

**MINUTES OF THE MEETING OF THE
COUNTY OF WESTCHESTER
BOARD OF ACQUISITION AND CONTRACT
HELD ON THURSDAY, FEBRUARY 3, 2011 AT 11:00 A.M.**

Acting County Executive
Vice Chair, Board of Legislators
Commissioner of Public Works and Transportation
Deputy County Attorney
County Executive's Office
Office of Budget
Deputy Commissioner, Dept. of Finance
Board of Legislators
Board of Legislators
Secretary BAC
Assistant Secretary BAC
Acquisition and Contract

Kevin Plunkett
Lyndon Williams
John Hsu
Jim Robertson
Christine Sculti
Patricia Haggerty
Dennis Kelly
Anne Reasoner
Larry Goldstein
JoMary Vieira
Joan Cocciardi
Valerie Rodriguez

Mr. Plunkett presided.

Mr. Plunkett said, "The County Executive was not in the building and out of the meeting area and has asked me to chair this meeting."

Mr. Plunkett 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 1/28/11 and the SEQR Review for agenda items.

J. Vieira

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

1. (16717)

County Attorney - 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

Laid over by the Board of Legislators – 1/28/11

Mr. Williams said, "I would like to sever this item. The Board of Legislators will be voting against this item. This item requires three million dollars of county funds to be expended for the purposes of retaining counsel. The Board has made a specific request as to the details as to why this money needs to be spent and the details and particulars as to this expenditure. The information requested was not provided to us, and therefore, we will vote against the item. We do not agree with spending up to three million dollars of taxpayers money without having proper information before us."

Mr. Plunkett said, "My recollection was this is the law firm that was retained by the Board of Legislators with respect to the United States of America, ex-rel, Anti-Discrimination Center of Metro New York, Inc. v. Westchester County back in 07. My understanding this particular resolution is for the payment of a remaining balance of \$1,980.00."

Mr. Williams replied, "That maybe so, but nevertheless, the Board requested and has not received information as to specific tasks performed by Epstein Becker relative to the case. These are details that should be apparent in the records of the County and should be easily provided to us. We don't take this vote negatively simply because we disagree with the expenditure, per say, because we don't know whether or not it is a proper expenditure or not. We do know that we are entitled to information when requested and it has not been received, and therefore, we are voting No for that reason."

Mr. Plunkett said, "All prior invoices which would have had to be approved, would have been reviewed by the Board of Legislators. This is for \$1,980.00. I think you have the back up for this bill. All the other prior invoices would have been previously provided to the Board of Legislators and would have been part of the records that the Board of Legislators had. This is the first time payment has come up, I think, since January 1, 2010 and it is basically to pay them \$1,980.00 which apparently are the outstanding invoices. All the other invoices would have been previously approved and previously paid through acts of the Board of Legislators."

Mr. Williams asked, "Can someone explain to me how much has been expended of the three million today?"

Mr. Plunkett replied, "You tell me, you are on the Board and we weren't here then."

Mr. Williams said, "We requested that information."

Mr. Plunkett said, "You have it."

Mr. Williams said, "We don't. We've requested the information and it was not provided, so I would just call the vote."

Mr. Plunkett said, "We think you have it. You have access to it. We are not about ready to do make work just so that you and your colleagues and your staff can have us run around and we are not going to do that."

Mr. Williams said, "I don't think Mr. Plunkett that any of us have the time or wish to spend our time in such wasteful areas. I think that we would not be requesting information if we did not need it. I think it would go a long way to provide information rather to say "you have it" in a flippant manner."

Mr. Plunkett said, "It's not being flippant at all. I talked with the Chairman last week I encouraged him to go look at the background records that the Board of Legislators had so that the people of our team and our commissioners don't have to find documents that are already in existence at the Board of Legislators, this one in particular. There are some other ones we are still trying to get information and answers to that are on other resolutions that Ms. Sculti is working with your team on and will continue to work on. Enough posturing. Can I have a vote on severed item #1 on today's agenda?"

Mr. Plunkett moved the vote for item #1. Mr. Hsu seconded it. Mr. Plunkett and Mr. Hsu voted Yes and Mr. Williams voted No.

2. (16716) **Social Services** - 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

Laid over by the Board of Legislators – 1/28/11

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

3. (16628) **Labs and Research** - 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

Laid over by the Board of Legislators – 1/28/11

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

4. (15980) **Finance – OVER BY BOARD OF LEGISLATORS.** Request authority to exercise its renewal option and enter into agreements for the provision of health care maintenance organization services for eligible County employees, from 1/1/11 – 12/31/11, with the listed health maintenance organizations, for a total aggregate cost not to exceed \$8,400,000, under the listed terms and conditions.

A. Berg

5. (16692) **Planning – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with the Preservation Company, Inc., through the Community Development Block Grant Program, to provide a life skills training program to Consortium residents primarily in the Peekskill area that will enable low-income residents to maintain and remain in permanent housing, in the amount of \$45,000, from 8/17/10 – 8/16/11.

E. Buroughs

6. (16695) **Planning – WITHDRAWN BY DEPARTMENT.** Request authority, pursuant to Section 3(a)(xiv) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Caring for the Homeless of Peekskill Inc., for the Jan Peek Emergency Drop-in Shelter/Warming Center.

E. Buroughs

7. (16696) **Planning – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with Caring for the Homeless of Peekskill, Inc., to provide funding for the Jan Peek Emergency Drop-in Shelter/Warming Center, from 11/1/10 – 7/31/11, for a not to exceed amount of \$25,779.

E. Buroughs

8. (16846) **Health** - Enter into contract to accept continued funding from the New York State Department of Health for the Lead Poisoning Prevention Program grant, from 10/1/10 – 9/30/11, for a not to exceed amount of \$323,969.

C. Archbald

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

9. (16917) **Labs and Research – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with Pace Analytical Services, Inc., for the provision of environmental laboratory analyses of water samples, on an as-needed basis, from 1/1/11 – 12/31/11, in an amount not to exceed \$45,000.

K. Ashar

10. (16828) **College** – Contract No. WCC-10-502-Rev., for Construction of Gas Pump Fire Suppression System, Westchester Community College, Westchester County, New York. Awarded to Low Bidder, S&L Plumbing & Heating Corp., Brewster, in the amount of \$79,960; and approval of Healy Electric, White Plains, as a subcontractor.

J. Hankin

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

11. (16858) **College – OVER BY BOARD OF LEGISLATORS.** Contract WCC-08-850, for Academic Arts Building Renovation/Improvements, Westchester Community College, Westchester County, New York. Award to Low Bidder, Piazza, Inc., Valhalla, in the amount of \$2,708,423. Approval of Rovitti Electric (Electrical Work), Shrub Oak, NY, and Joe Lombardo Plumbing and Heating (Plumbing & HVAC Work), Suffern, as subcontractors. (11 bids received)

J. Hankin

12. (15850) **Correction – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with Riverside Health Care System, Inc. d/b/a St. John's Riverside Hospital to provide a comprehensive chemical dependence treatment program to male and female chemically dependent inmates while incarcerated at the County's correctional facility, in an amount not to exceed \$718,511, from 1/1/11 – 12/31/11.

K.Cheverko

13. (16613) **Probation – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with Michael R. Iorio, C.S.W., for the provision of counseling services in connection with the Department of Probation's Project L.E.A.D.(Leadership, Education, Achievement and Development), from 1/1/11 – 12/31/11, in an amount not to exceed \$30,000.

R. Pozzi

14. (16928) **Probation** - Amend an agreement with Applied Science Polygraph, Inc., to provide polygraph testing services to the Department of Probation's Sex Offenders Unit for the year 2010, by increasing the not to exceed amount by an additional \$3,231, for a new total amount not to exceed amount of \$23,231.

R. Pozzi

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

15. (16659) **Parks** – Contract No. PRC-740, for Pest Control/Exterminating Service, for Various Parks, Recreation and Conservation locations in Westchester County, New York. Advertise for bids.

K. O'Connor

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

16. (16801) **Parks** - Enter into a license agreement with Tolve Amusements, Inc., Rye, for the operation of a minimum of six electronic games known as "Crane Games" at Playland Ice Casino, Rye, from 3/1/11 – 5/6/12, for a license fee of \$7,125, under the listed terms and conditions.

K. O'Connor

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

17. (16911) **DPW/Transportation** – Contract No. WCA-11-001, for Jet Bridge Service and Maintenance, Westchester County Airport. Awarded to Sole Bidder, Oxford Airport Technical Services, Elmont, NY, in the amount not to exceed \$274,982.89, for three (3) years, from 2/1/11 – 1/31/14. (1 bid received)

J. Hsu

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

18. (16916) **DPW/Transportation – OVER BY BOARD OF LEGISLATORS.** Request authority to amend a lease agreement with Fleet Aviation LLC to add approximately 2,114 square feet of hangar space and 1,200 square feet of ramp space to the current lease for Hangar "F" at the Westchester County Airport, for the storage and maintenance of aircraft, for an additional monthly rental of \$3,989, for a new monthly rental of \$8,800, from 3/1/11 – 4/30/12, with Fleet having the option for two (2) additional one (1) year renewal terms.

J. Hsu

19. (16910) **DPW/Transportation** – Contract No. 10-567, for Pool Modernization – Phase II, Tibbetts Brook Park, Yonkers, New York. Awarded to Low Bidder – DiMarino Brothers Contracting, Inc., Mount Vernon, in the amount of \$619,000. (6 bids received)

J. Hsu

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

20. (16922) **Public Utility – 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 Stewart M. Glass, to provide consulting services to the County of Westchester Public Utility Service Agency and the County of Westchester.

T. Carey

21. (16925) **Public Utility – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with Stewart M. Glass, to provide consulting services to the County of Westchester Public Utility Service Agency and the County of Westchester, from 1/1/11 – 12/31/11, for an amount not to exceed \$30,000.

T. Carey

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 2/4/11



Jo Mary Vieira Secretary
Board of Acquisition & Contract