New York State Education Department
NYSED
Richard P. Mills, Commissioner

Office of Facilities Planning
Newsletter #100 – September 2009

Welcome to Facilities Planning's 100th newsletter!

From the "Clerks of the Works "

Change Orders
Please make sure to attach the certification forms to all change orders! They must be stapled to the back of the change orders.

Submissions
Please make sure to use the correct project number on all paperwork in a project submission, including the front-end documents, specifications and drawings. This will prevent future problems for the districts and designers.

From the Project Managers

Reminder about required resolutions and submission documents:
Bond and SEQR resolutions
As part of the submission package, we require copies of any financial resolutions authorizing the project(s) and SEQR (State Environmental Quality Review). We are frequently sent voluminous documents with the required items deeply embedded in a document. In order to make finding these required resolutions easier, please highlight pertinent sections in board minutes, such as SEQR determinations, emergencies and bond resolutions.

Project submission documents; listed in order requested
Please submit each project in a submission in the following order. Submission forms should be collated and multi-page forms stapled. Individual projects in a multi-project submission may have binder clips to hold all of the forms together. Please do not paperclip forms or documents in the front-end paperwork. Paperclips should only be used in spec books for referenced items. With over 2,000 submissions per year, your efforts to put documents in consistent order will save our staff considerable time.

1) Checklist for application for building permit
2) FP-F Application for examination and approval of final plans and specifications
   Bond or financial resolution - staple to FP-F or leave by itself
3) Evaluation of existing building
4) Scope of proposed project
   SEQR resolution
   SHPO letter
   SHPO response
5) Highway letter
6) Asbestos letter
7) Code compliance checklist
8) Executive Summary of 5-year capital facilities plan

Additionally, there may be a floodplain certification letter and an application for apportionment of building aid form. If these accompany the submission, they may be placed in the front of the other submission documents.

Please: all multi-page forms should be stapled, not paper-clipped.

Minor revision 11/3/09

Professional licensing
A reminder that all design professionals, engaged in the practice of their trade, should make sure they are currently registered and licensed with the Department. In order to seal and certify any school district project, change order, certification of substantial completion, or any other document requiring the signature of a professional, an architect or engineer must have up-to-date professional credentialing. Our staff checks credentials with the SED Office of Professional Licensing regularly to assure compliance.

From the Architects

AHERA Air Sampling Requirements in Dirt Crawlspaces
Many school districts are involved in projects which will require asbestos abatement in dirt-floored crawlspaces. Aggressive sampling as per the code rule presents a problem in these situations. The dirt floor creates airborne dust which can over-load sample cassettes and thus render them un-readable and unacceptable under Industrial Code Rule 56 and AHERA requirements. This results in re-cleaning and re-sampling of the area, and in some cases may result in multiple failures/re-cleanings/re-samplings, each adding time and cost to the process of clearing a regulated work area.

Unfortunately, AHERA does not provide flexible language concerning this issue. The EPA's Office of Pollution Prevention and Toxins (OPPT) recognized this problem many years ago and, in 1994, had attempted to propose new language amending AHERA that would have addressed this area of concern. However, the amendments were never pushed forward.

Mr. Chris Alonge of the NYS Department of Labor has been in discussions with the EPA and they have acknowledged that the current regulatory language is inadequate in some cases. The EPA's OPPT suggests that common sense be used in such situations and if it is necessary to provide guidance to address those deviant scenarios, one should refer to the language used to address alternative approaches as presented in the drafted 1994 AHERA amendments. Although they are not legally binding, are not captured in their regulations, and are not enforceable, the discussions presented provide a reasonable approach for dealing with these situations. For further guidance, please review Newsletter #90– August 2007:

http://www.emsc.nysed.gov/facplan/Newsletter/OfficeofFacilitiesPlanning-Newsletter90-August2007 .

NYS DOL has accepted, by variance, a clearance air sampling strategy that does not involve the use of "normal", aggressive air sampling techniques. Clearance air samples are collected during final cleaning activities. This method appears acceptable to both NYS DOL and EPA.

The accredited project designer shall develop and include in the project design the modification to be followed, including the particular element to be modified, and a justification for deviating from the aggressive air monitoring method, addressing the elements of subparagraphs § 763.90(i)(6)(ii)(A) and (B) and submit the request for a variance to the NYS DOL.

From the Engineers

Soap and Water - Good for your Health

The fall and winter flu season is upon us. Schools are congregators of students, teachers and staff. To keep the flu virus at bay, wash your hands with soap and water several times a day. Hot water does not kill germs or pathogens. Germs can live on any surface for two hours or more. If someone in your school is infected, those germs can reside on anything they've touched, such as desks, phones, cafeteria tables, toys and books. Soap bonds on a molecular level with both grime and water, thus enabling dirt and germs to be rinsed away. Proper hand-washing significantly also reduces the spread of diseases like pink-eye, hepatitis-A, norovirus, salmonella, and acute respiratory tract infections including influenza and whooping cough.

Students will be unlikely to wash their hands in cold or freezing water. The State Education Department recommends hot water temperatures at lavatories of 100 degrees Fahrenheit, for grade school children and 110 degrees Fahrenheit for secondary school students. The benefit of warm water is to allow the user enough time to properly wash the hands with soap for 20 seconds to remove and sanitize the hands. School toilet rooms without hot water should be retrofitted with small electric heaters in an adjacent janitor or utility closet.

Finally, children should be reminded to wash their hands properly. Soap should be provided from a soap dispenser to avoid contamination from the bar of soap and for cleanliness in the rest room. Paper towels or dryers also need to be provided to allow the students to dry their hands.

For further reference, please check this guidance document from the NYS Department of Health: http://usny.nysed.gov/flu/H1N1SchoolGuidance08-28-09V4FINAL.pdf
CDC also has a good guidance document: http://www.cdc.gov/cleanhands/

From Carl Thurnau

Regents discussion on facilities
Several facilities issues were recently on the agenda of the September Regents meeting. Specifically, the Regents discussed three items: the implementation of green, high performance school design; a minimal level of maintenance spending; and whether the complex building aid formula should be transitioned to a foundation formula for simplicity and transparency.

The Regents expressed support for high performance school buildings and proper building maintenance. The Regents asked staff to cost out the proposals and address concerns related to implementation and unfunded costs.

For example, to encourage high performance schools, should we adopt NY-CHPS or LEED as the standard for newly constructed schools? For renovations, should we require a life-cycle cost analysis for major system components? Additional issues for review include: Is there a cost premium? If so, how would it be paid for?

For the second item, how might we fund maintenance to protect our recent multi-billion-dollar investments? What would the maintenance effort be? Should we consider a minimum annual expenditure based on the replacement value of the facilities.

At the Regents meeting staff presented the concept of a simplified "Foundation Aid Building Formula." The foundation building aid formula would work as follows:

> maximum cost allowance = number of students times X square feet per student times X dollars per square foot times a regional cost factor.

This would provide districts with greater flexibility regarding implementation of their individual educational programs instead of trying to maximize aid within the confines of the current building aid guidelines. It would also simplify long-range building capital planning and estimating State Building Aid.

The above ideas are preliminary thoughts and suggestions. Please consider the proposed topics, and email your observations and comments to us about how to implement and/or

pay for these proposals. We want to hear from you on these important topics as we plan for the future.

Question and Answer section

Don't forget to send us your questions; anything from finance and submission documents to code questions. Please send these questions to hmiller2@mail.nysed.gov.

An Index of our Newsletters is available on our website at http://www.emsc.nysed.gov/facplan/NewsLetters.htm.

If you would like to have this Newsletter sent directly to you by e-mail, please send your e-mail address to Curt Miller at hmiller2@mail.nysed.gov.

Please continue to send in your comments and requests. If you have a subject you would like addressed, feedback on the material you read, input or general comments we are happy to hear from you.