

**MINUTES OF THE MEETING OF THE
COUNTY OF WESTCHESTER
BOARD OF ACQUISITION AND CONTRACT
HELD ON THURSDAY, OCTOBER 21, 2010 AT 11:00 A.M.**

County Executive	Rob Astorino
Chair, Board of Legislators	Ken Jenkins
Commissioner of Public Works	John Hsu
Deputy County Executive	Kevin Plunkett
Deputy County Attorney	Jim Robertson
County Executive's Office	Bill Mooney
County Executive's Office	Christine Sculti
Office of Budget	Pat Haggerty
Deputy Commissioner, Dept. of Finance	Dennis Kelly
Board of Legislators	Anne Reasoner
Board of Legislators	Olivia Rhodes
Board of Legislators	Larry Goldstein
Secretary BAC	JoMary Vieira
Assistant Secretary BAC	Joan Cocciardi

Mr. Astorino presided.

Mr. Astorino said, "Before we begin the meeting, has the Secretary checked the reception area to make sure that all members of the public who wish to attend this meeting have been invited into this conference room?"

Ms. Vieira confirmed that she had done so.

Acquisition & Contract. Minutes of the meeting of 10/14/10 and the SEQR Review for agenda items.

J. Vieira

Mr. Astorino moved to receive and file the foregoing minutes and SEQRA review, which were duly seconded and approved.

Mr. Astorino noted that Commissioner Hsu wished to make a motion.

Mr. Hsu said, "At the request of the Commissioner of Planning, I move to add item 17 to the agenda. This resolution would rescind a resolution adopted on October 7th authorizing a contract with Legal Services for the Hudson Valley in connection with housing resettlement and eviction prevention. Planning recited the exemption from the Procurement Policy requiring that the services be delivered to "persons in need of public assistance." It turned out that not all program participants meet that criteria. Planning now wishes to utilize the "best interests of the County" exemption which requires a separate resolution making such determination be adopted prior to the procurement. The Law Department has advised that the legal requirements for the "best interests" exemption can only be fulfilled if the prior contract authorization is eliminated and the new exemption resolution adopted. Then the contract may be awarded under the "best interests exemption."

Mr. Jenkins seconded the motion and item 17 was added to the agenda.

Mr. Jenkins said, "First we want to thank the Chairman again for tabling items 7701 and 7702. We did get the information for 7701 and I know emails have been going back and forth for 7702 which is for WRO, Westchester Residential Opportunities. I want to say that the real context of the question that was asked for WRO, is regarding a reduction in the amount of money they were appropriated in 2009 to 2010. It is not a huge amount of money but it is a question about what services and activities are not going to be provided. The Board Members need to be aware of what differences in service are offered. We need to know more than just the fact that someone is reducing the amount of money, given the current economic situation. We certainly understand that everybody is being asked to do more with less. The real question is what services aren't going to be provided because it may make a difference at least to the Board, on whether or not we wish to support a specific reduction. So for example, if we have a reduction in a service where someone is not going to have a meeting - they will have 8 meetings instead of 10 - that's not something that we are going to push back again. In some cases if someone is not going to have the services provided, for example a domestic violence program for 30 people, and instead they might see only 20 or there might be a delay in seeing a domestic violence victim, the Board and certainly the Administration may not want to support that particular reduction although someone was willing to participate. That's really what the questions surround and we haven't received a clear answer on what the reduction entails. We don't want to hold up this particular resolution again or respectfully request that it will be withheld or tabled again because these services are necessary for Westchester County. We just wanted to make sure, on the record again, the reason and rationale for asking the questions is not just to be a nudge or to ask questions for no apparent reason. The Board Members and certainly the public need to understand clearly the differences in services that someone is providing and how they are able to do it. As we move forward going through our new budget cycle, we will take that into consideration when making appropriations. If someone is able to do something miraculously we would like to know."

1. (14286) **Law** - Enter into an agreement with American International Group Inc., through the brokerage firm of Marsh USA, Inc. of New York, to purchase Helicopter Hull and Liability Insurance, and provide **a)** \$50,000,000 "All Risk" "First Dollar" Liability coverage; **b)** Hull Physical Damage Coverage subject to a \$1,000 deductible (rotors not in motion), and **c)** 5% hull value deductible (rotors in motion) for each of the two County helicopters, with the premium not exceeding \$63,291 for the policy period of 11/4/10 – 11/4/11.

R. Meehan

Laid over by the Board of Legislators – 10/14/10

Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.

2. (7701) **Planning** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Westchester Residential Opportunities, Inc., White Plains.

E. Buroughs

Tabled by the Board of Acquisition & Contract until 10/21/10

Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.

3. (7702) **Planning** - Enter into an agreement with Westchester Residential Opportunities, Inc., for a Condominium and Cooperative Board Fair Housing Education Program and Asset Building/Individual Development Account Program, in an amount not to exceed \$30,000, from 1/1/10 – 12/31/10.

Tabled by the Board of Acquisition & Contract until 10/21/10

Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.

- 4. (14072) **Probation** – Enter into an agreement with the New York State Division of Criminal Justice Services, to operate the Detention Services Program, from 9/1/10 – 8/31/11, in an amount not to exceed \$71,171 in federal funds.

R. Pozzi

Tabled by the Board of Acquisition & Contract until 10/21/10

Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.

- 5. (14354) **Board of Legislators** - Amend an agreement with the Westchester Arts Council, Inc., d/b/a ArtsWestchester ("WAC") to provide a transportation and ticket subsidy program to at least 600 senior citizens or public school students throughout the county, whose access to cultural sites is limited by lack of access to transportation, from 9/1/09 – 8/31/10, in an amount not to exceed \$15,000, by extending the term of the agreement for an additional three (3) months, from 9/1/09 – 11/30/10, to give WAC additional time in which to complete the scope of services.

K. Jenkins

Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.

- 6. (14434) **Planning** - Contract Number C-LSW-10-198, for lead based paint hazard control activities for approximately (15) fifteen units throughout Westchester County, through the Lead Safe Westchester Program, from 10/22/10 – 2/15/12. Awarded to Secondary Contractor, Linear Environmental Corporation, in the amount of \$180,000, under the listed terms and conditions.

E. Boroughs

Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.

- 7. (14361) **Planning** – Amend an agreement with the City of Peekskill, through the Housing Implementation Fund (HIF) program, to provide Public Infrastructure in Support of the Artloft Affordable Housing Development, in order to decrease the portion of the artist income requirement from fifty percent (50%) to twenty percent (20%) for this affordable housing development.

E. Boroughs

Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.

- 8. (14409) **District Attorney** - Amend an agreement with Mindy Eisenberg-Stark, to conduct tax fraud investigations as part of the Crimes Against Revenue Prosecution Program, from 10/1/09 – 9/30/10, in order to increase the not to exceed amount of the agreement from \$56,600 to \$62,700, for additional services.

J. DiFiore

Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.

- 9. (14431) **Transportation** - Amend a license agreement with Airport Mart, Inc., for the use of approximately 254 square feet of space in the terminal building at the Westchester County Airport as a news, gift and sundries shop, to permit the licensee to occupy an additional

150 square feet for an additional fee of \$787.50 per month (\$9,450 annually) with 3% annual increases commencing on 1/1/11 to operate a Dunkin Donuts franchise, offering coffee and donuts on a self-serve basis, for a total of approximately \$75,000, under the listed terms and conditions.

J. Hsu

Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.

10. (14435) **DPW** – Contract No. 10-512, for Roadway Repairs and Stormwater Improvements, Hardscrabble Road (C.R. 138) From I-684 to June Road, a Distance of 3.14 Miles, Town of North Salem, New York. Awarded to low bidder, PCI Industries Corp., Mt. Vernon, in the amount of \$336,082.50.

J. Hsu

Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.

11. (14436) **DPW – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into a grant agreement with the State of New York Governor's Traffic Safety Committee for the Community Awareness for Roadway Safety Program, whereby the County will receive \$166,354, from 10/1/10 – 9/30/11, to conduct the third phase of the project, including without limitation, traffic safety programs, such as occupant restraint safety, safe driving, bicycle/pedestrian safety and traffic injury prevention. (Agreement No. 10-935)

J. Hsu

Mr. Jenkins said, "There are a set of questions that we are waiting to get the answers. We asked for the breakdown of the cost of fringe benefits and understanding how services are being delivered."

Mr. Hsu said, "I think your request for the one that we administer was for the fringe rate. The fringe rate we get from Budget. The fringe rate is included in our grant. In other words, when we do salaries, direct salaries, the fringe cost is added to all of our expenses."

Mr. Jenkins replied, "We actually provided a very detailed list which we provided for the Secretary, including which positions does the salary fund, the retirement allocations, supplies, postage, what they are sending out, etc. and, obviously it is given to you."

12. (14437) **DPW** - Enter into a grant agreement with the State of New York Governor's Traffic Safety Committee for implementation of the ninth phase of the Selective Traffic Safety Enforcement Program, whereby the County will receive \$170,100 without a County match, from 10/1/10 – 9/30/11, of which \$13,000 will be retained by the County for program administration and the remainder of the funds, \$157,100 will be distributed to the municipalities based on the NYS Governor's Traffic Safety Committee's formula, under the listed terms and conditions. (Agreement No. 10-936)

J. Hsu

Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.

Mr. Jenkins said, "A much more important item is that this particular resolution #14437 is an appropriation to enter into a grant agreement and that grant agreement is for the NYS Governor's Traffic Safety Committee with the 42 municipalities. The IMA for those organizations expires on 9/30 so before we enter into a new contract for the upcoming year, I believe it would be appropriate that we had a new IMA or an IMA that would be able to extend for the appropriate period of time. It was a 5 year agreement. We were asking about that because it would overlap the period of time

when the grant expires. Maybe it's a good opportunity for us to review and to extend those IMA's with those municipalities because it is a fantastic program."

Mr. Hsu responded, "Keep in mind that the GTSC42 Safety Fund grants have been ongoing for almost 40 years in Westchester County. In the second grant we provide overtime dollars to local enforcements that do drunken driving and seatbelt checks. They count on this money every year to do their overtime enforcement."

Mr. Astorino advised that the municipalities are doing their budgets right now.

Mr. Jenkins said, "In that case, we would not want an impact on our ability to continue to do an oversight for DWI especially after being at a Leandra's Law meeting last night. So we will not be overing that particular item. However we want to understand the allocation by municipality which is what the question really surrounds."

Mr. Hsu responded, "As you know, the Traffic Safety Board is half represented by law enforcement from the various communities. At one point we had talked about the allocation on how we distribute these funds to locals. There was an issue of whether we do it by population or do we do it by number of police officers on the force? Among the law enforcement officers, they decided it was too political to basically say Yonkers or Mt. Vernon gets this, so they decided that all the participants would divide the funds equally across the board just by the sheer number of municipalities, so that we wouldn't have the issue of your bigger than me and should get three times what I get. This was established decades ago and has been followed through all the subsequent years without any contentious arguments between the various police chiefs. This is something they decided how they want to split it."

Mr. Jenkins said, "In giving that consideration, Mr. Chairman, based on how we support, and the County police certainly supports these activities, and since most of the time we do that without additional support from funding, especially if we are actually issuing a summons for that area, I think that maybe having the input from Commissioner Longworth to understand how we might want to have those funds distributed on a basis of where he sets up his check points might be something that we want to consider. Giving money to a municipality for DWI prevention and whether it may or may not be utilized, may be something we want to consider."

Mr. Hsu responded, "They have to document to us what efforts have been utilized and, if in fact they don't, at the end of the year we give it to municipalities that actually are active and asked for more money. This is closely monitored. We allocate money and if they don't use it for that purpose, we never pay them. In fact they have to substantiate the dates, times and locations of when the enforcement occurred. How many citations were issued? How many officers were utilized? If they can't show the documentation, we don't give them the money. It gets distributed to a community that has been very active in enforcement. This is not a grant. You earn what you get. There is a tremendous level of reporting and we show when we allocate funds that were not used by one municipality and that were given to another one that's been very active. We don't give away funds without policing it. Public Safety is represented on the Traffic Safety Board. They are present at all of our meetings with the various memberships and it is an open meeting."

Mr. Jenkins said, "With that being said, can we get a copy of that reporting?"

Mr. Hsu responded, "I will give you the accounting for the last year and prior year for the enforcement funds, who got paid and what the back-up was."

13. (14438) **DPW** – Contract No. 07-515, with Core Contracting of New York, LLC, for Flint Avenue Outfall Rehabilitation, Larchmont, New York. Completed work and Final Contract Amount of \$409,670.60.

J. Hsu

Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.

14. (14439) **DPW** – Contract No. 08-546, with United Steel Products, Inc., to Replace Overhead Garage Door, Richard J. Daronco Courthouse, White Plains, New York. Completed work and Final Contract Amount of \$66,686.

J. Hsu

Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.

15. (14440) **DPW** – Contract No. 06-541, with Arben Group LLC, for Performance Maintenance III, Blind Brook Wastewater Treatment Plant, Rye, New York. Approved Hudson Valley Roofing and Sheet Metal, Inc., New Windsor, NY, as a subcontractor.

J. Hsu

Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.

16. (14441) **DPW** – Contract No. 10-524, with Caladri Development Corp., for Building and System Improvements, Richard J. Daronco Courthouse Annex, White Plains, New York. Approved of GS Elevator Industries, Inc., North Bergen, NJ, as a subcontractor.

J. Hsu

Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.

17. (14786) **Planning** - Rescind a 10/7/10 Resolution to enter into an agreement with Legal Services of the Hudson Valley for the provision of legal services to eligible low income families in connection with housing resettlement and eviction prevention, from 1/1/10 – 12/31/10, for a total amount not to exceed \$343,248, pursuant to an approved budget.

E. Buroughs

Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.

This meeting was recorded and an electronic copy of the minutes is on file with the Board of Acquisition and Contract.

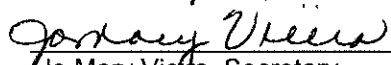
There being no further business, the Chair declared the meeting adjourned. All approved resolutions are on file electronically with the Board of Acquisition and Contract.



(Jo Mary Vieira – Secretary)

I have reviewed the foregoing minutes and have found them to be correct as written.

Dated 10/26/10



Jo Mary Vieira, Secretary
Board of Acquisition & Contract