



ADAPTIVE REUSE PLAN

for

Camp Gabriels
Town of Brighton, County of Franklin

Camp Pharsalia
Town of Pharsalia, County of Chenango

Camp Mt. McGregor
Town of Wilton, County of Saratoga

BRIAN FISCHER
COMMISSIONER

October 1, 2009

PURPOSE OF THE REPORT

On April 7, 2009, the Fiscal Year 2009/10 New York State Budget was signed into law. Consistent with the authority provided in the budget bill, the Department of Correctional Services (DOCS) announced on April 14th that Camps Gabriels, Mt. McGregor and Pharsalia would be closed on July 1, 2009. Between April 14th and July 1st DOCS' priority was to begin the process of relocating inmates and then reassigning staff. DOCS coordinated its camp closure actions with the New York State Department of Civil Service and the Governor's Office of Employee Relations in order to minimize, to every extent practicable, the impact upon the state work force and local economies.

In July, DOCS was able to begin the complex task of actually decommissioning the properties. At the same time, DOCS also began the process of working with the appropriate state agencies to determine if another governmental agency could utilize the properties. In undertaking these actions, DOCS conferred with the Adirondack Park Agency, the Department of Environmental Conservation and the State Office of General Services. In a mere three months, DOCS has made significant progress decommissioning the camps, but limited progress determining any possible alternate uses for these facilities.

Section 3, Part H of Chapter 56 of the Laws of 2009, suspended the application of Correction Law sections 79-a and 79-b regarding the closures, however, it did provide that by October 1, 2009, the Commissioner shall provide a report for an adaptive reuse plan for the camps. This report is modeled, to the greatest extent possible, on section 79-b of the Correction Law and is intended to provide greater detail regarding DOCS' activities to date and to discuss the future activities that will be undertaken.

EXECUTIVE SUMMARY

DOCS' decision to close the camps was done primarily in response to a 16 percent decrease in New York State's overall inmate population during the prior decade and a more than 50 percent decline in the population of minimum security inmates, the only security level offender that may be housed in a camp setting. These specific closures were also deemed appropriate given the serious fiscal restraints placed upon the State, which resulted in the three camps being specifically identified for closure in the enacted Fiscal Year 2009/10 State Budget.

New York's inmate population decline has resulted from a significant overall drop in crime, a reduction in the number of drug arrests, and legislative changes that allow many non-violent offenders to earn early release through good behavior and program participation.

In considering the closures, DOCS examined offender population trends and projections indicated a continued, though moderate, decline in the State inmate population. This year's reforms to the State's drug laws are expected to further reduce the number of non-violent offenders in the prison system, the primary status of offenders placed in camps.

Camps Gabriels, Mt. McGregor and Pharsalia had few inmates in relation to their capacity. They no longer served the function they had 20 years ago. Historically, camps were established for minimum security inmates to work on community service crews and offered minimal programming. This is provided for in Correction Law Sections 2(8) and 72(4). Those inmates are, like all offenders, in need of the kind of re-entry services such as educational, vocational, skill building and treatment programs that the camps provided only minimally. Also, program requirements for the Merit Time, Supplemental Merit Time and Limited Credit Time programs (legislative changes created over the past decade), as well as medical and mental health services, were not as readily available at camps as at other correctional facilities. Inmates with medical problems could not be placed at the camps because of the type of work and limited medical services there. Inmates who would have been placed in camps 20 years ago have been sent instead to programs with proven track records of success such as the Comprehensive Alcoholism and Substance Abuse Treatment and Shock Incarceration programs.

When the decision was made to close the three identified camps, a second decision was simultaneously made to further reduce beds and staff by closing six (6) correctional facility annexes by October 1, 2009. This was made possible because the Legislature had also amended Correction Law section 79-a to delete annexes, as well as special housing units, from its coverage. Unlike Camp Pharsalia and Camp Gabriels, an annex is physically attached to a fully functioning facility and supported by a full administration. These annexes have a total bed capacity of 1,110 beds. Each will be maintained in a ready-state for the foreseeable future and can easily be repopulated should the need ever arise. The total loss of beds between Camp Pharsalia and Camp Gabriels is only

594. These facts support the rationale behind closing the camps since the annexes provide DOCS with readily available space more suitable for re-use than the camps that were closed. Camp Mt. McGregor, basically connected to Mt. McGregor Correctional Facility, will, like the annexes, be maintained for ready re-use should that be required.

The selection of the three (3) camps was also supported by the fact that each had been previously downsized in past years as part of DOCS' "right sizing" efforts. Camp Gabriels was reduced by 134 beds in 2005, leaving it with only 202 staffed beds. Camp Pharsalia was reduced by 92 beds in 2005 and by another 56 beds in 2008, leaving only 110 staffed beds to be removed. Camp Mt. McGregor was reduced by 137 beds in 2005 and by another 74 in 2008, leaving only 90 staffed beds to be removed. Hence, a total of only 402 staffed inmate beds were removed by the three closures.

Lastly, in the past three years, DOCS has had to comply with significant new legislative and court mandates requiring much more extensive services for sex offenders and inmates with mental illness. As a result, DOCS moved to hire hundreds of new employees, significantly renovate prison space and build new, specialized facilities. This was done to comply with the Sex Offender Management and Treatment Act of 2007, which vastly expanded required treatment programs for sex offenders, and the 2007 court-approved Private Settlement Agreement with Disability Advocates Inc. and Special Housing Unit (SHU) Exclusion law of 2008, both of which require significantly enhanced treatment and alternative housing for hundreds of inmates with mental illness. Those mandates required DOCS to redirect its resources away from the camps, which were not equipped to provide those costly, new and enhanced services, and to redeploy staff from some existing facilities to fill needed positions at facilities assigned these new program initiatives.

STATUTORY REQUIREMENTS

Section 3, Part H of Chapter 56 of the Laws of 2009, suspended application of Correction Law sections 79-a and 79-b regarding the closure of the camps. This same provision of law also provided that by October 1, 2009, the Commissioner "shall provide a report for an adaptive reuse plan... in a manner consistent with section 79-b of the correction law". This report has been modeled, to the greatest extent possible, on section 79-b of the Correction Law, which requires certain steps be taken before any correctional facility can be closed. It provides:

Not later than six months prior to the effective date of closure of a correctional facility, the commissioner shall, in consultation with the commissioners of economic development, civil service and the division of criminal justice services and the director of the governor's office of employee relations, provide a report for an adaptive reuse plan for any facility slated for closure which will evaluate the community impact of the proposed closure including but not limited to the following factors: the potential to utilize the property for another state government purpose, including for a new purpose as part of the state criminal justice system; potential for the sale or transfer of the property to a local government or other governmental entity; potential for the sale of the property to a private entity for development into a business, residential or other purpose; community input for local development; and the condition of the facility and the investments required to keep the structure in good repair, or make it viable for reuse.

The above-cited provision of law was enacted as Chapter 57 of the Laws of 2005. It was added by the Legislature in response to proposed executive budgets in several different fiscal years that sought to achieve budgetary savings by the closure of certain correctional facilities.

The McKinney's Practice Commentary (2005) on a companion provision of law, Section 79-a, is instructional. In pertinent part it reads as follows:

The DOCS inmate population has declined steadily in recent years. After reaching an all-time high of almost 72,000 inmates in 1999, its population now hovers just above 62,000. The reduction in inmates has put pressure on the system to close facilities that may no longer be needed. Such attempts have been met with strong resistance from correctional personnel, who are concerned regarding the impact such closures may have on their jobs, as well as from the elected representatives of the municipalities in which the facilities are located, who dread the economic impact closure of a prison will have on the local community. This section, as well as section 79-b, promotes actions that will minimize the impacts of facility closures.

IMPACT ON AFFECTED EMPLOYEES

On April 14, 2009, Commissioner Fischer announced that the closure of Camps Pharsalia, Gabriels and Mt. McGregor, would take place on July 1, 2009. As of April 14th, there were 262 permanent staff assigned to these facilities, of which, 181 were security staff and 81 civilian staff.

On April 17, 2009, DOCS Director of Human Resources sent an individual letter to each of the 262 staff impacted by the closures, which provided detailed information on the reduction-in-force process. Annexed as **Exhibit A** is a redacted copy of one of the 262 letters sent. In an effort to provide DOCS employees with as much information as possible, the correspondence also included a booklet entitled "Information for State Employees Affected by Layoff", which is published by Civil Service. DOCS coordinated its Camp closure actions with the New York State Department of Civil Service (Civil Service) and Governor's Office of Employee Relations (OER). Annexed as **Exhibit B**, is a summary of DOCS contacts with both Civil Service and OER.

The letter sent by the Director of Human Resources defined what a "Location Preference Sheet" is and how it would be utilized in the reduction in force process. The "Location Preference Sheet" is a listing of each correctional facility and central office. DOCS requested that staff rank each location, in preference order from most desirable to least desirable, where the employee would accept horizontal reassignment.

The correspondence acknowledged that the ranking of acceptable locations is a personal decision only the employee can make based on their individual situation. DOCS is a statewide agency and some of the locations would require either significant travel or relocation by the employee. DOCS strongly recommended that the employees rank as many locations as possible, as this would provide the greatest opportunity for continued employment. If an employee only ranked a limited number of locations as acceptable and there were no opportunities at those locations, it would result in a loss of employment, even if there were vacancies at other locations.

Through the end of April and beginning of May, DOCS' Director of Human Resources held employee informational meetings at the closure facilities to further explain the reduction in force process, with great emphasis on the submission of the employees "Location Preference Sheet" and the possible negative ramifications of limiting where an employee would be willing to accept continued employment.

Additionally, in order to offer staff as many opportunities as possible to remain employed by the State, in May of 2009, DOCS opened the Agency Reduction Transfer List (ARTL) process to affected staff. This process allowed eligible employees to have their names certified and provided them with preference to fill positions in other State agencies.

In accordance with Civil Service Law Sections 78, 80 and 80a, and based on the "Location Preference Sheets" that were submitted by the affected employees, DOCS

was able to successfully place 252 of the 262 affected camp employees. Although DOCS had sufficient vacancies, unfortunately, due to either the restrictiveness of the employees' "Location Preference Sheet" or their decision not to submit a "Location Preference Sheet" at all, 10 civilian staff ceased employment with the DOCS on July 1, 2009. The 10 civilian staff are eligible to have their name placed on reemployment lists, which are maintained by Civil Service, to assist in getting them reemployed as quickly as possible with the State.

DECOMMISSIONING PHYSICAL PLANTS OF CAMP GABRIELS AND CAMP PHARSALIA

Camp Gabriels and Camp Pharsalia were vacated and closed July 1, 2009. All equipment and supplies have been or will shortly be removed from the sites. DOCS developed and implemented a plan to remove any hazards from the sites while leaving the structures in a condition that will protect them, to the extent possible, from deterioration. Prior to developing the decommissioning plan, DOCS contracted the services of an environmental civil engineering firm to conduct a two-phase assessment of both sites. The first phase was a visual inspection to identify areas that need to be included in the decommissioning plan. The second phase, which will be completed in October, will include soil samples and ground radar, of old tank sites within the site. The decommissioning plans for these facilities are annexed as **Exhibit C**.

Decommissioning at these sites has addressed and will continue to address water distribution systems, heat distribution systems, fuel storage tanks, emergency generators, boilers, grease traps, waste water treatment systems and refrigeration systems. The buildings will be secured against the elements through the use of bird netting and boarding of the windows. It should be noted however, that the loss of heating and the boarding of windows to restrict access to the buildings by animals will invariably result over time in the deterioration of these structures by moisture and molds. To prevent this process, heat would have to be continued, which requires electricity, fire suppression/detection and wastewater treatment. However, those are precisely the services the decommissioning plan recommends be terminated because of the lack of resources available to the State.

With the exception of the waste water treatment systems, all systems have been prepared for long-term disuse by the end of September 2009. Due to the complexity of the waste water treatment systems, the decommissioning plan must be approved by the Department of Environmental Conservation (DEC). The plan for both sites is currently under review by the DEC.

At this time an independent contractor has been engaged to provide round-the-clock security at Camp Gabriels and Camp Pharsalia.

In June, the DOCS met with representatives of DEC to review the decommissioning plan as it relates to Camp Pharsalia. DOCS has since provided site information to the DEC.

FACILITY CLOSURES

CAMP PHARSALIA

Camp Pharsalia was classified as a male minimum security facility and was utilized as a correctional camp devoted to outdoor work in forestry, conservation and supervised community service projects. It also provided educational and "self-help" activities. The camp consists of a twenty-eight building installation located on approximately fifty acres within a forest tract many times that size administered by DEC as a park and silvicultural resource under the Environmental Conservation Law (ECL), Section 9-0107. A document entitled, "Existing Floor Plan Layouts, Building No. 1 Thru Building No. 64" is annexed as **Exhibit D**. An aerial photograph and building plot plan are annexed as **Exhibit E**.

DOCS occupied the camp under the terms of a permit issued by DEC in the mid 1960's, prior to the enactment of ECL Section 9-0107. ECL Section 9-0107 provides that the lands upon which the camp is located shall forever be under the jurisdiction of the commissioner of DEC and shall be irrevocably dedicated to be used for the purposes of a public park or reservation under the care, custody and control of DEC. The statute further provides that the Commissioner of DEC may lease a part or all of such lands provided the lease is consistent with the reasonable use of the premises by the public. ECL Section 9-0107 is annexed as **Exhibit F**.

Notice of the availability of these lands has been given to both DEC and the State Office of General Services (OGS). Interest has been shown by Development Chenango Corporation, the economic development arm of the Chenango County government. However, the statutorily restricted possibilities for reuse may make it difficult to identify an appropriate party for reutilization of the camp. The plan for adaptive reuse is, therefore, to care for and to maintain the camp buildings until such time as circumstances warrant reuse or removal. It appears unlikely that either a sale or transfer to a state or other government or private entity is permitted, other than the authority to lease given to the commissioner of DEC as set forth in ECL Section 9-0107.

CAMP GABRIELS

Camp Gabriels was classified as a male minimum security facility and was utilized as a correctional camp devoted to outdoor work in forestry, conservation and supervised community service projects. It also provided educational and "self-help" activities. The camp consisted of a 46-building campus-like installation located on a 92 acre parcel acquired by purchase in 1981 from Paul Smiths College. A document entitled, "Existing Floor Plan Layouts, Building No.1 Thru Building No. 55," prepared by OGS, is annexed as **Exhibit G**. The camp shares a common boundary with a 122 acre *forest preserve* parcel under the jurisdiction and custodianship of DEC.

The camp lands are classified "state administrative" under the Adirondack Park State Land Master Plan. Unlike the former Camp Pharsalia, Camp Gabriels was neither occupied pursuant to a DEC permit nor is its use restricted by Environmental Conservation Law Section 9-0107. Thus, the camp lands may be offered for reutilization without limitation, except as may be imposed by regulatory agencies having jurisdiction. In connection with DOCS' closing of Camp Gabriels, it has communicated with DEC, Adirondack Park Agency (APA), and OGS (see correspondence annexed as **Exhibit H**).

Notice of the availability of these lands has been given to DEC, APA and OGS and DOCS anticipates that OGS will follow the procedures set forth in the Public Lands Law for providing the public notice of the availability for disposition of the property. Interest in the reutilization of the property has already been indicated by three parties.

- The United States Army (Fort Drum) and the National Guard sent representatives to tour the Gabriels property on August 8, 2009 and discussed the possible use of the site as a simulated training location for military personnel.
- The United States Federal Bureau of Prisons toured the site on July 29, 2009, as a potential minimum security camp for federal prisoners. Unfortunately, DOCS recently learned that the Bureau of Prisons has determined this site will not meet their needs.
- Mt. Sun Solar company officials contacted DOCS on September 2, 2009 and discussed the site as a location for the fabrication of solar panels. Mt. Sun Solar company officials have continued to express interest in the site and have been referred to the appropriate OGS representatives for further exploration of their suitability.

The State will continue to make the Gabriels Campus available for inspection to all interested parties. It should be noted, that in the event another entity is identified as interested in reusing the property, there are other state regulatory agencies (such as DEC or APA) who have jurisdiction and would need to be involved in any final decision. Based on the interest shown so far, it is reasonable to anticipate difficulty in attracting a

responsible party for reutilization. At some point, in the interest of public safety, it may be necessary to consider the demolition and removal of all buildings and restoration of the site by re-grading and the introduction of topsoil and seeding. Should that action be warranted, the State Division of Budget, DOCS' design and construction consultant, and OGS will be involved

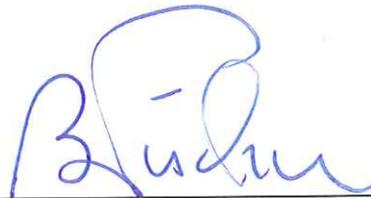
CAMP MT. MCGREGOR

Camp Mt. McGregor was classified as a minimum security facility, was used as a correctional camp for males sixteen years of age or older and is situated on the grounds of the Mt. McGregor Correctional Facility. The "camp" consisted of six buildings interspersed outside the secure perimeter that contains the medium security Mt. McGregor Correctional Facility. Four buildings were utilized as housing units (dormitories), one as a tool shed, and the remaining building as a dining and recreational facility. Due to the buildings location and integration with the Mt. McGregor Correctional Facility, the most appropriate reutilization for these structures, and thus the plan for their continued use, is simply to augment the operation of the continuing correctional facility. There are no good possibilities for use by another state government entity, whether by lease, sale or transfer and there has been no community input for local development. The condition of the former camp is good and it will be maintained at modest costs to preserve the integrity and usefulness of the buildings. One building that served partially as a laundry and auto shop for the Mt. McGregor Correctional Facility will continue to serve this purpose. Due to Camp Mt. McGregor's proximity to and partial continued use by Mt. McGregor Correctional Facility, there are no documents identifying the building plot plan for the former Camp Mt. McGregor annexed to this report.

CONCLUSION

In the near future, DOCS will formally relinquish to DEC the Permit under which it has occupied Camp Pharsalia since the camp opened in 1956. DOCS will also transmit to OGS a certificate of abandonment of land and structures that constituted Camp Gabriels. Consistent with standard practice, DOCS will continue to provide security at the sites until circumstances require other actions. In addition, in the interest of public safety, DOCS will notify the Division of State Police, as well as local police and fire agencies that the sites are vacated. DOCS will continue to coordinate with OGS and respond to parties who want to tour these sites or who otherwise express interest.

Appropriate measures have been taken to minimize the impact of camp closures on the state work force and local economies. The various agencies within state government having jurisdiction are taking measures to preserve the closed facilities and to ascertain appropriate reuse by following the rules for the disposition of surplus state property.



Brian Fischer
Commissioner
NYS Department of Correctional Services

October 1, 2009

TABLE OF EXHIBITS

- A.....Letter by DOCS Director of Human Resources
- B.....Summary of Contacts with Department of Civil Service and
Governor's Office of Employee Relations
- C.....Decommissioning Plans for Camps Pharsalia and Gabriels
- D.....Pharsalia Building Data
- E.....Pharsalia Aerial Photograph and Building Plot Plan
- F.....Environmental Conservation Law § 9-1070
- G.....Gabriels Building Data
- H.....Correspondence to DEC-APA-OGS