

**MINUTES OF THE MEETING OF THE
COUNTY OF WESTCHESTER
BOARD OF ACQUISITION AND CONTRACT
HELD ON THURSDAY, JANUARY 20, 2011 AT 11:00 A.M.**

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| County Executive | Rob Astorino |
| Chair, Board of Legislators | Ken Jenkins |
| Commissioner of Public Works and Transportation | John Hsu |
| Deputy County Executive | Kevin Plunkett |
| Deputy County Attorney | Jim Robertson |
| County Attorney's Office | Karen Ramos |
| County Executive's Office | Christine Sculti |
| CIO – Information Technology | Marguerite Beirne |
| Office of Budget | Patricia Haggerty |
| Deputy Commissioner, Dept. of Finance | Dennis Kelly |
| Board of Legislators | Anne Reasoner |
| 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.

Mr. Astorino said, "I understand that Commissioner Hsu wishes to make a motion."

Mr. Hsu said, "On behalf of the Commissioner of Parks, I move to add item 36 to the agenda. This is a resolution to amend the license agreement dated January 21, 2010 with 181 New England Seafood Corporation in order to adjust the licensed area by decreasing the licensed area under the covered portion of the pier and increasing the licensed area to include additional portions of the boardwalk for customer seating, including a new self-service area, and a portion of the Ice Casino for storage and restroom facilities. Pursuant to the proposed amended License, the minimum license fee increases \$15,000 from the current \$30,000 to \$45,000 in 2011 and 2012 and increases \$20,000 from the current \$40,000 to \$60,000 in 2013 and 2014."

Mr. Jenkins seconded the motion and item 36 was added to the Agenda.

Mr. Jenkins said, "We are putting over item 36, although we approved adding it to the agenda today. Legislator Myers had concerns that she was working on with the administration and Mayor French. These concerns are regarding specific items they are requesting be included in the agreement, regarding noise and some other aspects that we hope will be added into this agreement so that it is memorialized as opposed to the verbal agreements that seem to be in place for these two items at this point and time. I know initially Legislator Myers was advised by Mr. Oros that this item was not going to appear until they had those particular items ironed out, as this agreement starts on April 1st. Is that what this agreement would be for?"

Mr. Astorino said, "The issue has really been discussed since November. The main part of this is an expansion and reconstruction of the kitchen. In order for him to get this finished, he is already behind schedule to go to work, that's why we have to put this on the agenda, but we will move it to next week. The City of Rye and Mayor Doug French have approved the

issues that we have worked through. We met with Legislator Myers two days ago and are continuing to work with her on a few items. Some of the things can not be memorialized in the resolution, such as demanding that in this case the owner John Ambros provide his own security. He is doing that on his own, to assure the residents and patrons additional safety, but county police are in charge of Playland and it is the County police's responsibility. Mr. Ambros is working through this with the county police department and his private security that he has hired on protocols and issues, but to memorialize it in the resolution is not something that we are going to do."

Mr. Jenkins said, "That is the question, Mr. Chairman. Our other contracts and agreements have requirements for security, for example that the vendor would have to provide "x" period of security so that doesn't seem that it would be an unusual memorialization inside of the agreement. They have to have protocols obviously between the county police and that security firm because they're only securing their space."

Mr. Astorino said, "You have to take into consideration too that this licensee has put in a considerable amount of money into renovating areas that benefit the county. He himself has given up space that he is permitted to use under the agreement. So with all of the concerns from the public, as well as Legislator Myers, with regard to unfettered access to the pier and the boardwalk, the compromises that were worked out, I think has benefited everybody. We have worked with this for two months and now it is becoming an undue burden and unfair to the licensee who has put in a considerable amount of money. He has to get ready for his season which is coming up in about two months, so we need to work through this."

Mr. Jenkins said, "Definitely, and Mayor French emailed me on 1/19 at 2:51 p.m. that this particular concern is still outstanding. I am hopeful that by next week, Mr. Chairman, that they will be able to work through this, but certainly the Board of Legislators would respectfully request that we did add some level in the documentation about the level of security that we don't need two officers or two security personnel but to make sure that that is a requirement in the agreement. This way when there may be a breach that it is handled. With that Mr. Chairman, the Board is prepared to vote."

Acquisition & Contract. Minutes of the meeting of 1/13/11 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.

1. (16477) **County Executive** - Amend a 1/28/10 Resolution which authorized the County Executive to issue authorizations to the heads of the departments, boards and commissions named therein for the purpose of enabling them to execute contracts pursuant to Sections 161.01 and 161.11(1)(b) of the Laws of Westchester County, (amended on 3/4/10) in order to: 1) remove the Department of Transportation and the Department of Public Works from the list of departments, boards and commissions listed therein, and 2) add the new Department of Public Works and Transportation to the list of departments, boards and commissions listed therein, effective 1/1/11.

R. Astorino

Laid over by the Board of Legislators – 1/13/11

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

2. (16446) **Information Technology** - Request authority to amend an agreement IT-1146 with Janus Associates, Inc., Stamford, CT., for a needs assessment and development of a plan for an enterprise electronic records management program that includes an e-mail storage and retrieval system, management of data files and an automated legal discovery process, by extending the term of the agreement by six (6) months to a new termination date of 8/7/11.

Beirne/Meehan

Laid over by the Board of Legislators – 1/13/11

Tabled by the Board of Acquisition and Contract until 1/27/11

3. (16187) **Social Services** - On behalf of the Westchester/Putnam Local Workforce Investment Board to **1)** enter into an agreement with the Hospitality Resource Group, Inc., for the purpose of providing customized training in English as a Second Language to seventy-five (75) incumbent workers employed at various hotels throughout the county who are eligible to receive such training in accordance with Title I of the Workforce Investment Act of 1998 ("WIA"), from 12/1/10 – 6/30/11, in an amount not to exceed \$55,000; and **2)** enter into an agreement with Pace University for the purpose of providing customized training in the field of Sales Essentials for Home Performance Skills for Building Analysts to twenty-four (24) incumbent workers employed at two energy-retrofitting companies in the county who are eligible to receive such training in accordance with WIA, from 12/1/10 – 6/3/11, in an amount not to exceed \$20,200.

G. Mitchell

Laid over by the Board of Legislators – 1/13/11

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

4. (16282) **Social Services** - Request authority to amend an agreement with United Way of Westchester & Putnam d/b/a Hudson Valley Region 2-1-1, acting by and through the Department of Social Services, Office of Workforce Investment, to provide employment for up to fifteen (15) TANF eligible individuals to become Home Energy Call Specialists in an amount not to exceed \$11,370, from 4/1/10 – 9/30/10 by **1)** increasing the amount not to exceed by \$79,608 for a new total not to exceed amount of \$90,978 to cover the cost of subsidizing the wages of the ten (10) full time employees hired by United Way; and **2)** extending the contract termination date from 9/30/10 to 12/31/10.

G. Mitchell

Laid over by the Board of Legislators – 1/13/11

Tabled by Board of Acquisition and Contract until 1/27/11

5. (16286) **Social Services** - Request authority to amend the agreements with the four (4) agencies listed, acting on behalf of the Westchester/Putnam Local Workforce Investment Board, for the provision of services to implement the Green Jobs Corps program under a grant from the New York State Department of Labor, from 11/1/09 – 10/31/10 by **1)** increasing the amount not to exceed by \$18,293 (\$12,358 to CHI and \$5,935 to the City of Peekskill, acting by and through its Youth Bureau, respectively) for a new total not to exceed amount of \$428,973; and **2)** extending the contract termination date of all agreements listed from 10/31/10 – 12/31/10.

G. Mitchell

Laid over by the Board of Legislators – 1/13/11

Tabled by Board of Acquisition and Contract until 1/27/11

6. (16482) **Social Services** - Request authority to amend an agreement with Westchester Institute for Human Development for the continuation of the Health Care Coordination Program by modifying the scope of service to collect and enter health care-related data in the New York State information system CONNECTIONS for all children in foster care, by extending the end date of the agreement from 12/31/10 to 4/30/11, and increasing the total aggregate not to exceed amount by an additional \$5,363 to \$341,528, to cover the cost associated with the services to be provided during the extended term.

G. Mitchell

Laid over by the Board of Legislators – 1/13/11

Tabled by Board of Acquisition and Contract until 1/27/11

7. (16188) **Health** - Request authority to enter into an agreement with Currier, McCabe & Associates, Inc., d/b/a CMA Consulting, to provide New York State Department of Health ("NYSDOH") sponsored end user training sessions for the new NYSDOH early intervention program data management system to WCDH municipal staff and contracted Early Intervention providers, from 1/1/11 – 9/30/11, for a total amount not to exceed \$68,380.

C. Archbald

Laid over by the Board of Legislators – 1/13/11

Tabled by Board of Acquisition and Contract until 1/27/11

8. (16400) **Health** - Enter into an agreement with Registered Pharmacist for Hire, PC, to provide professional services for the WCDH's pharmacy operations which support our Sexually Transmitted Disease and Tuberculosis programs, from 1/1/11 – 12/31/11, in the not to exceed amount of \$35,000, under the listed terms and conditions.

C. Archbald

Laid over by the Board of Legislators – 1/13/11

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

9. (16443) **DPW/Transportation** - Amend an agreement with First Environment, Inc., to perform additional site investigation of the Aviation Fuel Farm at Westchester County Airport, by extending the termination date from 1/1/11 to 6/30/11, at no additional cost to the County.

J. Hsu

Laid over by the Board of Legislators – 1/13/11

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

10. (16442) **DPW/Transportation** - Amend an agreement with Lochard Corporation for the upgrade of the Airport Noise and Operations Monitoring System at Westchester County Airport, from 6/1/09 – 12/31/10, for an aggregate amount not to exceed \$180,000, in order to extend the term of the agreement through 8/31/11, at no additional cost to the County.

Hsu/Beirne

Laid over by the Board of Legislators – 1/13/11

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

11. (16444) **DPW/Transportation** - Agreement No. 09-903, with Stearns & Wheler, LLC, Cazenovia, NY, for services in connection with the Rehabilitation of New Rochelle Reservoir #3 Dam and Pocantico Lake Dam, City of New Rochelle and Towns of Eastchester and Mount Pleasant; approved Duke's Plumbing and Sewer Service, Inc., Syracuse, and Gomez and Sullivan Engineers, PC, Utica, as subconsultants.

J. Hsu

Laid over by the Board of Legislators – 1/13/11

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

12. (16667) **County Executive – OVER BY BOARD OF LEGISLATORS.** Request authority to execute a third amendment to a New York State Environmental Restoration Program State Assistance Contract for the investigation and remediation of environmental conditions at Davids Island, to extend the termination date of the Contract from 12/30/10 to 12/30/11, at no additional cost to the County.

R. Astorino

13. (16694) **Planning – OVER BY BOARD OF LEGISLATORS.** Request authority to enter an agreement with the Marathon Development Group, LTD, through the Community Development Block Grant Program, in the amount of \$32,975, to rehabilitate the affordable housing buildings at 33 Oak Street, and 99 and 100 Manhattan Avenue in the Town of Greenburgh, by providing a security camera system, from 1/28/10 – 12/31/11.

E. Buroughs

14. (16704) **Planning** - Amend a 3/12/09 Resolution with Greenburgh Housing Development Corporation and the Town of Greenburgh, to provide infrastructure improvements associated with the Warren Avenue Homes Affordable Housing Development in the Town of Greenburgh, in order to change the expiration date from 12/31/10 to 12/31/11.

E. Buroughs

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

15. (14162) **Planning – OVER BY BOARD OF LEGISLATORS.** Request authority to amend the agreement with the New York State Department of Transportation (NYS DOT) to redesign the rehabilitation and expansion of Playland Park Pathway to connect it to the Harrison and Rye Railroad Stations, Playland Park and Edith Read Sanctuary, in order to change the not to exceed amount of the County's cash matching contribution from \$59,250 to \$14,812.50, a reduction of \$44,437.50, and the NYS DOT contribution will increase from \$237,000 to \$281,437.50.

Buroughs/O'Connor

16. (15706) **Senior Programs – OVER BY BOARD OF LEGISLATORS.** Request authority to a 1) amend an agreement with the New York State Office for the Aging, pursuant to which the County accepted a grant in the amount of \$320,577, to administer and implement the Senior Community Services Employment Program, under Title V of the Older Americans Act, from 7/1/09 – 6/30/10, by extending the termination date from 6/30/10 to 12/31/10; 2) amend an agreement with the Urban League of Westchester County, Inc., to administer the SCSEP Program under Title V of the Older Americans Act, for a total aggregate amount not to exceed \$39,500, from 7/1/09 – 6/30/10, by extending the termination date to

12/31/10; **3)** amend no-cost agreements with the various municipalities and agencies listed, to provide training sites to train seniors in various areas of employment in accordance with the SCSEP Program, from 7/1/09 – 6/30/10, by extending the termination date to 12/31/10, in accordance with the listed terms and conditions.

M. Carpenter

17. (16618) **Community Mental Health – OVER BY BOARD OF LEGISLATORS.** Request authority, pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Program Design and Development, LLC for assistance in the management of Housing and Urban Development (“HUD”) Shelter Plus Care contracts and the requirements and procedures of HUD as they relate to the Continuum of Care Program and assistance in connection with the County’s 2011 HUD Continuum of Care application.

Mitchell/Beirne

18. (16619) **Community Mental Health** - Enter into an agreement with Program Design and Development, LLC, to assist the County in the managing of Housing and Urban Development (“HUD”) Shelter Plus Care contracts and the requirements and procedures of HUD as they relate to the Continuum of Care Program and also assist the County with the preparation of its 2011 HUD Continuum of Care application, from 1/1/11 – 12/31/11, for an amount not to exceed \$43,200, to be paid in accordance with an approved budget.

Mitchell/Beirne

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

19. (16629) **Health** - Amend an agreement with one Early Intervention and Related Services Provider, Speech and Communication Professionals, from 7/1/10 – 6/30/15, for the provision of services to children with disabilities mandated pursuant to Article 25, Title II-A of the New York State Public Health Law and Part 200 of the New York State Education Law, by changing the providers name to Speech & Communication Professional, SLP, Audiology, Psychology, LMSW, PT & OT PLLC, effective 1/1/11.

C. Archbald

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

20. (16641) **Health** - Enter into contract to accept continued funding from the New York State Department of Health for the STD Disease Intervention Services Grant, from 1/1/11 – 12/31/11, in the not to exceed amount of \$220,000.

C. Archbald

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

21. (16633) **College** – Contract No. WCC-10-506, with Teisch Garden Systems, LLC, for Construction of Community Garden, Westchester Community College. Completed work and Final Contract Amount of \$78,750.

J. Hankin

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

22. (16652) **Parks – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into a license agreement with MGE, Inc., Rye, for the operation of a concession ride known as the “Sky Flyer” at Playland Park, Rye, for the 2011 operating season from 5/1/11 – 10/31/11, for a license fee of 40% of gross receipts during the operating season, for a total fee of \$75,000.

K. O'Connor

23. (16653) **Parks – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into a license agreement with MGE, Inc., Rye for the operation of a concession ride known as “Starship 2000” at Playland Park, for the 2011 operating season, from 5/1/11 – 10/31/11, for a license fee of 40% of gross receipts during the operating season, for a total fee of \$133,000.

K. O'Connor

24. (16654) **Parks – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into a license agreement with MGE, Inc., Rye, for the operation of a concession ride known as the “Zombie Castle” at Playland Park, Rye, for the 2011 operating season, from 5/1/11 – 10/31/11, for a license fee of 50% of gross receipts during the operating season, for a total fee of \$139,000.

K. O'Connor

25. (16655) **Parks – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into a license agreement with Trahanas Amusements, Inc., Rye, for the operation of a concession ride known as the “Flying Witch” at Playland Park, Rye, for the 2011 operating season, from 5/1/11 – 10/31/11, for a license fee of 48.5% of gross receipts during the operating season, for a total fee of \$191,000.

K. O'Connor

26. (16657) **Parks -** Enter into a license agreement with Trahanas Amusements, Inc., Rye, for the operation of a concession ride known as the “Thunderbolt” at Playland Park, Rye, for the 2011 operating season, from 5/1/11 – 10/31/11, for a license fee of 48.5% of gross receipts during the operating season, for a total fee of \$205,000.

K. O'Connor

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

27. (16441) **DPW/Transportation – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into a license agreement with Signature Flight Support Corporation for the County to use office space within Signature's leasehold in Hangar “G” at Westchester County Airport, from 1/1/11 – 12/31/11, to include approximately 2,200 square feet to be used by Ground Handling, Inc., for administrative offices, for a license fee not to exceed \$40,700, under the listed terms and conditions.

J. Hsu

28. (16671) **DPW/Transportation – OVER BY BOARD OF LEGISLATORS.** Contract No. 10-503-Rev., for Roofing Replacement – Phase I, Various Park Facilities, Westchester County, New York. Award to Low Bidder, Sony NY Management & Construction Corp., Bronx, in the amount of \$275,000. (7 bids received)

J. Hsu

29. (16672) **DPW/Transportation** – Contract No. 10-521, for Stormwater Wetland Construction and Streambank Stabilization, Scout Field, City of Mount Vernon, New York. Awarded to Low Bidder, Landi Contracting, Inc., (WBE), Hawthorne, in the amount of \$240,783.50. (13 bids received)

J. Hsu

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

30. (16673) **DPW/Transportation** – Contract No. 06-558-E, with Kleinberg Electric Inc, for Woodlands Legacy Ballfields, Strang Boulevard, Yorktown Heights, New York. Completed work and Final Contract Amount of \$914,856.

J. Hsu

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

31. (16674) **DPW/Transportation** – Contract No. 09-520, with Best Roofing of NJ, Inc., for Roofing Replacement – Phase I, Department of Correction, Norwood E. Jackson Correctional Center, Valhalla Campus, Valhalla, New York. Completed work and Final Contract Amount of \$206,655.

J. Hsu

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

32. (16675) **DPW/Transportation** – Contract No. 09-551, with Crossboro Contracting Co. Inc., Installation and Maintenance of Reflectorized Pavement Markers, Bronx River Parkway From Sprain Brook Parkway to Kensico Circle, Westchester County, New York. Completed work and Final Contract Amount of \$138,883.

J. Hsu

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

33. (16676) **DPW/Transportation** – Contract No. 09-504, for Rehabilitation of Bathhouse – Phase II, Tibbetts Brook Park, Yonkers, New York. Advertise for bids.

J. Hsu

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

34. (16677) **DPW/Transportation – OVER BY BOARD OF LEGISLATORS.** Contract No. 10-561, for Installation of Energy Efficient Lighting, Central Maintenance Facility, 475 Saw Mill River Road, Yonkers, New York. Request authority to Reject all bids and Re-advertise for bids as 10-561-Rev.

J. Hsu

35. (16678) **DPW/Transportation** – Contract No. 10-525, with ADCO Electrical Corp. (WBE), for Electrical and Elevator Renovations, Norwood E. Jackson Correctional Center, Valhalla Campus, Valhalla, New York. Approved Belleville Landscaping Inc., Congers, NY, and GS Elevator Industries Inc. (WBE), North Bergen, NJ, as subcontractors.

J. Hsu

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

36.(14592) **Parks – OVER BY BOARD OF LEGISLATORS.** Request authority to amend a license agreement with 181 New England Seafood Corporation, Rye, to operate the Boardwalk Restaurant at Playland Park, Rye, New York, from 4/1/10 – 12/31/14, with the sole option on the part of the County to extend the License for an additional period of five years, to increase the size of the licensed premises by approximately 4,500 square feet and allow for additional capital improvements, and pursuant to the amended License, New England Seafood will pay to the County of Westchester an increased minimum license fee of \$15,000, from \$30,000 to \$45,000 in 2011/2012 - \$20,000, from \$40,000 to \$60,000 in 2013/2014.

K. O'Connor

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

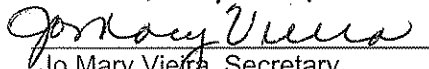
There being no further business, the Chair declared the meeting adjourned. All approved resolutions are on file electronically with the Board of Acquisition and Contract.



(Jo Mary Vieira – Secretary)

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

Dated 1/25/11



Jo Mary Vieira, Secretary
Board of Acquisition & Contract