

**MINUTES OF THE MEETING OF THE  
COUNTY OF WESTCHESTER  
BOARD OF ACQUISITION AND CONTRACT  
HELD ON THURSDAY, JULY 21, 2011 AT 11:00 P.M.**

Acting County Executive	Kevin Plunkett
Chair, Board of Legislators	Ken Jenkins
Commissioner of Public Works and Transportation	John Hsu
Deputy County Attorney	Jim Robertson
Office of Budget	Patricia Haggerty
Deputy Commissioner, Dept. of Finance	Dennis Kelly
CIO-Information Technology	Marguerite Beirne
County Executive's Office	Christine Sculti
Board of Legislators	Olivia Rhodes
Board of Legislators	Anne Reasoner
Board of Legislators	Davide Cabibbo
Board of Legislators	Tom Staudter
Secretary BAC	JoMary Vieira
Assistant Secretary BAC	Joan Cocciardi

**Mr. Plunkett presided.**

**Mr. Plunkett said, "The County Executive is out of the County today and has asked me to convene on his behalf."**

**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.**

**Mr. Jenkins said, "We would like to add an item to the agenda. We move to add Resolution #19169, which is the Cornell Cooperative Extension agreement. We provided background on 12/23/2010 that the Board of Legislators unanimously overruled the County Executive's objection in writing to the Board's 2010 addition to Cornell Cooperative for \$990,000. The A & C minutes of May 12<sup>th</sup> will reflect that we inquired as to the status of the Cornell Cooperative Extensions Contract and we were advised that the administration was waiting for some additional background information and revamping the reporting form. Additionally there were modifications to move from the Planning Department to the Youth Bureau for administration and oversight. The Board objected and objects to the move. We certainly provided references to the laws of Westchester County and tying the Planning Department to those several items in the County Charter. We looked at the new reporting form and we attached those for everyone's convenience on the reporting that was requested from the administration, as well as the reporting that Cornell Cooperative currently does with narrative form for the State of New York. Also included was the old quarterly reporting form for Cornell. Since 66% of the funding comes from the State, we certainly think we would want to go with the state detailed documentation. However, with all of that being said, as a member of A&C, I am moving that Resolution #19169 regarding the agreement with Cornell Cooperative Extension be placed on the Agenda for full consideration by the Board of Acquisition and Contract."**

**Mr. Plunkett responded, "A couple of comments. You and I have chatted, I think you understand, and I think there is a meeting set up for this Monday with Mr. Kenner of our staff and Barbara Sacks of Cornell Cooperative Extension. This may be premature; I will not be seconding the motion. Do I hear a second to the motion? Hearing none the motion fails."**

Mr. Jenkins said, "There are 2 other items that we would like to discuss. One is just for information and follow-up. It is regarding our heat wave going on right now, certainly something that is consistent with nice, cool weather and that is with the design with the Sprain Ridge Pool Modernization which was adopted on July 23, 2009 by this Honorable Board. That was to do the planning for Sprain Ridge Pool. We understand that that planning was not completed. It was stopped at 60% completion. Since this is a capital project, we would have to complete this particular project and we did have some discussion on this. This follow up is just for more information right now because we are going to continue to follow-up with this particular item to make sure that the plan for Sprain Ridge is completed. My understanding is it stopped at 60% completion which means that no matter what, moving forward it still wouldn't be prepared to be open in 2012 which was the Board's initial concern to make sure that the Sprain Ridge Pool would be back open by 2012. However, we should still be moving forward on this particular item. I believe it is a violation of NYS Municipal Finance Law if we bonded for an activity and we don't complete that activity."

Mr. Plunkett responded, "We would be glad to follow-up on it. I don't subscribe to your legal view. I don't believe that this is a revenue bond; this is a general obligation bond of the county and whether the project is completed or not, is not necessarily the controlling factor; however, somebody who deals in this work would be able to answer that better than I would. There is a difference between revenue bonds where the project itself is the catalyst for the repayment versus the full faith and credit of the county which is a general bond which the person who actually invests or buys the bond would be looking to the county as a whole not to this project as a specific project. Somebody else will answer that question."

Mr. Jenkins said, "Absolutely, and certainly Anne Marie Berg, Commissioner of Finance did report to the Boards Committee on Budget and Appropriations that the arbitrage issue would be a concern and that is why we are bringing it up to this Honorable Board to make sure that this particular project was completed. As we did bond for it and we did have the money for it, it's not an issue of saving dollars it's a matter of completing an activity."

Mr. Robertson said, "There is a difference between NYS Local Finance Law which I believe the Deputy County Executive was addressing and the IRS rules on arbitrage. Arbitrage, and again I am not a tax counsel, but my understanding from our bond counsel as tax counsel is a separate issue. So the two that you were stating were may be a violation of municipal law and if Anne Marie discussed arbitrage it is totally a separate issue."

Mr. Jenkins said, "Thank you Mr. Robertson for that. We are looking forward to doing this. The Board adopted this particular project so we are expecting that it will get done. It was bonded and it should move forward. We can have follow-up with bond counsel to determine that. Certainly the activity of the Board was in full support of this particular item. The second item has to do with the Mountains Lake project which was objected to by the County Executive. The concern that we have is that this Honorable Board, on May 18<sup>th</sup> as an emergency resolution, stated that this project was a capital project and in the minutes of the meeting Mr. Hsu indicated that the administration is in the process of moving that bonding legislation to the various committees in the Board of Legislators shortly and we intend to award next Thursday, subject to appropriation by the Board of Legislators passing of the Bond Act. At this point we have received interpretation from bond counsel, through Jim Robertson's office that given the fact that this is an emergency situation, bond counsel has determined that if we in fact do not make payments to the contractor, he can begin work and wait for the Board to pass the Bond, at which point we will make the payment and we will be within the guidelines of the bonding. He actually asked Mr. Robertson. Correct me if I am wrong Jim. Mr. Robertson responded that was the email I sent to you from Todd Miles. The contract has included contingent on the contractor accepting the contract subject to the necessary approval of Bond Act for that emergency resolution. The reason we brought this particular item up is that there is an insertion in the written objection from the County Executive that \$300,000 for this particular Bond Act was done out of operating that would mean that we would need to at least minimally modify this resolution that was passed on May 18<sup>th</sup> to modify this and the second question is where do we have \$300,000 sitting under the pillow that we were able to make a modification to this when we said this was an emergency resolution that was necessary for us to move forward. I understand that you will

have to do some research to identify where that particular item came from but the Board is significantly concerned that this was presented to us as an emergency resolution, presented to us as a Bond Act, was presented to the Board through Commissioner Hsu and various people at the Committee table. The Board adopted a resolution for this and in the written objection from the County Executive said we didn't need this particular money for this Bond Act and that it was coming from operating funds. It's a significant concern."

Mr. Plunkett responded, "Let me see if I can clarify a couple of things. Number one, the A&C resolution was for \$296,921, is that correct?" Mr. Jenkins agreed. Mr. Plunkett continued, "The Bond Act was for \$700,000 and included \$300,000 for the emergency work? There was additional money added to the Bond Act so the Board never did pass a Bond Act for the \$296,000 or \$300,000 that included that. Is that correct?" Mr. Jenkins said "No, that is not. We approved a Bond Act that included \$700,000 worth of work including those two projects." Mr. Plunkett said, "But you added \$400,000 to that. My understanding is the Bond Act that you passed did not mirror the resolution. It was a different Bond Act that added money. Number two, my understanding is the work came in at a lower number but I will verify that after the meeting. Number three, is if there is an opportunity to pay this out of existing funds which I will confirm. We did get an inquiry from your office last night so we are looking into it."

Mr. Jenkins responded, "The biggest concern for us there is that would require at minimum some level of budget transfer. If it was from operating, that money would be appropriated somewhere." Mr. Plunkett responded "Unless it was in the department budget." Mr. Jenkins said "Yes. We would still need to understand where that \$300,000 was in the department budget."

Mr. Plunkett responded, "You asked that question and we will try to get the appropriate answer for you."

**Acquisition & Contract.** Minutes of the meeting of 7/14/11 and the SEQR Review for agenda items.

J. Vieira

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

1. (19744) **Finance** - Authority for the County to exercise its option to renew an agreement with JPMorgan Chase Bank, N.A., for the purpose of operating and maintaining on-site Automatic Teller Machines at three (3) County-owned locations, for an additional two-year period, commencing on 5/5/11 - 5/4/13; and increasing the number of ATMs from four (4) to five (5) by adding a second ATM to the Westchester County Center location and thereby increasing the license fee by \$1,500 per year, under the listed terms and conditions.

A. Berg

**Held Over by Board of Legislators – 6/30/11**

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

2. (20045) **DPW/Transportation** –Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with each of six (6) listed contractors, for the performance of a total of up to 2,000 home energy audits for residential property owners in Westchester County.

J. Hsu

**Held Over by Board of Legislators – 6/30/11**

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

3. (20046) **DPW/Transportation** – Authority for the County of Westchester to amend its agreements with each of the following contractors: Bright Energy Ideas, LLC, Comfortsave Solutions, LLC, Green Star Energy Solutions, LLC, All HVAC Service Company, Inc., Brighthouse Energy Solutions, LLC, and Franzoso Contracting, Inc., to perform a total of up to 2,000 home energy audits for residential property owners in Westchester county, from 7/1/10 – 6/30/11, for an amount not to exceed \$100 per audit and a total aggregate amount of \$200,000, in order to: **1)** extend the term of each of the agreements from 7/1/10 - 11/30/12, and **2)** reflect the fact that United Way 211 will no longer be providing any services related to each of the agreements.

J. Hsu

**Held Over by Board of Legislators – 6/30/11**

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

4. (19997) **Information Technology – WITHDRAWN BY DEPARTMENT.** Request authority to amend Contract IT-1094 with Syscon Justice Systems Ltd., British Columbia, for one year of software support and maintenance services for the application software (known as the Offender iTAG Management System licensed to and in use by the Department of Correction, commencing 10/1/11 – 9/30/12, increasing the amount an additional \$90,454, for a new total not to exceed contract amount of \$264,599.

Beirne/Cheverko

5. (19998) **Information Technology** - Enter into sublicense agreements with Starnet Emergency Services, Inc., d/b/a Westchester EMS (“WEMS”) and the Town of Bedford Police Department (“BPD”) for the installation of radio antenna and related equipment owned by WEMS and BPD within the County’s licensed area under a license agreement with the Bedford Central School District, for a sublicense fee of \$1.00 each year, with the sublicenses running from the date of execution to 9/6/15.

Beirne/Mahon

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

6. (20234) **Planning** - Amend the agreement with Westchester Coalition for the Hungry and Homeless, Inc., through the Emergency Shelter Grant Program, by changing the expiration date from 6/30/11 to 9/30/11.

E. Buroughs

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

7. (20235) **Planning** - Amend the agreement with the Westchester Hispanic Coalition, Inc., through the Emergency Shelter Grant Program, in order to change the expiration from 6/30/11 to 9/30/11.

E. Buroughs

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

8. (19935) **Social Services** - Amend an agreement with The Children’s Village, Inc., After Care from Foster Care Tier I & Tier II Program, providing after care case management, supports and services to foster care families in a two “Tier” design, from 6/1/10 – 5/31/13, in an amount not to exceed \$2,006,643, by increasing the not to exceed amount by \$286,650, for a new not to exceed amount of \$2,293,293, from 7/1/11 – 5/31/13.

K. McGuire

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

9. (20041) **Social Services** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Cornell Cooperative Extension of Westchester County, whereby Cornell Cooperative Extension of Westchester County will provide a Food Stamp Nutrition Education Program to recipients of Food Stamps benefits residing in Westchester County.

K. McGuire

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

10. (20118) **Social Services** - Enter into an agreement with Cornell Cooperative Extension of Westchester County, to provide a Food Stamp Nutrition Education Program to Food Stamp recipients residing in Westchester County, from 1/1/11 – 9/30/11, in a not to exceed amount of \$119,564.

K. McGuire

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

11. (20197) **Social Services** - Enter into a Grant Agreement with the U.S. Department of Housing and Urban Development to receive and administer a grant in the amount of \$205,485 to be used in implementing a supportive housing program to provide operational housing support for 80 transitional housing units at the Coachman Family Center in White Plains, from 9/1/11 – 8/31/12, and enter into a separate agreement with Westhab, Inc., for the same period to operate the aforesaid program utilizing the funds in the amount of \$205,485.

K. McGuire

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

12. (20198) **Social Services** - Enter into an agreement with Friendship Unified Freewill Baptist Church of Mount Vernon, to provide a safe and neutral environment for family reunification or alternative arrangements for children residing or potentially residing outside of their homes or communities, from 8/1/11 – 12/31/12, in an amount not to exceed \$80,750.

K. McGuire

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

13. (20287) **Social Services – OVER BY BOARD OF LEGISLATORS.** Request authority to amend a grant Agreement/MOU with the New York State Office of Children & Family Services, to accept funds from OCFS in an amount not to exceed \$40,000, from 12/15/09 – 6/30/11, in order to fund the County's participation in the statewide Disproportionate Minority Representation Project, in order to extend the end date of the Agreement/MOU, from 6/30/11 to 9/30/11.

K. McGuire

14. (19725) **Senior Programs** - Enter into an agreement with the New York State Office for the Aging to accept a grant in the amount of \$145,954 to be used by the Department to provide a variety of services and resources under the Weatherization Assistance and Packaging Program ("WRAP"), from 4/1/11 – 3/31/12; and enter into an agreement with the Family Service Society of Yonkers to conduct a Minor Home Repair Program for seniors using the aforementioned WRAP funds, in an amount not to exceed \$60,000, from 4/1/11 – 3/31/12.

M. Carpenter

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

15. (18223) **Community Mental Health** - Amend an agreement with Mental Health News Education, Inc., to publish and distribute quarterly "The Mental Health News, Salud Mental and Autism Spectrum News", from 4/1/07 – 12/31/11, in the amount not to exceed \$111,885, by increasing the amount an additional \$20,200, to a new not to exceed amount of \$132,085.

G. Mitchell

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

16. (20233) **College** – Contract No. WCC-11-904, for Technology Building Window Replacement, Westchester Community College, Valhalla, New York. Advertise for bids.

J. Hankin

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

17. (20327) **Probation – 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 Leake and Watts Services, Inc., to provide Secure Detention and related medical, clinical, educational, transportation, cleaning, security systems and food services.

R. Pozzi

18. (20049) **Probation – OVER BY BOARD OF LEGISLATORS.** Request authority to extend an agreement with Leake and Watts Services, Inc., for the provision of secure detention and related medical, clinical, educational, transportation, cleaning, security systems and food services at Woodfield Secure Detention Cottage, from 7/1/10 – 7/1/11, in order to extend the agreement an additional year from 7/1/11 – 6/30/12, increasing the not to exceed amount by \$3,146,734.

R. Pozzi

19. (20017) **DPW/Transportation** – Contract No. 10-507, for Terminal Building Modifications – Phase I, Enclosure of Observation Deck for Office Space, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, New York. Advertise for bids.

J. Hsu

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

20. (20018) **DPW/Transportation** – Contract No. 11-212, for Weathertight Enclosure to Secured Baggage Drop-Off Area, Terminal Building, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, New York. Advertise for bids.

J. Hsu

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

21. (20019) **DPW/Transportation** – Contract No. 11-216, for Maintenance Service of Fan Coil Units, White Plains Complex, White Plains, New York. Advertise for bids.

J. Hsu

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

22. (20281) **DPW/Transportation** – Contract No. 06-556, with MPCC Corp., for Tarrytown Riverwalk, Metro-North, Kraft Foods and Lyndhurst Properties, Town of Greenburgh and Village of Tarrytown, New York. Completed work and Final Contract Amount of \$2,423,821.


J. Hsu

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

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.

  
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(JoMary Vieira, Secretary)

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

Dated 7/26/11

  
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JoMary Vieira, Secretary  
Board of Acquisition and Contract