

**MINUTES OF THE MEETING OF THE
COUNTY OF WESTCHESTER
BOARD OF ACQUISITION AND CONTRACT
HELD ON FRIDAY, JANUARY 28, 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 Executive's Office | Bill Mooney |
| County Executive's Office | Christine Sculti |
| Office of Budget | Patricia Haggerty |
| Deputy Commissioner, Dept. of Finance | Dennis Kelly |
| Board of Legislators | Anne Reasoner |
| Board of Legislators | Barney Molloy |
| 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 1/20/11 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.

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

Mr. Hsu said, "Thank you. I move to add item 34 to the agenda. This is a resolution to award a contract to Corporate Relocation Systems, Inc. to move voting machines to polling sites for the Special Election on February 15, 2011 in County Legislative District 12."

Mr. Jenkins seconded the motion and item 34 was added to the agenda.

Mr. Jenkins said, "Mr. Chairman, we just want to point out a few things. One is we want to thank you for postponing several of those items last week. We did additional research on item 18, the Tiki Bar, the administration, specifically Mr. Oros, working with Mayor French and Legislator Myers, were able to work through the issue. Deputy County Executive Plunkett emailed me that there were resolutions on the security item as we discussed at last weeks meeting. I just wanted to say that was a good process and we were happy that we were able to work through it together. The reason that we overed item 20, which was with Epstein Becker & Green, P.C., was a concern regarding the utilization of Epstein Becker & Green, P.C. as this is for settled litigation. We were concerned about that in conjunction with the Anti Discrimination Center of New York and Westchester County's lawsuit otherwise known as The Housing Stipulation Agreement and part of the reason that we are concerned is that we did note that on July 23, 2010 there was an expense in

a short form contract for an external attorney which was for Winstrom and Strawn Consultation Services which was in violation of the Charter provisions pursuant to Charter Section 158.11 subdivision 2 of the Laws of Westchester County specifically, "no such officer, employee, board, body, commission or department of the county shall have or employ any attorney or counsel at the expense of the county unless specifically authorized to do so by the County Board." That is why we have significant questions with Epstein Becker & Green P.C. and I do understand some of it is mechanical. The Deputy County Executive and I have been trying to talk through some of these issues and we have not been able to sync back up, and that is more on my side not Mr. Plunkett's side, to circle back on the rationale for asking those specific questions, but we are certainly concerned about that particular item, again with this particular expense connected to it. Other than that Mr. Chairman, on item 16282 on this agenda which was postponed until this meeting, we asked for the plan for TANF on how we were going to utilize TANF for 2011. While we are not going to object to it and vote against it, we will ask the Commissioner of Social Services to do a presentation for the Committee on Community Services at the Board to lay out a presentation on what the plan is for the administration on how to expend TANF funds as well as on item 3, which is specifically the same type of thing implementing the Green Jobs Program with the NYS Dept. of Labor, and that we will ask for that review to be done at the committee level. This particular program was presented in the past. It is a combination of many different agencies including the Community College and outside agency with etc. to expend dollars and do some green job development and we will ask for that particular item to be done through committee and obviously we are not going to hold it over at this particular time or ask for a vote against it which is what we would be able to do. On item 4, we received the answer this morning but haven't had the opportunity to review it, at this point and time, to understand the results of the RFP. We are working through the kinks and the process to get some things identified quickly. The Board is prepared to vote."

1. (16446) **Information Technology** - 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

POSTPONED FROM 1/20/11 MEETING.

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

2. (16282) **Social Services** - 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

POSTPONED FROM 1/20/11 MEETING.

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

3. (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

POSTPONED FROM 1/20/11 MEETING.

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

4. (16482) **Social Services** - 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

POSTPONED FROM 1/20/11 MEETING.

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

5. (16188) **Health** - 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

POSTPONED FROM 1/20/11 MEETING.

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

6. (16667) **County Executive** - 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

Laid over by the Board of Legislators – 1/20/11

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

7. (16694) **Planning** - 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

Laid over by the Board of Legislators – 1/20/11

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

8. (14162) **Planning** - 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.

Boroughs/O'Connor

Laid over by the Board of Legislators – 1/20/11

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

9. (15706) **Senior Programs - 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

Laid over by the Board of Legislators – 1/20/11

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

10. (16618) **Community Mental Health** - 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

Laid over by the Board of Legislators – 1/20/11

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

11. (16652) **Parks** - 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

Laid over by the Board of Legislators – 1/20/11

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

12. (16653) **Parks** - 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

Laid over by the Board of Legislators – 1/20/11

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

13. (16654) **Parks** - 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

Laid over by the Board of Legislators – 1/20/11

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

14. (16655) **Parks** - 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

Laid over by the Board of Legislators – 1/20/11

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

15. (16441) **DPW/Transportation** - 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

Laid over by the Board of Legislators – 1/20/11

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

16. (16671) **DPW/Transportation** – Contract No. 10-503-Rev., for Roofing Replacement – Phase I, Various Park Facilities, Westchester County, New York. Awarded to Low Bidder, Sony NY Management & Construction Corp., Bronx, in the amount of \$275,000. (7 bids received)

J. Hsu

Laid over by the Board of Legislators – 1/20/11

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

17. (16677) **DPW/Transportation** – Contract No. 10-561, for Installation of Energy Efficient Lighting, Central Maintenance Facility, 475 Saw Mill River Road, Yonkers, New York. Authority to Reject all bids and Re-advertise for bids as 10-561-Rev.

J. Hsu

Laid over by the Board of Legislators – 1/20/11

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

18. (14592) **Parks** – 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

Laid over by the Board of Legislators – 1/20/11

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

19. (16498) **County Attorney – WITHDRAWN BY DEPARTMENT.** Request authority to settle the lawsuit of George Carr v. County of Westchester in the amount of \$55,000.

R. Meehan

20. (16717) **County Attorney – OVER BY BOARD OF LEGISLATORS.** Request authority to amend an outside counsel retainer agreement with the law firm of Epstein Becker & Green, P.C., for the provision of legal representation to the County of Westchester in an "of counsel" capacity to the County Attorney in connection with the lawsuit entitled United States of America, ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York, from 3/13/07 – 12/31/09, in an amount not to exceed \$3,000,000, by retroactively extending the term through to 8/31/10, to enable the County to remit payment to the Firm for additional services rendered.

R. Meehan

21. (16721) **County Attorney** - Purchase Commercial General Liability Insurance from Scottsdale Insurance Company through the brokerage firm of the Spain Agency, Inc., to provide \$2,000,000 in Commercial General Liability coverage, (\$2,000,000 aggregate and \$1,000,000 per occurrence) which is subject to a \$1,000 deductible, for a premium insurance package cost not to exceed \$60,000, from 2/4/11 – 2/4/12, to cover the dates of a Special Election, the Village Elections, the Primary and the General Election and additional or alternative election dates as may become required, plus the day before and day after each election to allow for set up and take down.

R. Meehan
S.

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

22. (16716) **Social Services – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into a Grant Agreement with the New York State Office for the Aging to receive funding, in an amount not to exceed \$180,686, for the expansion and continuation of a Point of Entry Long Term Care Services Systems, for Westchester County residents, from 10/1/10 – 9/30/11.

K. McGuire

23. (16724) **Social Services** - Authority for the County to exercise its first option to extend the agreement with GIO Express, Inc., for the provision of private messenger services to support the administrative operations of the Department of Social Services Office of Child Support Enforcement, by extending the contract for an additional year, from 2/1/11 – 1/31/12, in an amount not to exceed \$17,000, under the listed terms and conditions.

K. McGuire

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

24. (16697) **Community Mental Health** – Enter into an agreement with The Loft: The Lesbian and Gay Community Services Center, Inc., to provide professional and technical services to Westchester County residents including a Helpline and related services, from 1/1/11 – 12/31/11, for a total amount not to exceed \$22,000.

G. Mitchell

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

25. (16345) **Health** - Enter into contracts with the following Facilitated Enrollment agencies and consultants: Child Care Council of Westchester, Inc., United Community Center of Westchester, Hipolita Cabrera and Berta Pineyro, from 1/1/11 – 12/31/11, for a total aggregate not to exceed amount of \$201,236, under the listed terms and conditions.

C. Archbald

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

26. (16769) **Health** - Enter into a contract amendment with the United States Department of Health and Human Services Food and Drug Administration, in order to extend the contract period for the Integrating Food Defense Principles Program Grant to 8/31/11.

C. Archbald

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

27. (16510) **Labs and Research** - Enter into an agreement with the New York State, Department of State, Office of Fire Prevention and Control, to accept grant funds in an amount not to exceed \$20,000, to participate in the Arson Laboratory Improvement Program, from 1/1/11 – 12/31/15.

K. Ashar

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

28. (16628) **Labs and Research – OVER BY BOARD OF LEGISLATORS.** Request authority to exercise a second option to renew an agreement with On Assignment Staffing Services, Inc., for the provision of temporary lab personnel on an as-needed basis, at a total annual cost of \$205,862.50 for the one (1) year second option period, in order to extend the term of the Agreement for the one (1) year period, from 1/1/11 – 12/31/11, to be paid in accordance with rates set forth in Schedule "A".

K. Ashar

29. (16738) **DPW/Transportation –** Contract No. WCA 11-002, for Fire Systems Service and Maintenance, Westchester County Airport. Advertise for bids.

J. Hsu

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

30. (16758) **DPW/Transportation –** Contract No. DOT82646, with Andrew Mundew d/b/a AJM Consulting, for Onboard Passenger Survey for the Bee Line Bus System. Approved Nelson Nygaard Consulting Associates, Inc., San Francisco, CA, as a subconsultant.

J. Hsu

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

31. (16737) **DPW/Transportation –** Contract No. 09-512, for Household Materials Recovery Facility, Valhalla Campus, Valhalla, New York. Awarded to Low Bidder, Arben Group LLC, Pleasantville, in the amount of \$2,488,773. (8 bids received)

J. Hsu

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

32. (16739) **DPW/Transportation –** Contract No. 11-505, to Refurbish Hangar "A" High Voltage Switch, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, New York. Advertise for bids.

J. Hsu

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

33. (16741) **DPW/Transportation –** Contract No. 06-528-GC-Rev., with St. Francis Construction Co., for Pump Station Rehabilitation, North Yonkers Pump Station, Yonkers, New York. Approved Hoffman Floor Covering Corp., Farmingdale, NY, and KJC Waterproofing, Inc., Dumont, NJ, as subcontractors.

J. Hsu

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

34. (17018) **DPW/Transportation** – Contract No. 11-200, for Moving Services, Westchester County Board of Elections, Warehouse to Polling Sites, Zone 3 & 5 Special Election to be held on February 15, 2011. Awarded to Bidder, Corporate Relocation Systems, Inc., Maspeth, NY, in the amount of \$8,510.

J. Hsu

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.

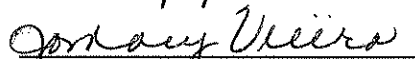
There being no further business, the Chair declared the meeting adjourned. All approved resolutions are on file electronically with the Board of Acquisition and Contract.



(Jo Mary Vieira – Secretary)

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

Dated 2/1/11



Jo Mary Vieira, Secretary
Board of Acquisition & Contract