

**MINUTES OF THE MEETING OF THE
COUNTY OF WESTCHESTER
BOARD OF ACQUISITION AND CONTRACT
HELD ON THURSDAY MARCH 3, 2011 AT 11:00 A.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
Budget	Pat Haggerty
Deputy Commissioner, Dept. of Finance	Dennis Kelly
CIO - Information Technology	Marguerite Beirne
Board of Legislators	Ann Reasoner
Board of Legislators	Larry Goldstein
Secretary BAC	JoMary Vieira
Assistant Secretary BAC	Joan Cocciardi

Mr. Plunkett said, "The County Executive is out of the county, he is in the state, but definitely out of the county, 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 2/24/11 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.

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

Commissioner Hsu said, "I move to add item 20 to the agenda. Item 20 is a resolution that would approve a contract award to Corporate Relocations System, Inc. The contract was procured in accordance with New York State Office of General Services Award number 19993 which required obtaining best and final offers from the 4 pre-approved moving companies. Those 4 companies were solicited and only one offer was received in the amount of \$10,185.58. The purpose of this contract is to have the necessary moving services in place to deliver voting machines and supplies for the March 15th elections that will be conducted by the County Board of Elections."

Mr. Jenkins seconded the motion and item 20 was added to the agenda.

Mr. Jenkins said, "In reviewing items 7, 8, 9 and 10, they are all Playland related items and they are all concessionaire related items as well. Our concern was this specific set of concessionaires also have some rides that are available as well and it appears we are going under the amount of money from a revenue perspective that was budgeted for these particular items. One of two things needs to occur, Mr. Chairman, if we can have them. These particular items should be pulled and have administration and staff there try to rework them; I'm not sure that was not done already, to be fair to them. In addition to that, because there is such a small window of opportunity, these are one year contracts. With the RFP process that is being

moved forward I am certain that may have something to do with the ability to negotiate perspective because I believe we would not have the same leverage that we have had in the past. At least one of the concessionaires has several rides at Playland. I am pretty sure we would be able to have additional discussion. There needs to be a budget amendment generated from the department if these numbers were to hold, so that the budget amounts for 2011, as far as revenue from Playland, especially from these concessionaires rides, would match what we are expecting to bring in so there would not be a shortfall in the budget amounts. We budgeted, the administration budgeted and the Board approved the budgeting based on the same revenue from 2010. If there is a modification in that, the Board of Legislators would request that the administration would send forward a budget amendment that would match the new revenues that are expected to come in. We also have some concerns based on the attendance numbers but I believe that we will deal with those in committee.”

Mr. Plunkett said, “Just a couple of comments, the Commissioner has spent a number of hours negotiating these contracts with these particular vendors. The resolutions that are before the Board are the result of that. One of the issues was that the attendance has been woefully low compared to when original agreements had been entered into. I certainly will take it up with the Commissioner between now and next week. Any other questions that you or your staff wish to ask and questions that you have posed here today, I do believe that all of the concerns that you have mentioned have been factored in and what you see is the result of all of the negotiations back and forth and discussion. We will try and get you whatever information you need. I also understand the Commissioner has been in front of the Parks Committee on a number of occasions and as recently as this past Monday the 28th and many of these questions had been asked by that Committee to the Commissioner. In fact I held back releasing these from my queue because of questions raised by the committee a few weeks ago, which were many of the same questions you asked and they were readdressed with the Commissioner. We will try to get whatever responses we can that would respond to your concerns.”

Mr. Jenkins responded, “Just for follow-up on that, I understand Commissioner O’Connor and her staff are doing tremendous work on that and again it is a very difficult situation because of the uncertainty of what things might happen in the future. At minimum we would still like to have the budget amendment in front of the Committee so that we would be able to make the appropriate modifications before this particular item would move forward. It would make sense to be consistent with the budget purposes so that we would match up dollar amounts. As far as attendance is concerned, there is a significant question because we changed the methodology by which we were counting people from an estimate which was a huge difference between 2008 and 2009, just based on going from the actual counts when we started charging people to go into the park. The previous methodology was an estimate of 4 people per car and 50 people per bus. Obviously that is a baseline, but it is what it is. Prior to 2008 that shows a tremendous drop. If we utilized the numbers that we had, based on the old attendance figures and the old calculations, we actually would have had an increase in people to about 642,000 people which would equate to the amount of revenue that we generated for 2010. There is a disparity there that we would not want the County losing money on those things for sure. It is a very difficult environment based on the RFP and we appreciate all the work that the administration is doing in this particular regard.”

Mr. Plunkett said, “Thank you. I know that both former Commissioner Stout and current Commissioner O’Connor are very mindful of the Playland issues and they have lived with them and are on top of these issues on a daily basis.”

Mr. Jenkins said, “The reason the Board of Legislators asked for items 2 and 3 to be held over was because we were asking for a schedule of the additional expenses that were incurred surrounding these two particular items, and to do that Mr. Chairman, we are trying to understand the expenses that were made by the County

Attorney's department, as far as expert witnesses, etc. To make sure we are staying on top of this, because I believe from what we understand, just from trying to scrap some pieces of this together, that the settlement offers that we have for this particular case are far below the amount of money that we have expended in the case. So in other words, let's say it is a hundred thousand dollar settlement and we spent three hundred thousand dollars on it. That just does not sound like good things for either one of us to sit by and watch."

Mr. Plunkett responded, "I would call that a successful outcome. If you could win a case, sometimes you need to spend some money to win a case. I'm just talking as a 31 year practicing lawyer. Would you have preferred a million dollar verdict?"

Mr. Jenkins said, "I would prefer that we would win this bid three hundred thousand dollars to get a hundred thousand dollar verdict. I think that with great attorneys like you were Mr. Plunkett."

Mr. Plunkett responded, "I may have had to spend three hundred dollars to get this hundred thousand dollar settlement. We understand that you are looking for some information and we will endeavor to get it to you."

Mr. Jenkins said, "On the February 18, 2011 meeting, I did not attend that meeting because of a miscommunication. We actually had the March 18th meeting and the February 18th meeting be exactly the same dates. When I saw the email we moved the February 18th date to Friday. We did have some comments that we wanted to have submitted for the record. I will submit those to the Secretary if that is okay with you."

Mr. Plunkett responded, "Ms. Madame Secretary deem the comments that are being presented in an email dated Friday February 18th, at 3:10 p.m. These are comments for the Acquisition and Contract Minutes of 2/17. Can we please have these incorporated as Mr. Jenkins comments?"

Ms. Vieira responded, "Yes."

1. (17262) **Information Technology** - Amend agreement (IT-1158) with ASC Technologies of New York, Inc., Stamford, CT, for the provision of professional consulting services, to change the name of the vendor from ASC Technologies of New York, Inc., to ASC Staffing, LLC effective 1/1/11.

M. Beirne

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

2. (17214) **County Attorney – OVER BY BOARD OF LEGISLATORS.** 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

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

3. (17215) **County Attorney – OVER BY BOARD OF LEGISLATORS.** 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

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

4. (17079) **Planning** - Enter into an IMA with the Village of Ossining and Red Lion Apartments, LLC, or a related developer, for the construction of infrastructure improvements associated with the fair and affordable housing development known as 25 State Street, for a term of 15 years, from 2/1/11 – 2/1/26, in an amount not to exceed \$460,000, under the listed terms and conditions.

E. Buroughs

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

5. (17324) **Planning** - Amend a 6/11/09 resolution, to enter into an agreement with the Village of Ossining, for the Central Avenue Streetscape Improvement Project, in order to change the expiration date from 6/7/11 to 5/31/12.

E. Buroughs

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

6. (17350) **Planning** - Enter into a three year grant agreement, with the U.S. Department of Housing and Urban Development, Office of Healthy Homes & Lead Hazard Control, for the reduction of lead based paint hazards in residential units of low and moderate income residents in Westchester County, for an amount of \$1,749,639, commencing upon execution.

E. Buroughs

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

7. (17004) **Parks – OVER BY BOARD OF LEGISLATORS.** 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

8. (17202) **Parks – OVER BY BOARD OF LEGISLATORS.** 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

9. (17263) **Parks – OVER BY BOARD OF LEGISLATORS.** 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

10. (17264) **Parks – OVER BY BOARD OF LEGISLATORS.** Enter into a license agreement with Peter and Fredericka Trahanas, 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

11. (17348) **Parks -** Enter a license agreement with Sound Shore Medical Center of Westchester, New Rochelle, for a fund-raising event at Playland Park on Saturday, 5/7/11 (Rain Date – Sunday, 5/8/11), under the listed terms and conditions.

K. O'Connor

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

12. (17303) **DPW/Transportation -** Enter into a license agreement with Clear Channel Outdoor, Inc., for the operation and maintenance of Westchester County Bus Shelters, from 4/1/11 – 3/31/16, with the County having the option to renew for an additional five year term, in the amount of \$3,875,000, under the listed terms and conditions.

Hsu/Mahon

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

13. (17304) **DPW/Transportation -** Amend Agreement No. 97-921 with Savin Engineers, PC, Pleasantville, for the provision of engineering services in connection with Primary Digester Roof Replacement, Yonkers Joint Wastewater Treatment Plant, Yonkers, by extending the term until 12/31/11.

J. Hsu

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

14. (17305) **DPW/Transportation -** Amend Agreement No. 97-924 with ARCADIS of New York, Inc., NYC, for the provision of engineering services in connection with Automatic Skimming System, Yonkers Joint Wastewater Treatment Plant, Yonkers, New York, by extending the term until 6/30/11.

J. Hsu

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

15. (17306) **DPW/Transportation -** Amend Agreement No. 03-921 with Dolph Rotfeld Engineering, PC, Tarrytown, for the provision of engineering services in connection with the County Water District No. 3, Lateral Main Rehabilitation Project, Westchester County, New York, by extending the term until 6/30/11.

J. Hsu

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

16. (17307) **DPW/Transportation -** Amend Agreement No. 05-942 with Henningson, Durham & Richardson, Architecture & Engineering, PC, for the provision of engineering services in connection with the Rehabilitation of the Mill Street Pump Station, Yorktown, New York, by extending the term until 6/30/11.

J. Hsu

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

17. (17308) **DPW/Transportation** - Amend Agreement No. 05-943 with Camp Dresser & McKee, Woodbury, for the provision of engineering services in connection with the Dewatering Equipment Rehabilitation, Yonkers Joint Wastewater Treatment Plant, Yonkers, New York, by extending the term until 6/30/11.

J. Hsu

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

18. (17309) **DPW/Transportation** – Contract No. 10-560, for Mamaroneck River Buffer Restoration, Saxon Woods Park, Towns of Harrison and Mamaroneck, Village of Scarsdale, and City of White Plains, New York. Advertise for bids.

J. Hsu

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

19. (17312) **DPW/Transportation** – Contract No. 11-516, for New Electrical and Communications Duct Bank, 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.

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

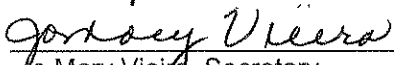
There being no further business, the Chair declared the meeting adjourned. All approved resolutions are on file electronically with the Board of Acquisition and Contract.



(Jo Mary Vieira – Secretary)

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

Dated 3/8/11



Jo Mary Vieira, Secretary
Board of Acquisition & Contract

Vieira, JoMary

From: Jenkins, Ken
Sent: Friday, February 18, 2011 3:10 PM
To: Vieira, JoMary
Subject: Comments for A&C minutes 2/17

JoMary,

There was a miscommunication that prevented my attendance at yesterday's A&C meeting. Received communication that the meeting had been moved to Friday, which was incorrect and then my staff thought the meeting was at 11:30.

Below are the comments I wish to add on behalf of the Board:

The following questions were not answered prior to the A&C meeting
Resolution 16285 – The Board questioned the ability for the vendor to deliver the services as contracted in 2011 when in 2010 the contracted amount of \$70,000 covered 18 employers attending sector partnership meetings. In 2011, specifically how does the vendor plan to recruit "at least 40 employers" with \$20,000 less?
Resolution 17014 – The Board questioned the total number of clients to be served by the vendor in 2011 is 71 (51+20) or is the number of projected clients 20? If in fact the number of projected clients total 71, specifically how are the operating costs down when the population being served is increasing?
Resolution 17048 – The Board questioned why a 90 day project is now projected to take four times as long to complete. In performing required due diligence in the oversight of this contract, the Department should document and be fully aware of what has caused the delay.

Thanks.

Ken Jenkins
Chairman of the Board
Legislator, 16th District