town justice at large to preside in the town courts of the participating towns;
- b. The abolition of the existing office of town justice in the participating towns; and
- c. The election of such single town justice shall occur at the next general election of town officers and every fourth year thereafter.

Two Town Shared Justice Court Proposal

Shared Facility

The two town shared justice court would operate entirely out of the Town of Lodi Municipal Building on N. Main Street (NYS Rt 414). The facility has adequate space for this function and is fully compliant to state and federal regulations. Records and documents would be maintained in separate files for each town. Computer records will be filed and maintained with separate software licenses for each town. Separate court days will be held for each town.

The distance between the Town of Ovid Municipal facilities and the Town of Lodi municipal facilities is approximately 4.3 miles, and approximately 5 minutes of driving time. Therefore, moving the Ovid Court facilities to Lodi will cause little, if any, inconvenience to most litigants, witnesses and/or attorneys.

Shared Justice

Section 106-b of the Uniform Justice Act authorizes towns within the same county, acting by and through their town boards, to undertake a study relating to the election of a single town justice in the town courts of such towns. In March, 2012, the towns of Ovid and Lodi adopted resolutions calling for the preparation of this plan pursuant to Section 106-b of the Uniform Justice Court Act. The two towns intend to complete such plan to present to their town residents in anticipation of electing a single justice for both towns in November 2012. If approved by

the New York State Legislature this single justice and shared facility would be executed following the November elections and become in affect on January 1, 2013.

Candidates for the Justice Court position must be a resident of one of the two towns served and will run in a single three town election overseen by the Seneca County Board of Elections.

Court Jurisdiction, Administration and Financing

The single town justice elected to preside in both towns would preside in the town courts of both towns, maintain separate records and dockets for each town court and maintain separate bank accounts for the deposit of monies received by each town court.

Cases for each municipality will be heard weekly. This maintains court frequency for the Towns of Lodi and Ovid.

Expenses for personal services and contracts will remain separated for each municipality and the two towns will share on court facility and training for the justice and court clerk expenses, to be divided pursuant to an inter-municipal agreement executed by both towns which shall include an annual facilities usage fee paid by the Town of Ovid to the Town of Lodi. Annually, the Justice will present the Court books and finances to each respective town board for their review and auditing.

**TABLE 4
Proposed Shared Budget for 2013**

	Personal Service		Contractual		Maintenance of Phone Line 869-9845	Annual Facilities Usage Fee	Total
	Justice	Clerk					
Lodi	\$6,000	\$18,000		\$5,150			\$29,150
Ovid	\$6,000	\$8,240		\$1,850	\$750.00	\$2400	\$19,240

EXHIBITS:

Annexed hereto to this study, and made a part hereof, are the following Exhibits:

- A. Joint Resolution Of The Town Of Ovid And Town Of Lodi, Providing For A Study Relating To The Election Of A Single Town Justice Who Shall Preside In The Town Courts Of Each Such Town (passed by the Ovid Town Board);
- B. Joint Resolution Of The Town Of Ovid And Town Of Lodi, Providing For A Study Relating To The Election Of A Single Town Justice Who Shall Preside In The Town Courts Of Each Such Town (passed by the Lodi Town Board);
- C. Map: Location. Town of Ovid Court Offices, Village of Ovid Municipal Building
- D. Map: Location. Town of Lodi Court Offices, Town of Lodi Municipal Building
- E. Satellite view: Town of Ovid Court Offices, Village of Ovid Municipal Building
- F. Satellite view: Town of Lodi Court Offices, Town of Lodi Municipal Building
- G. Map: Driving Directions. Distance from Ovid Town Offices to Lodi Town Offices
- H. Photo: Ovid Town Court, Judge's "bench" and courtroom.
- I. Photo: Ovid Town Court, Judge's chambers and clerk's office.
- J. Photo: Lodi Town Court, rear view of Judge's Bench, which also serves as rostrum for the Town Board.
- K. Photo: Lodi Town Court, Judge's Bench, which also serves as rostrum for the Town Board, and workspace for clerk to make copies, etc., while court is in session.
- L. Photo: Lodi Town Court, Judge's bench and courtroom area.
- M. Photo: Lodi Town Court, Judge's Bench, which also serves as rostrum for the Town Board.
- N. Photo: Lodi Town Court, Secure Entrance to court and other municipal offices.
- O. Condition Survey for Village of Ovid Municipal Bldg, October, 2008.
- P. Draft/Proposed Inter-municipal Agreement, Towns of Ovid and Lodi.

Town of Ovid

Resolution 11-2012

JOINT RESOLUTION OF THE TOWN OF OVID AND TOWN OF LODI, PROVIDING FOR A STUDY RELATING TO THE ELECTION OF A SINGLE TOWN JUSTICE WHO SHALL PRESIDE IN THE TOWN COURTS OF EACH SUCH TOWN.

WHEREAS, pursuant to New York State Uniform Justice Court Act § 106-b, two or more adjacent towns within the same county, acting by and through their town boards, are authorized to jointly undertake a study relating to the election of a single town justice who shall preside in the town courts of each such town; and

WHEREAS, such study shall be commenced upon and conducted pursuant to a joint resolution adopted by the town board of each such adjacent town; and

WHEREAS, the town board has determined that such a study is in the best interests of town;

NOW, THEREFORE, BE IT RESOLVED THAT the adjacent towns of Ovid and Lodi, acting by and through their town boards, are authorized to jointly undertake a study relating to the election of a single town justice who shall preside in the town courts of each such town;

AND BE IT FURTHER RESOLVED THAT within thirty days after the conclusion of the study conducted pursuant to this resolution, each town which shall have adopted the joint resolution providing for the study shall publish, in its official newspaper, notice that the study has been concluded and the time, date and place of the town public hearing on such study;

AND BE IT FURTHER RESOLVED THAT each town shall conduct a public hearing on the study, conducted pursuant to this resolution, not less than twenty days nor more than thirty days after publication of the notice of such public hearing; and further that the town board of each town shall conduct a public hearing upon the findings of such study, and shall hear testimony and receive evidence and information thereon with regard to the election of one town justice to preside over the town courts of the adjacent towns which are parties to the joint resolution providing for the study;

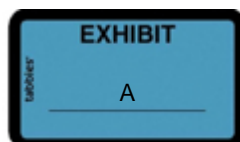
AND BE IT FURTHER RESOLVED THAT Within sixty days of the last public hearing upon the study conducted pursuant to this resolution, the town boards of each town shall determine whether the town will participate in a joint plan providing for the election of a single town justice to preside in the town courts of the two adjacent towns; and every such joint plan shall only be approved by a town by the adoption of a resolution by the town board providing for the adoption of such joint plan; and in the event both towns fail to adopt a joint plan, all proceedings authorized by this section shall terminate and the town courts of such towns shall continue to operate in accordance with the existing provisions of law;

AND BE IT FURTHER RESOLVED THAT any and all town employees and/or officers including, but not limited to, the Town Supervisor, Town Clerk, Town Attorney, Town Justice (elected or acting) and Town Court Clerk are authorized and directed to provide assistance to, and participate in the conduct of, the joint study directed herein;

AND BE IT FURTHER RESOLVED THAT this joint resolution or a certified copy thereof shall upon adoption be filed by the town clerk in the office of the town clerk of each town and, further, no study authorized by this resolution shall be commenced until the joint resolution providing for the study shall have been filed with the town clerks of both towns.

Moved By Joseph Borst

Seconded By Brian Flood



RESOLUTION NO. 2012-3-01

**JOINT RESOLUTION OF THE TOWN OF OVID AND TOWN OF LODI,
PROVIDING FOR A STUDY RELATING TO THE ELECTION OF
A SINGLE TOWN JUSTICE WHO SHALL PRESIDE
IN THE TOWN COURTS OF EACH SUCH TOWN.**

WHEREAS, pursuant to New York State Uniform Justice Court Act § 106-b, two or more adjacent towns within the same county, acting by and through their town boards, are authorized to jointly undertake a study relating to the election of a single town justice who shall preside in the town courts of each such town; and

WHEREAS, such study shall be commenced upon and conducted pursuant to a joint resolution adopted by the town board of each such adjacent town; and

WHEREAS, the town board has determined that such a study is in the best interests of town;

NOW, THEREFORE, BE IT RESOLVED THAT the adjacent towns of Ovid and Lodi, acting by and through their town boards, are authorized to jointly undertake a study relating to the election of a single town justice who shall preside in the town courts of each such town;

AND BE IT FURTHER RESOLVED THAT within thirty days after the conclusion of the study conducted pursuant to this resolution, each town which shall have adopted the joint resolution providing for the study shall publish, in its official newspaper, notice that the study has been concluded and the time, date and place of the town public hearing on such study;

AND BE IT FURTHER RESOLVED THAT each town shall conduct a public hearing on the study, conducted pursuant to this resolution, not less than twenty days nor more than thirty days after publication of the notice of such public hearing; and further that the town board of each town shall conduct a public hearing upon the findings of such study, and shall hear testimony and receive evidence and information thereon with regard to the election of one town justice to preside over the town courts of the adjacent towns which are parties to the joint resolution providing for the study;

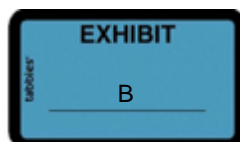
AND BE IT FURTHER RESOLVED THAT within sixty days of the last public hearing upon the study conducted pursuant to this resolution, the town boards of each town shall determine whether the town will participate in a joint plan providing for the election of a single town justice to preside in the town courts of the two adjacent towns; and every such joint plan shall only be approved by a town by the adoption of a resolution by the town board providing for the adoption of such joint plan; and in the event both towns fail to adopt a joint plan, all proceedings authorized by this section shall terminate and the town courts of such towns shall continue to operate in accordance with the existing provisions of law;

AND BE IT FURTHER RESOLVED THAT any and all town employees and/or officers including, but not limited to, the Town Supervisor, Town Clerk, Town Attorney, Town Justice (elected or acting) and Town Court Clerk are authorized and directed to provide assistance to, and participate in the conduct of, the joint study directed herein;

AND BE IT FURTHER RESOLVED THAT this joint resolution or a certified copy thereof shall upon adoption be filed by the town clerk in the office of the town clerk of each town and, further, no study authorized by this resolution shall be commenced until the joint resolution providing for the study shall have been filed with the town clerks of both towns.

MOVED: COUNCILWOMAN JONES
SECONDED: COUNCILMAN VAN CLEEF
Councilman Van Cleef Aye
Councilwoman Jones Aye
Councilman Latini Aye
Councilwoman Clawson Aye

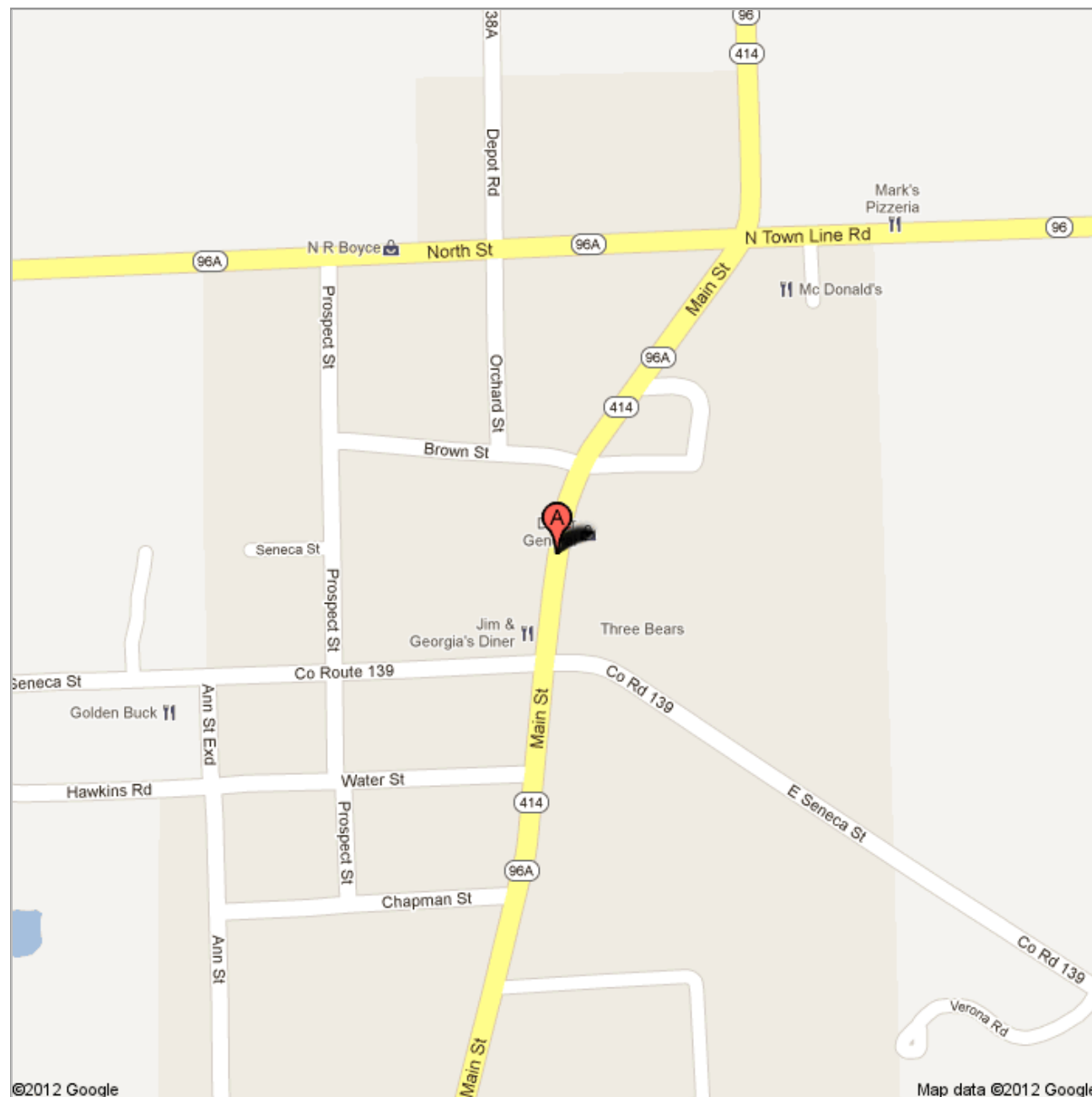
Dated: March 8, 2012
Nancy Jones, Lodi Town Clerk





Address **7160 Main St**
Ovid, NY 14521

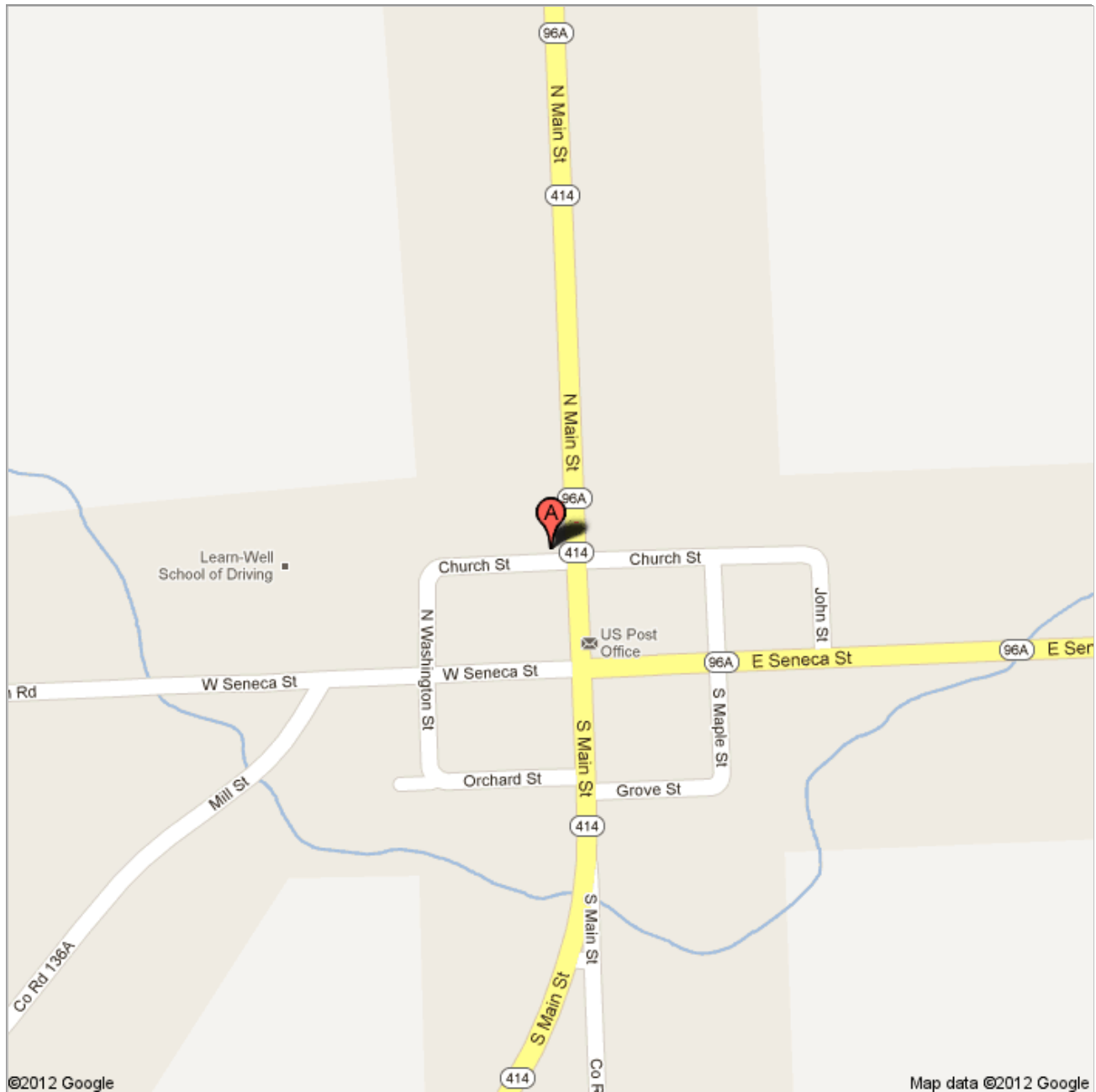
Location. Town of Ovid Court, Village of Ovid Municipal Building





Address **8440 N Main St**
Lodi, NY 14860

Town of Lodi Municipal Building
Town of Lodi Court Offices



Location: Ovid Municipal Bldg



EXHIBIT
E

Location: Lodi Municipal Bldg



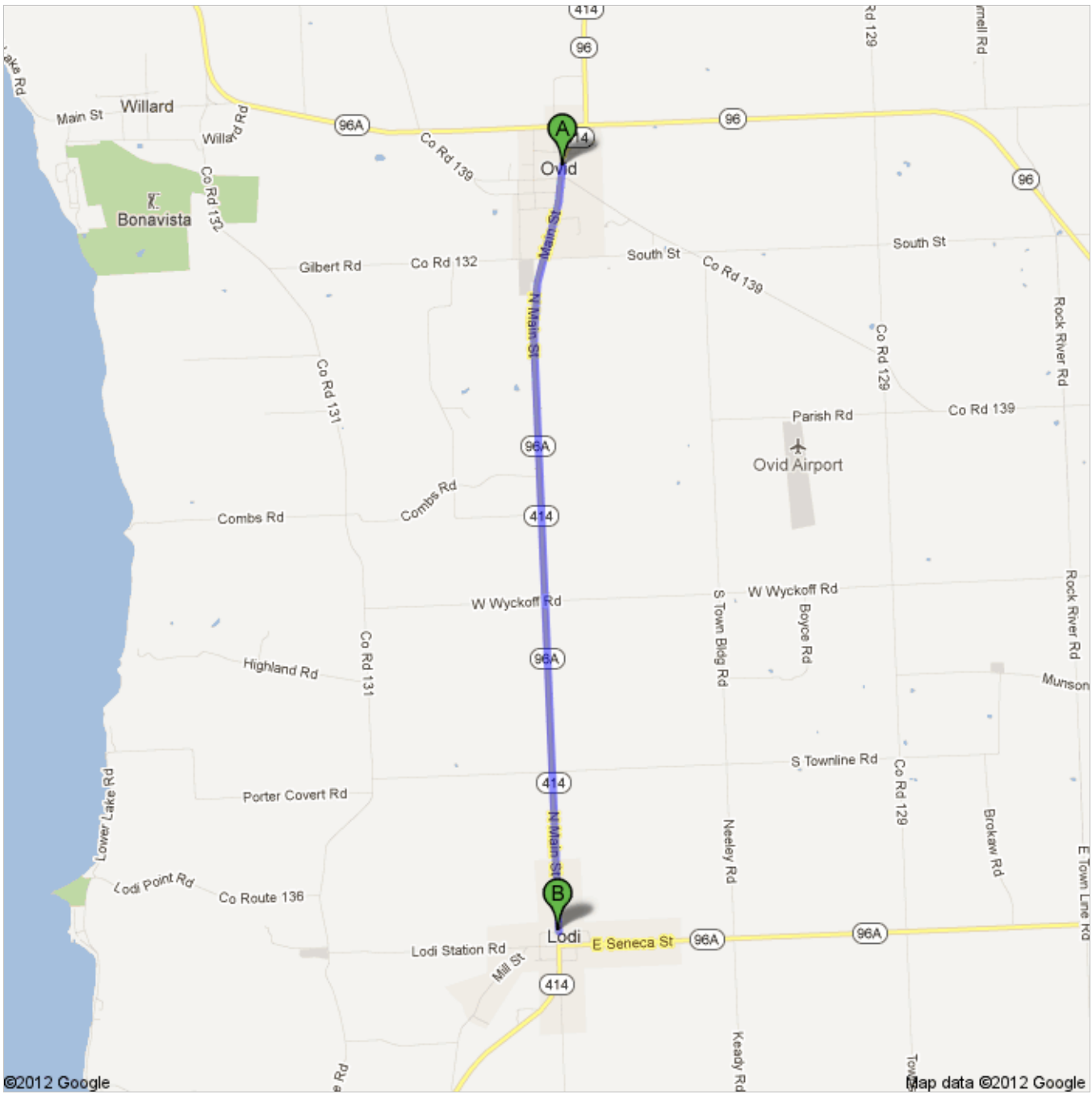
EXHIBIT
F



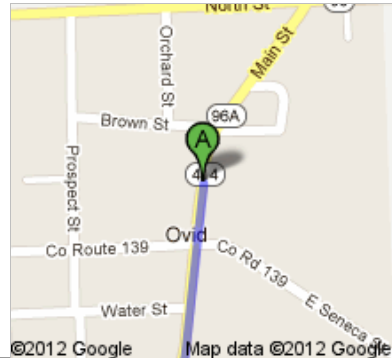
Directions to 8440 N Main St, Lodi, NY 14860

4.3 mi – about 5 mins

Distance from Ovid Town Offices to Lodi Town Offices

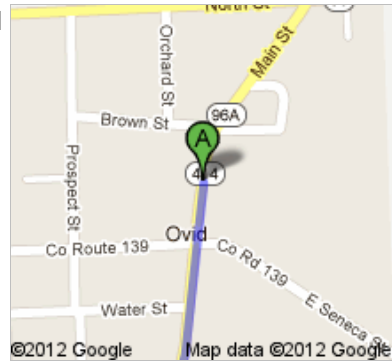


A 7160 Main St, Ovid, NY 14521

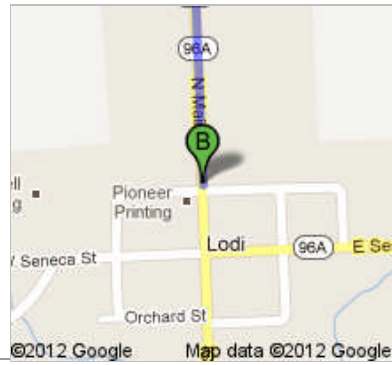


- 96A** 1. Head **south** on **New York 96A S/NY-414 S/Main St** toward **Co Rd 139/E Seneca St**
Destination will be on the right
About 5 mins

go 4.3 mi
total 4.3 mi



B 8440 N Main St, Lodi, NY 14860



These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

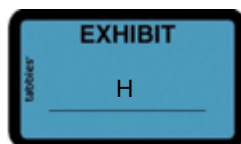
Map data ©2012 Google

Directions weren't right? Please find your route on maps.google.com and click "Report a problem" at the bottom left.



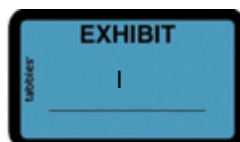


Ovid Town Court: Judge's "bench" and courtroom.





Ovid Town Court: Judge's chambers and clerk's office.





Lodi Town Court: rear view of Judge's Bench, which also serves as rostrum for the Town Board.



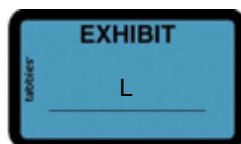


Lodi Town Court: Judge's Bench, which also serves as rostrum for the Town Board, and workspace for clerk to make copies, etc., while court is in session.



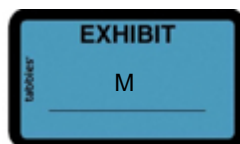


Lodi Town Court: Judge's bench and courtroom area.





Lodi Town Court: Judge's Bench, which also serves as rostrum for the Town Board.





Lodi Town Court: Secure Entrance to court and other municipal offices.



I. BACKGROUND AND OBJECTIVE

The purpose of this project is to evaluate the existing conditions of the Village of Ovid Municipal Building located on Main Street. Based on this evaluation a cost will be associated with the renovations required. This building was originally used for Village Offices and a Fire Station prior to the construction of the new facility. Construction started in 1958 and the building was finished and dedicated on September 18, 1960.

The building is a three (3) story structure including the lower level (basement area). A portion of the basement area is owned by the Town of Ovid. The lower level is accessible due to the declining grade from the front to the back of the building. The footprint dimension of the building is approximately 92 feet x 46 feet. The approximate square footage of the building is 9,750 square feet which does not include the Town portion of the structure. The upper two (2) stories are currently vacant.

II. EXISTING CONDITIONS

A. SITE

The building is located on the west side of Main Street. Access to the building is provided from Main Street and Brown Street through the new Firehouse drive/parking area. Parking for the facility is on the west side of the building. In addition, street parking is provided on Main Street. In the front of the building is a concrete pad at the overhead doors and asphalt drive that extends to Main Street which was used as ingress and egress for the fire trucks.

The access to the building is through the bay area or the steps into the main lobby. The access to the main lobby is not in compliance with the American Disabilities Act (ADA) regulations.

The existing underground fuel tanks exist in the rear of the building. One tank is currently being used for fuel oil to heat the structure. The tank is 1,000 gallons, installed in the Spring of 1982. The tank is close to its life expectancy. This tank should be replaced. Currently no grade access to the tank is available.

Another tank was also installed near the southwest corner of the building. The Village is unsure if the tank was ever used. If the tank was used it would have been used for storage of gasoline or diesel. The tank should be located and an inspection conducted. If the tank is no longer needed and was used for storage the tank should be properly closed and removed. Once the tank is removed the soil should be inspected and tested if it is suspect (i.e. odor, discoloration) of contamination. If the tank was not used it may not require removal unless it is not structurally sound causing possible settling or collapse in the parking area.

B. STRUCTURAL COMPONENTS

Based on our site visit and observations the building appears to be in good structural conditions with minor maintenance required. The structural framing sizes appear to be within general standards; however, structural load rating was not evaluated as is not in the scope of the evaluation. The existing conditions of the structure are further detailed as follows.

1. Basement Level

The basement level was the former Village garage area accessible from the rear. Currently, a portion of the space is being utilized as Town offices. Additional finishes have been installed which block the view of some structural components. The floor is a nominal 7 inch thick slab on grade pitched toward center floor drains. Partition walls are cast concrete and also serve as bearing walls for the first floor slab. Five round concrete columns are located in the central areas of the basement to support the upper floors and roof. Perimeter walls on the east, north and south are concrete basement walls.



2. First Floor

The first floor level is the former apparatus room, offices, storage and lobby areas. Currently, the apparatus room is used for Village equipment storage; the remaining areas are vacant. The apparatus floor is a concrete flat-slab bearing upon drop panels on top of flared concrete column capitals in the apparatus and lobby area. Adjacent floor slab areas are supported by the bearing walls in the basement. The slab thickness varies from 8-10 inches.

3. Second Floor

The second floor is the former kitchen, lobby, lounge and meeting area that was used by the Fire Department. Currently the spaces are vacant. The floor is a concrete slab deck 3-4 inches thick, supported by open web steel bar joists that bear upon steel girders. The girders span the depth of the building north and south and bear upon steel columns along the exterior wall. Spandrel beams also run between columns around the building perimeter. The planter box in the front is supported by the steel framing of the second floor system.

4. Roof

The roof is a concrete slab deck 3-4 inches thick, supported by open web bar joists that span north and south direction to the exterior walls. The bar joists bear upon perimeter spandrel beams that are supported by the steel columns. Steel framing is cantilevered over the planter boxes on the second floor.

5. Exterior

Stone work has become dislodged around planters, retaining wall, and stairwells. Grout and caulk has deteriorated around blue stone panels and limestone. Panels have also become delaminated. One (1) panel on the tower is missing. Second floor planter appears to leak; lead liner is an item that will need further evaluation prior to repair or abandoned in place.



C. ARCHITECTURAL

Depending on the proposed building use the architectural components require updates and modifications. The existing conditions of the building in regards to hazardous material (asbestos), roofing, accessibility and finishes are further described below.

1. Hazardous Material

The hazardous material survey for asbestos was completed by Lakeland Environmental Inc. dated March 11, 2008. This service was contracted directly by the Village of Ovid. Asbestos was found in many areas of the building. All floor tiles, all non-fiberglass thermal system insulation on pipe fitting in the apparatus room and all labeled fire doors are presumed asbestos. A copy of the report is included for reference in Appendix C.

2. Roofing

Roofing appears to be in satisfactory condition. The building received a new roof in 2002. The tower roof was not evaluated but is assumed to be original.

3. Accessibility

The apparatus room on the main floor level is recessed 4" plus sloped 2" to floor drains. The steps in front of the building in the Lobby area on the east side of the building make accessibility to the building non compliant. In addition, the vestibule is not adequate to accommodate door maneuvering space. Door hardware requires lever handles and reduced closer pressure. The rest rooms are not ADA compliant.

4. Finishes

a. Floor

VAT flooring must be removed due to asbestos. The terrazzo flooring in the lobby of first floor and stairs are in good condition and may remain.

b. Walls

Marble in lobby and stairs are in good condition. Structural glazed tile in apparatus bays on lower level hall is in good condition. Plaster finishes on the main level have deteriorated from water damage.

EXHIBIT

○

c. Windows

Windows are original to the building and are not energy efficient.

d. Ceiling

Acoustic tile, 12" x 12" on plaster suspended from the structure above are deteriorated. Lobby tiles may be maintained if patched and painted.

5. Town Offices

The Town occupies the western lower level of the building. This area was recently renovated. The finishes are comprised of carpeted floors, painted drywall, and suspended AC tile. All appear in good condition although access to the space was not available during the walkthrough.

D. HVAC

Currently the building does not have air conditioning except the window units in the Town area. The remainder of the building does not have air conditioning or adequate ventilation. The building is heated by oil fired hot water boilers. The findings of the walkthrough are noted below.

1. Heating System

The building is heated by two (2) sectional cast iron oil-fired hot water boilers, located in the Lower Level Boiler Room. One (1) boiler has been "red tagged" by an inspector and disconnected from the oil supply. The other boiler has been turned off by the Village because they have vacated the building. Heat is distributed to the building by primarily through baseboard radiation and recessed convectors. The heating system is zoned by floor, each with a dedicated circulating pump. Boiler room ventilation/combustion air appears inadequate for present code requirements. The Second floor Kitchen area also has a unit heater.



The Lower Level, occupied by the Town, is heat by electric baseboard heaters in conjunction with fan coils above the ceiling with electric heating coils.

2. Ventilation and Cooling

Per Code all buildings must have adequate ventilation. This building does not currently comply with Code. The restrooms do not have exhaust fans for positive exhaust. There does not appear to be adequate make-up air for the kitchen exhaust hood and/or toilet exhaust systems.

There is no mechanical cooling system (air conditioning) for the building, except for a few through the wall air conditioners on the lower level serving the Town

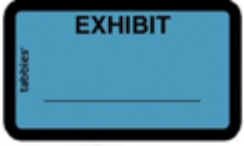
E. PLUMBING AND FIRE PROTECTION

The domestic water system and sanitary sewer systems were visually checked. The details of these facilities are outlined below.

1. Domestic Water

Water distribution piping is copper and appears in good condition from a visual inspection. Due to the building freezing and some piping damages occurring, the actual usability of the entire piping distribution system would require further testing. Two (2) inch copper domestic water service enters the facility in a closet on the lower level. The service does have a water meter but is not equipped with a cross connection control device. Domestic hot water is generated by a storage tank type water heater located in the Lower Level boiler room.

2. Sanitary Sewer

Sanitary, waste, storm and vent piping systems appear to be mainly cast iron piping and in good working condition, which m  ents. Plumbing fixtures appear to be

functional but do not comply with water conservation low flow requirements or any ADA requirements.

3. Fire Protection

There is no fire protection/sprinkler system in the facility.

F. ELECTRICAL SYSTEMS

The electrical system is original to the building. The components of electrical system will be broken down into distribution, lighting, life safety and communications, and emergency power.

1. Distribution

The main electric service is original and is a 400 amp 120/208v 3 phase system. The panel boards and branch circuits are original with the addition of a separate meter and branch circuit panel which serves the Town Offices. The service and branch circuit panels appear to be in good condition. The circuit breakers in the main electric service panel and branch circuit panels are original and are at the end of service life.

2. Lighting

a. Interior

Interior lighting is a mix of original incandescent and fluorescent light fixtures. The light fixtures should be upgraded to energy efficient T-8 lamps with electronic ballast.

b. Exterior

The exterior light fixtures are original with the exception of (2) wall packs which have been added in recent years. The lighting is a mix of recessed and wall mounted incandescent, high pressure sodium, halogen and surface mounted fluorescent light fixtures. The original exterior lighting is not currently efficient.



3. Life Safety and Communications

The facility is not equipped with a fire alarm system which may be required depending on the future use and occupancy of the facility.

The current telephone system is old and not up to date with current standards and there is no data cabling or communications raceway in the facility. The future use of the building will require upgrades to these systems.

4. Emergency Power

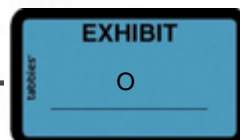
The existing 25 Kw 3 phase Kohler LP gas generator and 100 amp transfer switch and distribution are original and have not been tested in recent years. The Village plans on removing the unit and is considering replacement depending on the ultimate use of the building.

III. RECOMMENDED IMPROVEMENTS AND ASSOCIATED COSTS

The recommended improvements noted are based on the deficiencies noted in the existing conditions evaluation. Recommended improvements include updates for Code compliance, replacement due to service life/life expectancy and use modification. Recommendations will be broken down by disciplines (i.e. site, structural, architectural, HVAC, Plumbing and electrical). All cost noted include a 10% contingency.

A. SITE

Minimal site work is required; however, the largest unknown is the tanks in the parking area. The existing fuel oil tank is to be removed and replaced with a new tank. Soil investigation is required for soils around the existing tank to check for contamination. No alterations are intended for the rear parking area or access drives. The site improvements are noted below.



- ADA access to lobby area, construct ramp and sidewalk modifications
- Removal asphalt and concrete pad in front of the building
- Place topsoil and seed area in the front of the structure.
- Removal of existing fuel tank (1,000 gallons)
- Replacement of new tank and required equipment
- Investigation of soils around existing tank.

The estimated cost for these upgrades/modifications is \$ 55,000. Note that this cost does not include contaminated soil removal or remediation. The second tank removal is not included in this estimate as the use and condition is unknown. Estimated cost for removal of contaminated soil is approximately \$100 per cubic yard.

B. STRUCTURAL

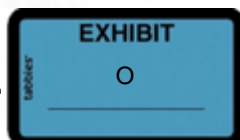
The building appears to be structurally sound based on visual inspection only. However, maintenance is required generally on the exterior of the building. The maintenance areas are noted below:

- remove and reset dislodged stone work around planters, retaining walls and stairwells
- remove all limestone/bluestone panel grout and properly caulk or install limestone suitable mortar
- remove delaminations of panels, wash, coat all stone work
- remove soil in second floor planters to repair leakage (lead lining issue), reinstall new planter material
- Replace missing panel

The estimated opinion of cost for upgrades to the exterior of the facility is \$ 80,000. This value may be modified depending on the work to be undertaken.

C. ARCHITECTURAL

Prior to building modification the asbestos in the building needs to be removed. This cost is based on the asbestos survey completed. Abatement tasks include:



- Secure the building
- Set up decontamination area
- Abate Asbestos and remove
- Air sampling

The estimated opinion of cost for removal of asbestos material is \$ 30,000.

The building is not in accordance with current ADA codes especially in regards to accessibility. Other upgrades improvements involve insulation, window replacement and interior finishes. Original architectural features warrant careful restoration. The upgrades and modifications are as noted below.

- Level floor is apparatus bay
- Remove and modify front of building, removal of overhead doors
- Insulation of the building
- Provide accessibility inside the existing structure including elevator and shaft
- Replace windows with aluminum and 1" insulated glass; energy efficient windows.
- New partitions
- New floors and ceiling tiles
- Door hardware replacement
- Paint

The estimated opinion of cost for architectural improvements is \$ 475,000.

D. HVAC

The building has outdated equipment and needs to be updated. In addition, the building is not Code compliant.

- Replacement of two (2) boilers with fin tube distribution system, flue, etc.
- Air conditioning (three (3) roof top units)
- Control system for building



The estimated opinion of cost for these upgrades/modifications is \$ 285,000.

The other option reviewed for HVAC improvements is Geothermal energy for heating and cooling. This system would need to be placed behind the building and will require approximately 10,000 square feet of area to accommodate the wells and tubing needed for the system. Equipment and tasks required for this system is

- Nine (9) heat pumps (3 tons each)
- 25 wells @ 150 feet deep and tubing
- Pavement removal and replacement
- Sheet metal, diffusers, grills, etc.
- Temperature Controls

This estimated opinion for cost for this option is \$ 250,000 which is slightly less than the boiler and air handling units. However, it will impact a large area that will extend beyond the existing parking area of the building. In addition, the proper tonnage to serve the facility needs to be determined. The proper calculations to determine the tonnage needed, controls required, the exterior area needed for the wells and payback for the system exceeds the scope of this report. The area over the wells may be seeded or paved but can not be built on in the future.

The more conservative cost of \$ 285,000 will be included in the overall estimate as a geothermal system needs further evaluation.

E. PLUMBING AND FIRE PROTECTION

Plumbing systems in the facility are in fair to good condition. The fixtures for the restroom facility need to be replaced and a fire protection system is required depending on the final use of the facility. The upgrades modifications are noted below:

- Toilet room upgrades
- Hot Water Tank
- Replacement of some sa



- Backflow prevention device
- Sprinkler system for all floors.

Plumbing upgrades along with the addition of fire protection system is \$ 105,000.

F. ELECTRICAL SYSTEM

These improvements involve electrical system upgrades and modifications. The improvements proposed are noted below.

- Distribution system (circuit breakers)
- Lighting upgrade (energy efficient T-8 lamps and electronic ballast)
- Connections to new equipment
- New communication system
- Fire Alarm system
- Intrusion system
- Fire siren

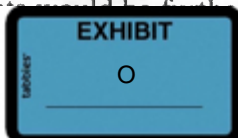
The above upgrades are estimated at \$ 195,000. Add an additional \$ 30,000 for an exterior mounted 25 Kw generator with weather and sound enclosure with transfer switch.

G. OVERALL

The total overall estimated cost for construction of the upgrades and modifications referenced in this report is \$ 1,255,000 which includes a 10% contingency. The estimated project cost including soft cost (engineering, fiscal, legal, bonding and administrative) adds an estimated 25% for a total project cost of \$1,569,000. A breakdown of the estimate is provided in Appendix B.

IV. SUMMARY

The building appears to be structurally sound. Upgrades are required to the building to be a functional facility. The premise used in planning improvements is office space. If the use is altered the proposed improvements should be further evaluated along with the renovation

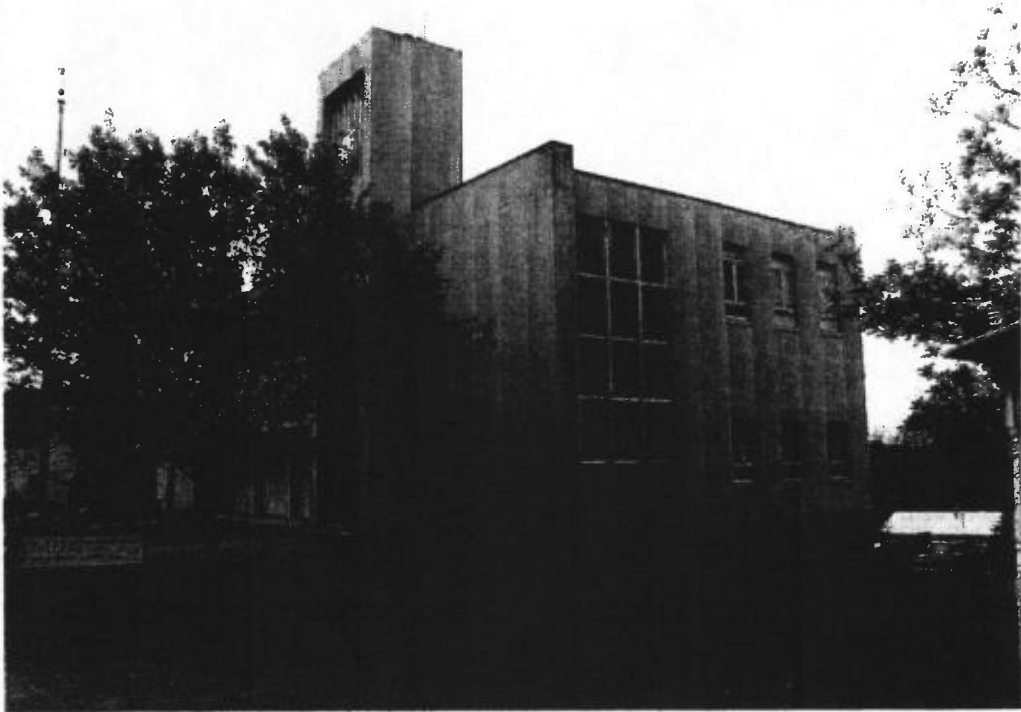


cost. The renovation will involve demolition of existing features and code compliant efficient space.

The gross square footage available on all floors is approximately 9,750 square feet. This area includes common areas for corridors, restrooms, and storage. This space does not include the space currently owned by the Town.

The critical decision is the re-use of the facility. This use will have a significant impact on how much space is to be utilized and cost of renovations. This decision of use and associated economic feasibility will be made by the Village. The Village should consider future "payback" and general maintenance in the future.

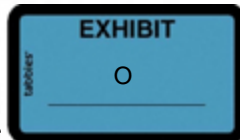


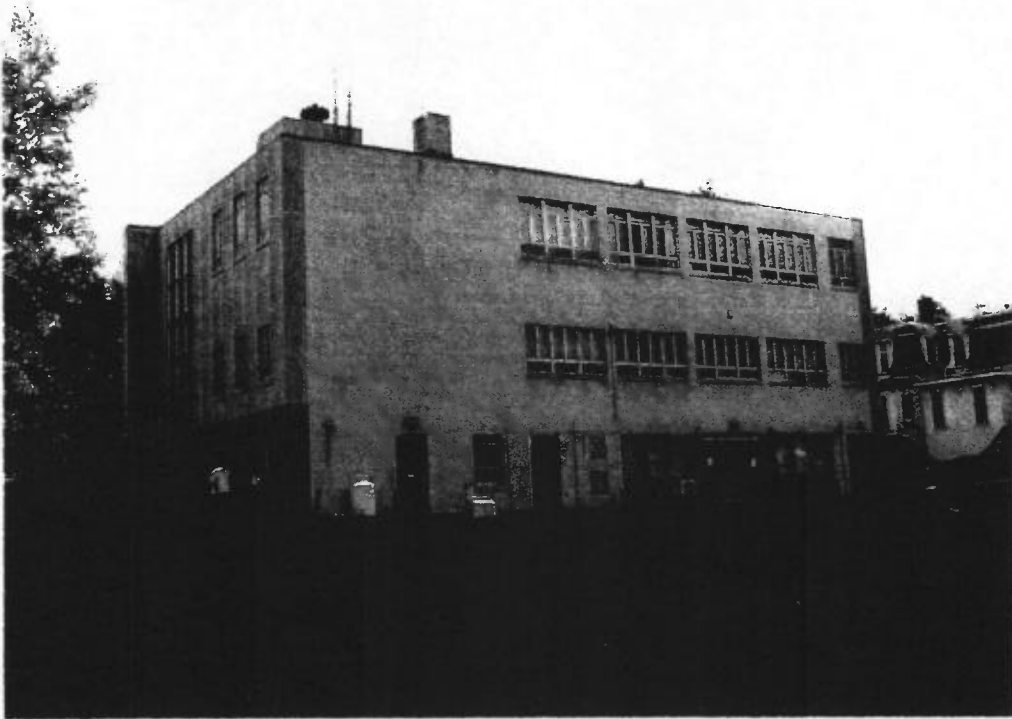


1: Front and side of building (east and north view)



2: Building tower

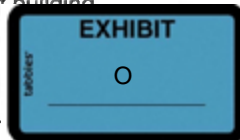




3: Rear of building (west side)



4: Steps and wall at southeast corner of building



AGREEMENT

**TOWN OF LODI
AND
TOWN OF OVID**

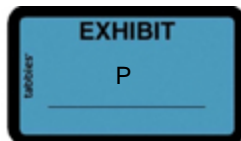
THIS AGREEMENT MADE THIS _____ DAY OF _____, 2012, by and between the Town of Lodi a municipal corporation, having offices at Lodi Town Hall. 8440 N. Main Street, Lodi, NY 14860, and the Town of Ovid, a municipal corporation, having offices at 7160 Main Street, Ovid, NY 14521.

RECITALS

1. The two towns have created a shared town justice court under New York State Uniform Justice Court Act Section 106 and 106-b.
2. Both towns would be served by one justice operating out of a single facility located in the Town of Lodi municipal building.
3. The parties wish to set forth their agreements with respect to sharing court facilities and operations.

NOW, THEREFORE, in consideration of mutual promises and covenants contained herein it is hereby agreed:

1. **Shared Facility.** The two town shared justice court will operate entirely out of the Town of Lodi municipal building on North Main Street, Lodi, New York. Records and documents will be maintained separately in separate files for each town at said facility. Computer records will be filed and maintained with separate software licenses for each town. The court calendar for each town will be established as necessary by the Justice.
2. **Shared Justice.** A single town justice at large will preside in the town courts of the participating town. Candidates for the justice court position must be a resident of one of the two towns served and will run in a single two-town election overseen by the Seneca County Board of Elections. The single town justice will maintain separate records and dockets for each town court and maintain separate bank accounts for the deposit of monies received by each town court.
3. **Shared Expenses.** Each Town shall contribute equally toward the operational and administrative expenses associated with the justice courts. Such costs shall include:
 - A. Acquisition, licenses and agreements for hardware, software and maintenance of computer systems.
 - B. Costs associated to any training, conferences and related expenses for justice court employees.
 - C. Acquisition and maintenance of court facilities and equipment necessary for all relevant Office of Court Administration, Americans with Disability Act and other federal or state related requirements.



- D. Costs of maintaining library books, research material and training associated with the justice or other court employees.
- E. The Town of Ovid will pay the Town of Lodi an annual facilities usage fee of \$2,400.00 to help cover expenses such as:
 - i. Heat
 - ii. Electricity
 - iii. Insurance
 - iv. Utilities such as telephone and internet access
 - v. Maintenance and upkeep
- F. The Town of Ovid will pay all charges associated with its existing court phone line which will be transferred by the phone companies to the court office in Lodi.
- G. The towns may share other services relative to the justice courts as their respective boards may from time to time agree.
- H. Each year in September the Town of Lodi shall determine a budget amount sufficient to cover the above shared expenses and notify the respective town supervisor of their anticipated budget amount.

4. **Separate Services.**

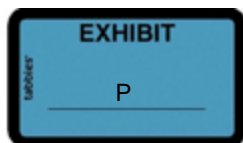
- A. The towns each shall pay separately for any extra employees, jurists or other support personnel as may arise with respect to their respective cases.
- B. Each town shall provide separately for the justice any docket books, stationary or other supplies that are peculiar to that particular community.
- C. The justice shall maintain separate dockets, account systems and justice related records for each town. Such records shall be maintained in the Town of Lodi facility, but shall be available for inspection, audit and review by each town at their request or by the public as prescribed by the Freedom of Information Law or other relevant state or federal statute.

5. **Indemnifications.**

- A. Nothing contained in this agreement shall be seen as relieving the town justice or the respective town boards of their responsibilities for reporting to the Office of Court Administration, Office of the State Comptroller, or any other state or federal agency, or to the respective town boards.
- B. The two towns shall jointly share the cost of any defense and/or indemnification of the town justice and/or shared court employees.

6. **Term of Agreement.** This agreement shall be for a term of one year, commencing on January 1, 2013 and ending December 31, 2013 or until such time as the respective boards may amend or supersede this agreement. This agreement may be extended by joint resolution of each town board on an annual yearly basis. However, the expiration and/or termination of the agreement shall not, by itself, cause the disestablishment of the single justice position without recourse to the applicable provisions of New York state law, including but not limited to, New York State Uniform Justice Court Act Sections 106 and 106-b.

7. **Termination.** Any party may terminate this agreement without cause at its annual renewal period with ninety days prior notice to the other parties in writing. However, the expiration and/or termination of the agreement shall not, by itself, cause the disestablishment of the single justice position without recourse to the applicable



provisions of New York state law, including but not limited to, New York State Uniform Justice Court Act Sections 106 and 106-b.

8. This agreement shall be interpreted by and in accordance with the laws of New York State.
9. This agreement incorporates all prior understandings and agreements of the parties and such prior agreements, memoranda, or understanding are incorporated and merged herein.
10. This agreement shall not be modified except in writing duly signed by and acknowledged by the parties.
11. This agreement shall be binding upon the parties hereto, their successors and assigns.
12. Any notices required by this agreement shall be given to the parties at the address first above stated, unless otherwise notified in writing to give notice to a different address.
13. All parties acknowledge that this agreement has been duly authorized by action and resolution of their respective town boards and that the supervisor of each town has been authorized to sign this agreement on behalf of the party and to affix that parties seal.

IN WITNESS THEREOF, the parties have set their hands and seals on this _____ day of _____, 2012

Town of Lodi

Town of Ovid

Supervisor

Supervisor

Approved as to form:

Approved as to form:

Attorney for Town of Lodi

Attorney for Town of Ovid

