

**MINUTES OF THE MEETING OF THE
COUNTY OF WESTCHESTER
BOARD OF ACQUISITION AND CONTRACT
HELD ON THURSDAY, FEBRUARY 16, 2012 AT 11:00 A.M.**

Acting County Executive	Kevin Plunkett
Chairman, Board of Legislators	Ken Jenkins
Comm. - Public Works & Transportation	Jay Pisco
Deputy County Attorney	Jim Robertson
County Executive's Office	Bill Mooney
County Executive's Office	Christine Sculti
Budget	Patricia Haggerty
Deputy Commissioner, Dept. of Finance	Dennis Kelly
Board of Legislators	Catherine Borgia
Board of Legislators	Anne Reasoner
Board of Legislators	Thomas Staudter
Board of Legislators	David Tubiolo
League of Women Voters	Barbara Strauss
State Comptroller's Office	Yolanda Robinson
Thompson & Bender	Geoff Thompson
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 as Deputy County Executive 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.

Mr. Jenkins said, "As of Monday Mr. Pisco has not been referred by the BOL to be the DPW Commissioner. He is not the DPW Commissioner. Certainly he can be an employee of Westchester County but he is not eligible to sit at this meeting."

Mr. Plunkett said, "We note your objection for the record."

Mr. Jenkins said, "It is not an objection for the record Mr. Chairman."

Mr. Plunkett said, "It was placed on the record, so I will accept it as an objection of the record and I will respectfully disagree with you."

Mr. Jenkins said, "What I would suggest for you, Mr. Chairman, what I would do would respectfully request that you would have your deputy sit in. That would probably be the best way to make sure that all of the items on the agenda today would be legitimate as we move forward as a respect for the committee process."

Mr. Plunkett said, "Thank you for your suggestions, duly noted."

Mr. Jenkins said, "The Board is going to object to all of the items on the agenda today. We will hold over all the items, items 1 and 2 will still be live and we will discuss those in a moment."

Mr. Plunkett asked, "You are at this point asking that all of the items that are on the agenda, except for item 4 which is withdrawn, be held over, except for items 1 and 2 which you are asking to be severed?"

Mr. Jenkins responded, "Mr. Chairman, we have already held them over once and based on procedure, items 1 – 9 would be in order for today unless you chose to hold them over."

Mr. Plunkett asked, "So all other items, other than 1 through 9 and item 4 are being held over by the Board?"

Mr. Jenkins replied "That is correct."

Mr. Plunkett said "I think the appropriate thing is to accept a motion to sever Items # 1-9 from the rest of the agenda. I would make such a motion." Mr. Jenkins seconded. Mr. Plunkett continued, "All in favor? The vote was unanimous. Madam Secretary we are holding over all the items at the request of the Board of Legislators, in addition to the ones that they previously notified you that they were holding over. Item #4 is withdrawn. Item #s 1-9 will be treated separately. Is there any objection to taking a vote on Items 1-9 at one vote?"

Mr. Jenkins replied, "Mr. Chairman we are first going to have a discussion on them and then we will vote." Mr. Plunkett responded "You don't want any severed out of item #s 1-9?" Mr. Jenkins said "We already held them over." Mr. Plunkett said "I meant for a separate vote. You already held them over. We are going to vote on them. The question is do you want any severed?" Mr. Jenkins replied that we will sever item #9. Mr. Plunkett said, "Item 9 is further severed."

Mr. Plunkett made a motion to sever. It was seconded by Mr. Jenkins. All voted unanimously to sever item 9.

Mr. Plunkett said "We will vote separately on items #s 1-8, except for item# 4. Mr. Pisco seconded and Mr. Jenkins did also – to be official. Mr. Plunkett asked for a vote to approve items # 1-8 except for item # 4 which has been withdrawn by the Planning Department. Mr. Jenkins seconded. Mr. Plunkett said "All approved unanimously except for item # 4. Unfortunately the other matters have been held over by the Board of Legislators and we will vote on item # 9, which has been severed and held over by the Board last week." Mr. Plunkett made a motion to approve item 9. Mr. Pisco seconded. Mr. Jenkins seconded for purposes of discussion.

Mr. Jenkins continued. "Mr. Chairman, on item #9, the concern that the Board has raised and we raised at last week's meeting was that we have not heard any additional information regarding the project in the Capitol Budget # SY14A, which has never been approved. It was presented to the Board in September, 2009 and it never had any action in front of it. The Board had never done any action for that particular project. It was for \$9.8 million. It was a NYPA project for Planning. The construction work was forwarded to the Federal government for ARRA funding. The project never did get approved. There is no capital project so there is no agreement that we can reach pursuant to resolution # 24370 to get into an agreement with the energy efficiency consumer installation commitment agreement with NYPA for renovations of the Yonkers JWWTP. There is no capital project that has been approved. Pursuant to the charter it is a capital project because it's over \$100,000.00. It's not a question on the source of funding, certainly we had from this administration in July 2009. This administration presented to the Board a refinancing of the capital project. That capital project had \$1.5 million come from NYPA, was presented to the Board on July 12 and it was approved by the Board on August 9th. If there is a presentation from the administration on a project where funding sources would be different, as this one should be, that would go in front of the Board, in front of capital projects, in front of our Budget and Appropriation Committee and in our case now Government Operations for approval and review and

certainly it would be given due consideration given that it would not be coming from county funds. However, it has a complete lack of transparency if we do not have this particular project go in front of the board pursuant to the Charter.”

Mr. Plunkett responded, “Thank you for that. There was some investigation or review of the objection you made last week Mr. Chairman. Mr. Robertson is here, also a representative of the finance department. As I understand it, there was and is no appropriation in the capital budget for this project. The capital project for this generator was considered, and the number for this SY014A with the estimated ultimate cost for \$9.8 million but it was decided to use operating funds instead. The County Attorney’s office has taken the position that the appropriation for this contract is not in the capital budget and therefore no capital budget amendment was required. In the five year capital program there is a capital project SY014A listed for a generator at the Yonkers Joint Treatment Plant so there is no capital project and none in the capital budget. There would be no requirement for the amendment. They are funding it out of their operating budget as I understand it. There is money budgeted in the operating budget.”

Mr. Jenkins commented, “Mr. Chairman just on that point, the questions again is for transparency and for the people of Westchester, obviously we should all deserve and understand whether or not financing from NYPA is a better schedule than using the county’s funding which is triple “A” as we both know. We do have a loan amortization schedule which shows an interest rate that appears to be higher than what we would be able to get on our own. For the purposes of transparency the right thing for a project that we would be having done which is estimated at \$13 million at this point and time would be for it to be going in front of the board as a recommendation from the County Executive for a capital project and since it is in the capital budget book it would not need an amendment other than of the source of funding. This is really a source of funding issue. Someone could not come up on the street and hand us \$13 million and us operate a project without authorization from the BOL. The suggestion is for the project itself. It needs to be an agreement with NYPA for us to be able to enter into such agreement to finance a \$13 million project which is exceeding the county’s bond cap that we would not be able to do on our own. Certainly again, I don’t believe there would be any issue with this having been presented at a committee meeting, having a discussion as you have done in this administration on at least two different occasions, one as late as July 2010 for \$1.5 million so to have that process be consistent that would be the request of the Board.”

Mr. Robertson said, “We had conversations with the Budget department, the legal issue in terms of contract as set forth in Section 161.11(1)(b). There has to be a valid appropriation for the contract. Where that appropriation lies is often times a question of discretion. The solar panels, which are a NYPA project outside, you can see them looking out the window, they were done through the Operating Budget. Sometimes we have chosen to do it through the Capital Budget because NYPA allows you to either repay through your electricity rate which is what I believe they are doing in this case, or you can actually have them do the construction and issue your own bonds and repay them through bonding, so there are different options. My understanding was the department had chosen for one generator to do it one way and for another generator to do it through Operating. So based on the information that was provided to me through the Budget department, it was Law department’s determination that there appeared to be a valid appropriation for this purpose. I believe Mr. Jenkins is talking about policy at this point and not law. I just want to make that clear for the record.”

Mr. Jenkins responded “Thank you for that clarification. We are talking about not policy. We are talking about the ability of controlling the assets of the County, which is under the County Board’s control so someone could not come in and construct anything on the County’s property without the authority of the Board that then gives the authority to the County Executive or his designee to move forward. Again, it is not a question of financing and paying back that financing, it is a question of even this project being moved forward at this particular point of time. Thirteen million dollars of the people’s money is something we all should be concerned with. I know the administration is concerned about it and certainly it

should be one of those issues that comes in and has a full vetting in front of an open meeting, talk about the project. We've had NYPA come in before in 2010 and in 2009. We actually authorized a contract for NYPA with Westchester County to do the planning and analysis for all these things so for me for this particular process – the issue is not the financing – the issue is even the project itself. So we have the ability to walk through that. Mr. Chairman, the department coming in, making a presentation on behalf of the administration saying this is a good project for Westchester. Let's have that open discussion and see which financing makes the most sense for the people of Westchester as opposed to what is done now. The information we have suggests that there was a bid that went out for this project sometime in July of last year from a trade newspaper, Spectra Serve. There was a report that a second NYPA project recently bid in June for an Anerobic Digester gas fueled engine generator located at the YJWWTP. There was no authorization given from the Board of Legislators to enter into some kind of Contract with NYPA to even move forward on this construction project. And once again, Mr. Chairman, the only issue at this point in time is not whether this is a good project to do. The Board of Legislators authorized this particular project SY14, and SY14A was being considered just for funding sources. So again it is not something that we are concerned about the project itself. It's just the process and the ability for the people of Westchester to have the open and transparent government that they deserve."

Mr. Plunkett commented, "Thank you for your comments. We would not be considering this resolution at the A & C Board unless it had been fully vetted, substantially and procedurally by our Law department, Budget department and through our Department of Public Works and Transportation, so I'm confident that the fact this is on for a vote by the A & C Board means that the legal process permits it to be here, the Budgetary process allows it to be here. Since it is such an important project for the County, since it has been noticed for the public to be transparent at today's meeting, if there are other requirements necessary for this project to proceed, I am sure that our law department will advise us of that. It would not be here in my view unless it was fully approved by both the Law Department and the Budget department. So I am prepared to vote. I am prepared to vote in favor of it. I recognize and acknowledge your objections and certainly they are on the record, so I think the motion is on the table. We've heard the discussion. I will call for a vote. All in favor – Mr. Plunkett and Mr. Pisco. All Opposed – Mr. Jenkins. The resolution carries 2 – 1 for the Board."

Acquisition & Contract. Minutes of the meeting of 2/9/12 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. (24390) **County Executive** - Enter into an agreement with the Westchester County Historical Society to provide various services relating to the collection and preservation of documentation, artifacts and properties significant to the history of the County, and to make such resources available to the public, from 1/1/12 – 12/31/12, for an amount not to exceed \$80,719.

K. Plunkett

Held Over By Board of Legislators – 2/9/12

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

2. (24375) **Information Technology** – Contract No. IT-1213, for Radio Tower, Antenna System and Related Infrastructure Inspection, Installation and Maintenance Services for Various County Radio Antenna Sites. Reject Bids and Re-Advertise for bids.

M. Beirne

Held Over By Board of Legislators – 2/9/12

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

3. (24319) **Information Technology** – Amend an Agreement (IT-1197) with Computer SI Corporation, for the provision of professional consulting services, by increasing the amount by \$15,000, for a new total not to exceed amount of \$105,000.

Beirne/McGuire

Held Over By Board of Legislators – 2/9/12

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

4. (24265) **Planning – WITHDRAWN BY DEPARTMENT.** Request authority to amend an agreement with Martino Real Estate, LLC, to provide professional services to assist with the implementation of the NSP Program, in order to change the contract expiration date from 2/28/12 to 2/28/14.

E. Buroughs

Held Over By Board of Legislators – 2/9/12

5. (24328) **Planning** - Amend an 11/10/11 Resolution with Westchester Residential Opportunities, Inc., through the Emergency Shelter Grant Program, in order to reduce the dollar amount by \$49,000, from \$230,000 to \$181,000, as well as change the expiration date from 8/31/11 to 2/29/12.

E. Buroughs

Held Over By Board of Legislators – 2/9/12

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

6. (24329) **Planning** - Amend a 11/10/11 Resolution with Human Development Services of Westchester, Inc., through the Emergency Shelter Grant Program, in order to reduce the dollar amount by \$36,189.86, from \$182,000 to \$145,810.14, as well as change the expiration date from 8/31/11 to 2/29/12.

E. Buroughs

Held Over By Board of Legislators – 2/9/12

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

7. (24271) **Social Services** - Enter into a professional consulting agreement with Program Design and Development, LLC to prepare the County's fiscal year 2012 application to the United States, Department of Housing and Urban Development for Continuum of Care for the Homeless grant, in the amount of \$42,000, from 1/1/12 – 12/31/12.

K. McGuire

Held Over By Board of Legislators – 2/9/12

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

8. (24327) **Social Services** - Enter into an agreement with Single Stop USA, to accept a grant in the amount of \$50,000 to be used to provide free tax preparation services to students and their families at Westchester Community College, from 1/1/12 – 12/31/12.

K. McGuire

Held Over By Board of Legislators – 2/9/12

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

9. (24370) **DPW/Transportation** - Enter into an Energy Efficiency Customer Installation Commitment Agreement with the New York Power Authority, for the Renovation of the Yonkers Joint Wastewater Treatment Plant with an Anaerobic Digester Gas Fueled Engine Generator, from 1/1/12 – 12/31/29, for a completed cost of \$13,298,970.

J. Pisco

Held Over By Board of Legislators – 2/9/12

Mr. Plunkett moved the resolution, which was duly seconded and approved by Mr. Plunkett and Mr. Pisco. Mr. Jenkins voted in the negative.

10. (24593) **Board of Legislators – OVER BY BOARD OF LEGISLATORS.** Request authority to amend its agreement with the Young Women's Christian Association of Yonkers, by extending the expiration date from 6/30/12, for a new termination date of 9/30/12.

K. Jenkins

11. (24380) **Finance - OVER BY BOARD OF LEGISLATORS.** Request authority to amend the short form agreement with Unique Business Solutions, Inc., for consulting services in connection with the processing of County personnel employment transactions, by extending the termination date from 10/31/11 to 5/31/12.

A. Berg

12. (24482) **Information Technology - OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement (IT-1229), with Language Line Services, Inc., Monterey, CA, for a dial up telephone service offering on-demand foreign language interpreter services, from 2/29/12 – 8/9/12, for a total not to exceed amount of \$17,000, under the listed terms and conditions.

M. Beirne

13. (24483) **Information Technology - OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement (IT-1228) with Sprint Solutions, Inc., Reston, VA, for "direct connect" and other cellular telephone services on behalf of various County Departments, from 2/26/12 – 2/25/15, for a total not to exceed contract amount of \$324,000, under the listed terms and conditions.

M. Beirne

14. (24419) **Information Technology - OVER BY BOARD OF LEGISLATORS.** Request authority to amend the license agreement (IT-915) with NBC Universal, Inc., NYC, for the operation of radio equipment at the Grasslands Radio Tower in Valhalla, to extend the termination date to 5/31/12, and increase the revenue amount by \$22,911.56.

Beirne/Mahon

15. (24420) **Information Technology - OVER BY BOARD OF LEGISLATORS.** Request authority to amend the license agreement (IT-1008) with Nextel of New York, Inc., Overland Park, KS, for the operation of radio equipment at the Public Safety Radio Tower in Hawthorne, to extend the termination date to 5/31/12, and increase the revenue amount by \$11,622.18.

Beirne/Mahon

16. (24421) **Information Technology - OVER BY BOARD OF LEGISLATORS.** Request authority to amend the license agreement (IT-1007) with Sprint Spectrum L.P., Overland Park, KS, for the operation of radio equipment at the Public Safety Radio Tower in Hawthorne, to extend the termination date to 5/31/12, and increase the revenue amount by \$10,877.91.

Beirne/Mahon

17. (24510) **Information Technology - OVER BY BOARD OF LEGISLATORS.** Request authority to amend the license agreement (IT-842) with Entergy Nuclear Indian Point 2, LLC, for the operation of radio equipment at the Grasslands Radio Tower in Valhalla, to extend the termination date to 5/31/12, and increase the revenue amount by \$10,635.70.

Beirne/Mahon

18. (22907) **Planning - OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with Crompond Crossing Housing Development Fund Company, Inc., through the Federal HOME Investment Partnership Program to supplement the installation and/or construction of eleven (11) affordable ownership units at 3372 Old Crompond Road in the Town of Yorktown, in the amount not to exceed \$500,000.

E. Buroughs

19. (24448) **Planning - OVER BY BOARD OF LEGISLATORS.** Request authority to amend the agreement with Westhab, Inc., for the Homeless Prevention and Rapid Re-Housing Program, in order to decrease the dollar amount by \$107,119, to a new total of \$1,002,406.

E. Buroughs

20. (24485) **Planning - OVER BY BOARD OF LEGISLATORS.** Request authority to amend the agreement with the City of Yonkers for the construction of the development known as 330 Riverdale Avenue, in order to change the expiration date from 1/1/11 to 11/30/11.

E. Buroughs

21. (24486) **Planning - OVER BY BOARD OF LEGISLATORS.** Request authority to amend the agreement with Housing Action Council, Inc., to provide counseling services to assist with the implementation of the Neighborhood Stabilization Program, in order to change the contract expiration date from 2/28/12 to 2/28/14.

E. Buroughs

22. (24518) **Planning - OVER BY BOARD OF LEGISLATORS.** Request authority to amend the agreement with Community Capital Resources Housing Development Fund Corp., for the acquisition and rehabilitation of the foreclosed property located at 1357 Howard Street, Peekskill, in order to change the expiration date from 12/31/11 to 9/30/12.

E. Buroughs

23. (24520) **Planning - OVER BY BOARD OF LEGISLATORS.** Request authority to amend the agreement with Suburban Green Housing Development Fund Corp., for the acquisition and rehabilitation of the foreclosed property located at 4 Morris Place, Yonkers, in order to change the expiration date from 12/31/11 to 9/30/12.

E. Buroughs

24. (24521) **Planning - OVER BY BOARD OF LEGISLATORS.** Request authority to amend the agreement with Suburban Green Housing Development Fund Corp., for the acquisition and rehabilitation of the foreclosed property located at 175 Saratoga Avenue, Yonkers, in order to change the expiration date from 12/31/11 to 9/30/12.

E. Buroughs

25. (24523) **Planning - OVER BY BOARD OF LEGISLATORS.** Request authority to amend the agreement with Suburban Green Housing Development Fund Corp., for the acquisition and rehabilitation of the foreclosed property located at 30 South Thirteenth Avenue, Mount Vernon, in order to change the contract expiration date from 12/31/11 to 9/30/12.

E. Buroughs

26. (24524) **Planning - OVER BY BOARD OF LEGISLATORS.** Request authority to amend the agreement with Suburban Green Housing Development Fund Corp., for the acquisition and rehabilitation of the foreclosed property located at 431 South Fifth Avenue, Mount Vernon, in order to change the contract expiration date from 12/31/11 to 9/30/12.

E. Buroughs

27. (24531) **Planning - OVER BY BOARD OF LEGISLATORS.** Request authority to amend the agreement with Community Capital Resources Housing Development Fund Corp., for the acquisition and rehabilitation of the foreclosed property located at 1400 Main Street, Peekskill, in order to change the contract expiration date from 12/31/11 to 9/30/12.

E. Buroughs

28. (24532) **Planning - OVER BY BOARD OF LEGISLATORS.** Request authority to amend the agreement with Suburban Green Housing Development Fund Corp., for the acquisition and rehabilitation of the foreclosed property located at 141 Morningside Avenue, Yonkers, in order to change the contract expiration date from 12/31/11 to 6/30/12.

E. Buroughs

29. (24404) **Planning - OVER BY BOARD OF LEGISLATORS.** Request authority to enter into two agreements with Teatown Lake Reservation, Inc., 1) to purchase a conservation easement over approximately 59 acres located along Spring Valley Road and Route 134 in the Town of Yorktown and the Town of New Castle, for an amount not to exceed \$1,200,000, and 2) to operate and maintain trailways and parking areas of certain County-owned parks, under the listed terms and conditions.

Boroughs/Mahon

30. (24373) **Social Services - OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with North American Family Institute, Inc., Danvers, MA, to provide the Parenting with Love and Limits Program, to include parent education and group therapy as well as family therapy for parents and adolescents in foster care, from 2/15/12 – 2/13/13, for a total not to exceed amount of \$242,770.

K. McGuire

31. (24422) **Social Services - OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with Family Services of Westchester, Inc., for the provision of the Re-Entry Plus Program providing responsible parenting and employability preparedness training services to men who were or are involved in the Criminal Justice System, from 3/1/12 – 2/28/13, in an amount not to exceed \$45,000.

K. McGuire

32. (24487) **Social Services - OVER BY BOARD OF LEGISLATORS.** Request authority to amend an agreement with different vendor agencies for Title XIX Personal Care Services under the Social Security Act, is hereby amended in order to correct the name of the agency from Broadway Home Care, Inc., to Broadway Health Care Staffing, Inc.

K. McGuire

33. (24691) **College – OVER BY BOARD OF LEGISLATORS.** Contract No. WCC-12-906, for Physical Education Building Renovation/Improvements, Westchester Community College, Valhalla, New York. Award to Low Bidder, Mengler Mechanical, Inc., Brewster, in the amount of \$3,883,300, and approval of Mezz Electrical Services, Inc., Hawthorne, as a subcontractor. (10 bids)

J. Hankin

34. (24402) **Health - OVER BY BOARD OF LEGISLATORS.** Request authority to enter into agreement with the New York State Department of Health to accept continued funding for the Early Intervention Program, in the amount not to exceed \$631,692, from 10/1/11 – 9/30/12.

S. Amler

35. (24497) **DPW/Transportation - OVER BY BOARD OF LEGISLATORS.** Request authority to enter into Agreement #11-934, with McGimpsey & Associates, Mahopac, for engineering and design services in connection with the Robert's Lane Regulator Rehabilitation, Yonkers Joint Plant Sanitary Sewer District, City of Yonkers, New York, for a total compensation of \$99,750, from 3/15/12 – 12/31/14, and approval of the two (2) listed subconsultants.

J. Pisco

36. (24498) **DPW/Transportation – OVER BY BOARD OF LEGISLATORS.** Contract No. 11-220, for Countywide Water Treatment Services, Westchester County, New York. Request authority to advertise for bids.

J. Pisco

37. (24499) **DPW/Transportation – OVER BY BOARD OF LEGISLATORS.** Contract No. 12-208, for Service Contract for Sanitary Sewer Line Maintenance, Various Locations, Westchester County, New York. Request authority to advertise for bids.

J. Pisco

38. (24500) **DPW/Transportation – OVER BY BOARD OF LEGISLATORS.** Contract No. 12-209, for Moving Services, Various Locations, Westchester County, New York. Request authority to advertise for bids.

J. Pisco

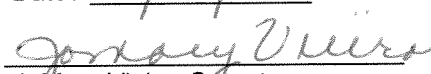
This meeting was recorded and an electronic copy of the minutes is on file with the Board of Acquisition and Contract.

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.



JoMary Vieira, Secretary

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

Dated 2/22/12


JoMary Vieira, Secretary