

New jail problems being fixed in Seneca County

By DENISE M. CHAMPAGNE | Posted: Thursday, February 8, 2007 12:00 am

ROMULUS - Various problems are being fixed as work is completed on the new Seneca County Law Enforcement Center at the former Seneca Army Depot.

Contractors and county officials are going over the project, which is 99 percent complete, to make sure everything is working before a certificate of occupation is issued.

The good news is that the \$29.6 million center is still expected to be completed under budget with inmate transfers by April 1.

County Manager Sharon Secor said recent problems included leaks in the roof, sinks and toilets, and a faulty valve that froze open, allowing about 600 gallons of water into a utility room. She said it was cleaned up quickly with no damage to any carpeting. The roof has a 15-year warranty.

There are also bugs being worked out in the security system; climate control problems in two computer server rooms where temperatures have run in the mid-80s; a door that locks inmates in a pod area fell off; and the doors on the sally port being unsynchronized.

The sally port is a small garage-type area where inmates securely enter and exit the facility. A door behind the transport vehicle closes upon entrance to prevent inmates from getting out, followed by the opening of another door to access the interior of the jail. County Attorney Steven Getman said both doors were opening and closing at the same time, requiring adjustments to the electronic eye.

"From what I understand, [the problems are] not unusual for a project this size," Secor said.

Getman said part of the process is making sure everything is fixed before the county takes possession. There are the legal issues, as well.

One subcontractor who filed a mechanic's lien has now notified the county that he intends to file a lawsuit to get paid for work he was hired to do by United Prison Equipment of Pennsburg, Pa., which is being blamed for a number of project delays.

Geoffrey Suleski of Erie County filed his claim notice Jan. 22 in state Supreme Court in Seneca County for damages he incurred Oct. 26 when he was not paid for installing enclosures. Suleski doesn't mention an amount but asked for \$61,000 when he filed his mechanic's lien last fall.

Getman said he has notified Connecticut-based Hartford Fire Insurance, which holds the performance bond on the original \$845,000 contract with United Prison Equipment. In addition, the county has withheld \$195,904 as remaining payment to the firm and assessed \$100,000 in penalties.

The first lien, filed last September by PSI of Rogers, Minn., seeks \$176,792 for prison equipment it

delivered to United Prison Equipment, which claimed it was defective.

Between the liens, penalties and various corrective work done by other contractors, the county estimates United Prison Equipment owes it \$460,963 or a net of \$265,059, subtracting the \$195,904.

"The bottom line is the county has withheld a sizeable sum of [money] due to performance issues by UPE," Getman said. "UPE has not paid some of their subcontractors, which is an issue for UPE and the subcontractors and the bonding company to work out."

He said the county has not heard from United Prison Equipment "in quite some time" but that Hartford has acknowledged receipt of its letters. He said the county is not legally responsible to pay the subcontractors and that money it has withheld will go toward offsetting additional costs such as transporting and housing inmates in out-of-county jails for an extra three months.

The legal issues have been discussed by the county Board of Supervisors in numerous executive sessions. Getman said the possibility of assessing further liquidated damages could be back on the table, but it would be premature to make any decision on a lawsuit.

"At this point, because we're withholding funds, we have not had any reason to start our own separate action," Getman said. "We notified UPE's bonding company we intend to pursue our rights to indemnification if named in any court action."

Getman said the county is working with all the parties on a regular basis. He said he has met with general contractor BBL Construction Services of Albany and Project Manager Kenneth Kaufman.

Secor meets with them and contractors weekly, including walk-throughs.

Getman said all change orders are being reviewed to determine who may be at fault and what action would be appropriate. The entire project finances will be reviewed upon completion.

Secor said BBL estimates there will be a balance of \$300,000 to \$350,000 from the \$1.38 construction contingency fund when the project is completed. In the meantime, she said the training is going "very well."

It will cost the county about \$3.3 million - or \$1 million more - annually to run the new 96,400-square-foot center, which will house almost three times the number of inmates as the 100-year-old jail on West Williams Street in the village. Exact figures won't be known until its operational for a year or more.

"It's going to be a great facility when it's completed," Secor said.

"I think it's important to take note of the fact that despite some of the issues we've had, they appear - in the context of a project this size - somewhat typical," Getman added. "I think that demonstrates the level of commitment that the county staff and the board have shown to keeping this project on track and under budget."

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