

Supreme Court of Vermont
Office of State Court Administrator

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TO: Senator Joe Benning
Senate Institutions

FROM: Patricia Gabel, Esq., State Court Administrator

RE: Judiciary Capital Budget Priorities

DATE: February 19, 2021

Priority 1 – Courthouse Ventilation

The Judiciary's most pressing facilities-related need is to protect the health of court personnel and court users by assuring adequate year-round ventilation in courthouses. In light of CDC guidance confirming that inadequate ventilation or air handling may create circumstances conducive to airborne transmission of the coronavirus (<https://www.cdc.gov/coronavirus/2019-ncov/more/scientific-brief-sars-cov-2.html>), this imperative remains the biggest obstacle to the Judiciary's resumption of full operations, including conducting criminal and civil jury trials across the State. With the effectiveness of vaccines against certain variants of COVID-19 still unknown, this emergency need may ripen into a long-term need.

The Judiciary's approach to addressing the ventilation challenges is proceeding on two tracks. The Judiciary has asked BGS to conduct individualized assessments and evaluations of the HVAC systems in all state-owned courthouses. The Judiciary expects BGS will resolve any deficiencies it identifies, and that if any upgrades require capital funding, it will be included in the BGS capital budget.

We conducted an assessment in county owned buildings to determine the adequacy of the ventilation systems. Six county courthouses do not have any mechanical ventilation system: Grand Isle, Franklin, Orleans, Essex, Bennington, and Windham The Judiciary has contracted with Dan Dupras of Engineering Services of Vermont to conduct an individual assessment of each courthouse to determine the feasibility of installing

ventilation systems in those buildings. In the meantime, we are meeting with the Assistant Judges in each county to discuss options.

We describe our process at the outset of this memo as a placeholder, recognizing that the evaluation process is not in sync with your timeline for building a capital budget.

The Judiciary requested Assistant Judges to submit requests for capital improvements. As of this date, we have received two requests: one for the Essex County Courthouse in Guildhall and the other from the Windham County Courthouse in Newfane. There is no state-owned courthouse in Essex County; consequently, there is no other court facility that could absorb court activities that must take place in Essex County.

This high priority request is not in the Governor's Recommended Capital Budget. We were informed that this could be a CARES Act eligible expense and that we should make a request to the CRF. We are currently seeking estimates to help inform that request. The usual duration to design and install a new HVAC system is 12 to 18 months, which raises a concern with the CARES Act termination on 12/31/21.

Priority 2 -- State Courthouse and State Office Building - Barre

The Barre State Courthouse and State Office Building was built in 1982. The building is currently occupied by the Judiciary on floors one and two. The State's Attorney's office, probation and parole, and Department for Children and Family Services occupy the other two floors.

In 2015, a study conducted by the National Center for State Courts (NCSC) outlined several security deficiencies. The building was identified as lacking the necessary safety controls suitable for a criminal court. The report recommended that the current detention center should be eliminated and replaced by a new detention center adjacent to a new sally port. It was determined that the current layout posed a serious threat to security and safety of judges and court staff.

A feasibility study on the project was completed in 2017. Recommended renovations included adding a sally port for proper in-custody defendant transport with improved control, contraband threat eliminations, and proper judicial process improvements. The proposed addition would also include a reconfiguration of the first and second floors to provide improved circulation for state employees, the public, and in-custody defendants and address other security concerns. Commissioner Fitch may have described the two separated traffic flows in a secure building. In a criminal courthouse, a third traffic flow is required.

Since the renovation is substantial, BGS would include HVAC and Energy Efficiency upgrades to provide proper air conditioning to the entire building.

The 2017 study estimated the costs at approximately \$8.2M. The Judiciary had requested \$800,000 (10% of the total project) in the FY21-22 Capital Budget Request to begin design and planning work.

Priority 3 – New State Courthouse - Newport

Newport ~ Courthouse Replacement..... \$1,032,000

The existing Vermont Superior Court of Orleans County currently functions in two adjacent, historic buildings, the Orleans County Courthouse (county-owned) and the Orleans County District Court and State Office Building (state-owned). The State Building was completed in 1904. The state took over the building in 1948. The Orleans County Court sits on the adjacent lot and the two buildings share parking. The Orleans County Courthouse and jail complex was built in 1886 and added to the National Register of Historic Places in 1970.

The Judicial Branch, Department of Corrections - Probation and Parole, and State's Attorney occupy the state-owned building, which has significant programmatic inadequacies and functional obsolescence. It has little separation between private court functions and the public. Staff, public, and individuals in State custody rely on a central stair and an outmoded elevator for access to hearing and court rooms.

Continued use of the existing courthouse building in Newport will require extensive investment to address long-term deficiencies in that building, including elevators, security infrastructure, and ADA access. Even with these improvements, the building would still not meet the needs of the Judiciary or Probation and Parole programs. While there is a holding area on the third floor for detainees, there is no separate, secure route to the holding cell or from the cell to hearing or court rooms. There is no means for secure and separate movement of people in state custody into or through the building. The state building contains a mix of superior court functions, a regional department of corrections office for probation and parole, and offices for the State's Attorney of Orleans County. An inherent conflict of use of the public security screening and building circulation exists between court staff and parolees who have been adjudicated by the court system.

The county courthouse next door is outmoded and inadequate. There is no separation of staff and public circulation. The public areas are interspersed with staff areas, and they share a common corridor.

A feasibility Study was completed in 2018. The study looked at three options: (1) renovating the state building and consolidating operations into one building, (2) renovating both buildings and connecting the two buildings with an addition, and (3) building a new courthouse elsewhere. This study estimated the cost of a connecting renovation would be approximately \$11,550,000 and the cost of constructing a new building to be approximately \$8.1M.

This funding request is to complete the programming and design for a new courthouse at a new location in Newport. A new courthouse is the best option to meet security, operations, and programmatic need. The Judiciary had requested \$11,550,000 in the FY21-22 Capital Budget Request.

Priority 4 - Supreme Court

Montpelier ~ 111 State Street Renovation of Stack Area, HVAC Upgrades, and Elevator \$158,000

111 State Street is significantly underused despite its central location. This project will improve use of the building by increasing available office space, reduce leased space, update building systems, and enhance accessibility. The Supreme Court formerly housed the Vermont Law Library in the back half of the building, commonly referred to as “the stacks” due to the large 3 story metal bookcases that fill the space. By optimizing the vacated State Library’s stack area, this project will add up to 13,500 square feet of general office space.

Two floors of new office space will be created in the stack area which will allow for the consolidation of Judiciary from leased space. The additional space will require a larger HVAC system, providing the opportunity to replace the aging existing HVAC system with new, more efficient equipment to provide fresh air and cooling throughout the facility. Enhanced accessibility will be addressed by installing a new elevator shaft. A new elevator is seriously needed as the existing original elevator is outdated, does not meet elevator or ADA code, and many parts are no longer available.

The Judiciary had worked closely with BGS over several years to develop a plan to remodel the entire Supreme Court building, making the stack area usable as office space, creating a single secure entry for both the Supreme Court Building and the Pavilion, and creating substantial conference room space for the capitol complex. This plan was submitted by BGS in their FY21-22 Capital Budget. It did not get approve it to be included in the capital budget.

BGS now plans to submit a scaled down plan for the stack area of the Supreme Court building. This plan no longer includes a single secure entry for both buildings, nor does it include the conference room space for the capitol complex. The plan converts the stack area into two floors of office space to relocate Judiciary staff from a rented space across the street. Finally, HVAC upgrades and an elevator upgrade would also be included.

This is a BGS priority. However as of this date, the Judiciary has not seen plans, schedules, or estimated costs. However, the relocation of Judiciary staff back to the Supreme Court building makes this a priority for the Judiciary.

Windham

Brattleboro ~ Courthouse Re-roof \$100,000

The Windham Superior Courthouse has experienced many roof leaks for the past few years. Many repairs have been made to band-aid the problem. Continued leaks and emergency repairs impact maintenance activities and can damage equipment, interior fittings, furnishings, as well as present mold issues. The roof is out of warranty and at the end of life.

Windsor

White River Junction ~ Courthouse Renovation \$1,521,000

The building was constructed in 1987 as a District Courthouse and since then, has received few updates and modifications. Judiciary needs, including those involving safety and security, have changed significantly. The HVAC control system is pneumatically based, it requires cleaning and re-calibration every 6 months, and contractors who have the equipment and knowledge on these systems are becoming harder to find with every passing year. The mechanical systems have reached their useful life, replacement parts are becoming harder to obtain and the efficiency of the equipment is measurably less than modern equipment. Replacement of antiquated mechanical systems will require parts of the building to be unoccupied for periods of time. This is an ideal time to make changes in the floor plan to accommodate the needs of the Judiciary and improve the general security of the court and its personnel. Several attempts to correct the water intrusion from the failed flashing of the brick façade has been tried and for the most part corrected; however, water is passing through to the interior space. Replacement of the brick façade and wall insulation may be required to prevent rot and mold growth.