

**MINUTES OF THE MEETING OF THE
COUNTY OF WESTCHESTER
BOARD OF ACQUISITION AND CONTRACT
HELD ON THURSDAY, MARCH 10, 2011 AT 11:00 A.M.**

County Executive	Robert P. 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
Budget	Pat Haggerty
Deputy Commissioner, Dept. of Finance	Dennis Kelly
County Executive's Office	Christine Sculti
Board of Legislators	Anne Reasoner
Board of Legislators	Larry Goldstein
Board of Legislators	David Tubiolo
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. Jenkins said, "On Items 3, 4, 5, and 6, I know we were proposing to have a discussion today in Budget, not specifically about these contracts, because in our discussion last week the need and rationale for the contracts getting to where they are makes perfect sense, but we did request to have a Budget Amendment for the revenue that is going to be changed based on the negotiation of those contracts. If we could, I know that we are having that discussion on Monday at the Budget and Appropriations meeting, if we could ask to postpone those items until after that discussion to make sure that we have the things lined up appropriately. Again, there is no problem with the contracts themselves. The contracts themselves were negotiated diligently and aggressively by the members of the administration, but we want to make sure that we line up our budget revenue.

Mr. Astorino responded, "We are just approving the contracts though. The revenue you can reconcile, right? It's projected revenue, it's not based on attendance too."

Mr. Jenkins said, "Projected revenue was modified based on the budget which was utilizing last year's contracts, and it is a significant amount of difference, so we think that we should adjust the budget initially. So if we have a banner year, and we are all hoping for a banner year, then that is great. We don't want to have a situation where upfront we already know there is going to be a deficit in the budget. If it is more preferable to say let's roll these through right now and that there will be a Budget Amendment forthcoming after the meeting, that's fine as well."

Mr. Astorino responded, "I don't think it changes the contract. So if it doesn't change the contract, why don't we just approve the contract?"

Mr. Jenkins said, "On Labs & Research (item #13) the question we asked them, by the way the new process is working wonderfully. We are doing things a little bit earlier. Getting the questions on. The appropriate Commissioners are at the Preboard meeting. I think it's

been working much better. I'm not sure the Deputy County Executive would agree with that."

Mr. Plunkett responded, "We had one snafu that I talked about last night and we are going to remedy that."

Mr. Jenkins said, "Correct. This particular one with Labs and Research, the additional questions we are asking were not related to the Acquisition and Contract modification on the Agenda. They are related to the Budget Act. The Budget Director is responsible for bringing back to the Board, by March 31st, recommendations on Labs and Research that would feed into obviously the Budget recommendations for 2012 for things that are going on. We were concerned about that. That is what the additional questions were, not based on this particular item. Other than that Mr. Chairman, the Board is ready to vote."

Acquisition & Contract. Minutes of the meeting of 3/3/11 and the SEQR Review for agenda items.

J. Vieira

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

1. (17214) **County Attorney** - Amend an agreement, as previously amended, with Dr. Stuart Kleinman for the provision of professional consulting and expert witness services in connection with the civil matter of Candida Costabile, et.al.v. the County of Westchester, et.al., from 7/7/08 – 5/27/10, in an amount not to exceed \$85,000, by **1)** extending the term of the contract through to 12/31/10; and **2)** increasing the not to exceed amount authorized thereunder by an additional \$30,000, from \$85,000 to \$115,000.

R. Meehan

Laid Over by the Board of Legislators – 3/3/11

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

2. (17215) **County Attorney** - Amend an agreement with the Mattis & Luck Center For Neuropsychological Services LLP, for the provision of consultant and/or expert services to the County Attorney in connection with the lawsuit entitled Anthony Costabile v. County of Westchester, et al., from 11/25/08 – 9/30/10, by extending the term of the agreement through 12/31/10, so that all invoices submitted by the Consultant after 9/30/10 can be paid.

R. Meehan

Laid Over by the Board of Legislators – 3/3/11

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

3. (17004) **Parks** – Enter into a license agreement with Peter and Fredericka Trahanas, Rye, to operate two cotton candy stands at Playland Park, Rye, for the 2011 operating season, from 5/1/11 – 10/31/11, for a license fee of \$54,000.

K. O'Connor

Laid Over by the Board of Legislators – 3/3/11

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

4. (17202) **Parks** – Enter into a license agreement with Tolve Amusements, Inc., Rye, to operate two arcades at Playland Park, Rye, for the 2011 operating season, from 5/1/11 – 10/31/11, for a license fee of \$150,000.

K. O'Connor

Laid Over by the Board of Legislators – 3/3/11

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

5. (17263) **Parks** – Enter into a license agreement with Trahanas Amusements, Inc., Rye, to operate nine game concessions at Playland Park, Rye, for the 2011 operating season, from 5/1/11 – 10/31/11, for a license fee of \$90,000, under the listed terms and conditions.

K. O'Connor

Laid Over by the Board of Legislators – 3/3/11

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

6. (17264) **Parks** – Enter into a license agreement with Peter and Fredericka Tranhanas, Rye, to operate three game concessions at Playland Park, Rye, for the 2011 operating season, from 5/1/11 – 10/31/11, for a license fee of \$30,000, under the listed terms and conditions.

K. O'Connor

Laid Over by the Board of Legislators – 3/3/11

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

7. (17406) **Planning** - Enter into an agreement with the United States Department of Agriculture Natural Resources Conservation Service and the Westchester County Soil and Water Conservation District to accept a federal appropriation from FY 2010 for the planning, design and construction of a streambank stabilization project south of the Popham Road Bridge over the Bronx River in the Village of Scarsdale, for an amount of \$133,000, commencing upon execution until 9/30/11.

E. Buroughs

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

8. (17075) **Planning - 1)** Execute any agreements necessary to purchase from Red Lion Apartments, LLC, or the current owner of record, approximately 37,083 square feet of real property located at the northeast corner of Academy Place and State Street in the Village of Ossining identified on the tax map as Section: 97.07, Block: 3, Lot: 85 (the "Affordable Housing Property") for an approximate amount of \$1,165,000 financed from NHLA County bond proceeds; **2)** Execute any agreements necessary to convey the Affordable Housing Property to Red Lion Apartments, LLC, or a related developer entity for One (\$1.00) Dollar for the purpose of underwriting the Affordable Housing Property acquisition costs already incurred by the Developer; **3)** The Developer shall construct an affordable housing development to be known as 25 State Street on the Affordable Housing Property, including forty-nine (49) fair and affordable rental units plus a superintendent unit, in accordance with the listed terms and conditions.

Buroughs/Mahon

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

9. (17254) **Social Services** - Enter into agreement with each of the two (2) agencies listed, to promote, coordinate, and operate the County's five (5) sites for the 2011 Volunteer Income Tax Assistance program, for a total aggregate amount not to exceed \$50,000 and in the respective amounts listed, from 1/1/11 – 5/31/11.
K. McGuire
Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.
10. (17371) **Mental Health** - Enter into an agreement with the Jewish Community Center on the Hudson, Inc., to provide 25 3-hour sessions to 30-35 families throughout Westchester County that will assist children on the autism spectrum, mental retardation and other developmental and physical disabilities to participate in art and music therapy, adaptive physical education, local trips and also provide individual consultations and referrals for available services, and in the amount of \$25,000, from 1/1/11 – 12/31/11.
G. Mitchell
Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.
11. (16918) **Health** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Hearing Officers for Westchester County Department of Health's Administrative Hearing Services in connection with violations of both the New York State and Westchester County Sanitary Codes.
C. Archbald
Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.
12. (16920) **Health** - Enter into contracts with George E. Fufidio, Jr., Joseph C. LoCascio and Robert Ponzini, to provide services as Hearing Officers, from 3/1/11 – 2/29/12, for a total aggregate amount not to exceed \$90,000.
C. Archbald
Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.
13. (17446) **Labs and Research – OVER BY BOARD OF LEGISLATORS.** Request authority to amend an agreement with the United States Department of Justice, to participate in the Forensic Casework DNA Backlog Reduction Program, in an amount of \$257,283 in Federal funds for the Department of Laboratories and Research, from 10/1/09 – 3/31/11, by extending the termination date to 6/30/11.
K. Ashar
Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.
14. (17360) **College** – Contract No. WCC-11-893, Hartford Hall Renovation/Rehabilitation, Westchester Community College, Valhalla, New York. Advertise for bids.
J. Hankin
Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.
15. (17362) **College** – Contract No. WCC-11-892, for Construction of Security Fence, Westchester Community College, Westchester County, New York. Awarded to Low Bidder, Mohegan Associates, Inc., Carmel, in the amount of \$59,900. (6 bids received)
J. Hankin
Mr. Astorino moved the resolution, which was duly seconded and unanimously approved.

16. (17409) **College** - Extend Contract No. WCC-09-709, with Securitas Security Services USA, Inc., for uniformed security services, to extend the contract, for a not to exceed amount of \$1,633,448, for the period of 1/1/11 – 12/31/11, under the listed terms and conditions.

J. Hankin

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

17. (17364) **Correction** - Enter into an agreement with Partners In Safety, Inc., to provide medical testing for correction officer candidates, for an amount not to exceed \$20,000, from 1/1/11 – 12/31/11, renewable at the County's option for up to two additional one year terms, under the listed terms and conditions.

K. Cheverko

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

18. (17365) **Probation** - Amend an agreement with the New York State Division of Criminal Justice Services, in an amount not to exceed \$71,171 in Federal Funds and subcontract, where appropriate, with the listed agencies, to implement the Department of Probation Detention Services Program, from 9/1/10 - 8/31/11, for an amount of \$41,147 and approval of Westchester Jewish Community Services, as a subcontractor.

R. Pozzi

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

19. (17353) **Parks** - Enter into a License Agreement with the Town of North Castle, 15 Bedford Road, Armonk, for the continued use of vacant land known as several parcels of Sheet 28, Bronx River Parkway, from 4/1/11 – 3/31/12, for a license fee of \$26,046.

K. O'Connor

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

20. (17432) **Parks** - Enter into a license agreement with Shalexon Corporation d/b/a Hutch 25 Bar and Grill, Mount Kisco, for the operation of the food and refreshment concession at Maple Moor Golf Course, White Plains, from 3/10/11 – 12/31/15, for a total cost of \$110,000, under the listed terms and conditions.

K. O'Connor

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

21. (17482) **DPW/Transportation** – Contract No. 10-233, for Countywide Maintenance Service for Access Control and CCTV Equipment, Various Locations, Westchester County, New York. Awarded to Low Bidder, Diebold Enterprise Security Systems, Inc., Elmsford, in the amount of \$400,000. (3 bids received)

J. Hsu

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

22. (17483) **DPW/Transportation** - Enter into Agreement #11-901 (a Multi-Phased Agreement), with the firm of Hazen and Sawyer, PC, NYC, for Engineering Services in connection with the Rehabilitation of North Yonkers Pump Station Tower and Alexander Street Influent Structure, Yonkers, New York, in the amount of \$222,035, from 3/31/11 - 12/31/14; and approval of Savin Engineers, PC, Pleasantville as a subconsultant.

J. Hsu

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

23. (17484) **DPW/Transportation** – Contract No. 10-218, for Restroom Renovations, Terminal Building, 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.

24. (17485) **DPW/Transportation** - Contract No. 10-566, for Roofing Replacement, Jail Annex and Radio Tower Building, Norwood E. Jackson Correctional Center, Valhalla Campus, Valhalla, New York. Advertise for bids.

J. Hsu

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

25. (17486) **DPW/Transportation** – Contract No. 11-507, for Improvements to Roads and Parking Areas – Phase I, Blue Mountain Park, George’s Island Park and Croton Gorge Park, City of Peekskill and Town of Cortlandt, New York. Advertise for bids.

J. Hsu

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

26. (17487) **DPW/Transportation** – Contract No. 11-510, for Paving and Stormwater Improvements, Valhalla Campus, Valhalla, New York. Advertise for bids.

J. Hsu

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

27. (17488) **DPW/Transportation** - Enter into a lease agreement with VIF 20 South Broadway, LLC, for approximately 16,300 square feet of space, which includes Space A consisting of approximately 12,090 square feet and Space B consisting of 4,210 square feet, located at 20 South Broadway, Yonkers, to be utilized by the Westchester County Department of Health as a District Office for a ten (10) year term, commencing on 5/1/10, with the County’s option to terminate Space B upon sixty (60) days written notice at any time prior to 10/31/11, for an amount of \$3,154,047.73, under the listed terms and conditions.

Hsu/Mahon

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

28. (17501) **DPW/Transportation** - Enter into a lease agreement with VIF 20 South Broadway, LLC, for approximately 33,672 square feet of space, located at 20 S. Broadway, Yonkers, to be utilized by Westchester Community College as the Educational Opportunity Center, for a ten (10) year term, commencing on 5/1/10, for an amount of \$6,750,618.96, under the listed terms and conditions.

Hsu/Mahon

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

29. (17430) **DEF** – Contract No. EF-1102, for Instrumentation Maintenance and Repairs, Department of Environmental Facilities, Various Locations, Westchester County, New York. Advertise for bids.

T. Lauro

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 _____

Jo Mary Vieira, Secretary
Board of Acquisition & Contract