

**MINUTES OF THE MEETING OF THE  
COUNTY OF WESTCHESTER  
BOARD OF ACQUISITION AND CONTRACT  
HELD ON THURSDAY, MARCH 8, 2012 AT 11:00 A.M.**

Acting County Executive	Kevin Plunkett
Chairman, Board of Legislators	Ken Jenkins
Comm. - Public Works & Transportation	Jay Pisco
County Attorney	Robert Meehan
Deputy County Attorney	Jim Robertson
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
Board of Legislators	Alie Moncada
Board of Legislators	Matt Richter
West. Co. Assoc./Construction Industry Co.	Philip Benza
League of Women Voters	Barbara Strauss
Acting Secretary BAC	Joan Cocciardi
Assistant Secretary BAC	Valerie Rodriguez

**Mr. Plunkett said, "The County Executive is out of the office and has asked me as Deputy to chair this meeting."**

**Mr. Plunkett presided.**

**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. Cocciardi confirmed that she had done so.**

**Mr. Plunkett said, "I understand Commissioner Pisco wishes to make several motions, however, does anyone want to have the floor before those motions are made?"**

**Mr. Jenkins said, "Two things, on this particular point I am happy to make those both motions because, again, as you know, we will go to our position of Mr. Pisco not being an eligible member to vote on this particular Board so I would certainly move them because they are important items for the county to do."**

**Mr. Plunkett said, "So the Chairman has asked that he make the motion designated for Mr. Pisco to make. Do we have a second to the motion? Hearing none the motion fails. I now recognize Commissioner Pisco to make the several motions."**

**Mr. Jenkins said, "Would you like me to do it now? At this particular time, we've said two particular items; let's start with the one the Local Law. The reason I asked the County Attorney to be with us this morning is just to review Local Laws. Local Law 101, if we could Mr. Meehan, if you could give us the definition from the Charter from an approval of a Local Law by the County Executive."**

Mr. Plunkett asked, "Just to be clear, you're asking the County Attorney to render an opinion on a question?"

Mr. Jenkins responded, "I'm not asking him to render an opinion, I am asking him to read what's in the book. So what's in the book for approving a Local Law by the County Executive?"

Mr. Plunkett said, "I note the County Attorney is present and has asked to address this Board."

Mr. Meehan asked, "Mr. Chairman, you're asking me to?"

Mr. Jenkins responded, "I'm just trying to put on the record exactly how a Local Law takes effect and a Local Law approval. So the approval of a Local Law by the County Executive is in Section 209.151. I just printed it out for everyone."

Mr. Plunkett said, "Why don't we do this. Let the record reflect that Chairman Jenkins has put into the record a section apparently from the County Charter Section 209.151 approval of Local Law by County Executive and we will duly note that it's in the record by madam secretary."

Mr. Jenkins said, "Part of the reason is that the Board's position continues to be that the Local Law is in effect. Right now Mr. Pisco, Public Works Chair, is not a member of this particular Board anymore irrespective of the second position that we have regarding Mr. Pisco directly and the reason that we said that again just referring to this. Would this be a true an official copy from your recollection Mr. Meehan? I can certainly hand you the book if you would like."

Mr. Plunkett said, "This isn't the place to cross examine anybody. I do not question your integrity or that you would hand in anything other than a full copy fully from the laws. If it's not, we can deem it amended accordingly but I accept it as something that is true from the laws. We understand your positions. There are two positions, number one, as I understand it, there is a local law in effect that Mr. Pisco should not serve but the Budget Director should serve. You are aware of the County Attorney's position that that vote is a nullity. It's not in effect. It never had any effect. We can agree to disagree. Your position is on the record. I recognize that you're submitting this in support of that."

Mr. Jenkins said, "I'm going beyond that. I'm saying again the laws of Westchester County govern how this particular Board operates; it is not an opinion of the County Attorney. The law is very clear on how it works. The County Executive certainly has the opportunity to not approve a law by not signing it, by vetoing it, etc. The Board has the right then to override and according to the Laws of Westchester County that law is in effect. There is no opinion from the County Attorney. I don't see any words in here unless there is something I am missing in the approval of a Local Law by the County Executive. There is nothing in this particular document that suggests the County Attorney's opinion means anything other than it is an opinion. The County Attorney has been very clear about this to us all along. The County Attorney's opinion is not the law, it is an opinion. We can all accept it or reject it. At the report for the laws of Westchester County is that law is in effect Mr. Pisco should not be sitting on this particular Board and that is a concern that the Board has that will go down further with specifically on specific items as we have moved forward or not moved forward on those particular items. Just for the smooth running of our government operation we would certainly expect that the other part of the Charter where the County Executive's role is to enforce those laws. One of the big concerns here from the Legislature is the County Executive's role according to Item # 6 in Section 110 of the Laws of Westchester County. Item #6 says that the laws of the state pertaining to the affairs and government of the county, the acts and resolutions of the County Board and duly enacted Local Laws are executed and enforced within

the County. It is not an option at this particular time that to say it is a nullity because we have an opinion from the County Attorney. The law is the law. All we keep referring to in this particular case is if the County Executive believes that the law is invalid for whatever reason, there certainly are courses of action he can take. He can come back to the Board and request modifications in the law or he can challenge the law. Notwithstanding what has been said out in the media world of challenging and suing himself. No one suggested that. He would be suing to try to prevent the law from going in to effect, which it already is in effect. At this particular point and time, again, we keep suggesting that the smooth running of county business to happen that we want to have the right people sitting at the table and that right person would be the Budget Director at this point and time.”

Mr. Plunkett responded, “First of all the County Attorney’s opinion, as I understand it, said that there is no law in effect. So if the law is not in effect there is nothing to enforce. Because the law that was adopted is a nullity and it wasn’t adopted correctly because there was no mandatory referendum which the County Attorney has repeatedly advised all of us on over the last two years. The law that you are asking to enforce is not in effect. We can agree to disagree, whether you’re missing that point or not. That is the understanding the County Executive has. I would like to move forward to get something done for the County of Westchester. We are here to get contracts signed, to get people to work. To move forward and to give assurance to the people who contract with the County that their contracts are in effect and that the County is working together to make sure that the people who are working with the County and who benefit from these contracts are able to have a contract that is legally enforceable. That’s what we want to do and I understand that you want to do that but the partisan politics that we all are involved in, I’m not pointing fingers, really isn’t productive to that. It’s counterproductive. If we have these disputes and we want to talk to the County Attorney and come up with a way to address this, I would totally endorse that but right now, based upon his opinions, which I respect, he is the Attorney for the Board of Legislators as well as the Attorney for the County Executive. My suggestion is we quit the posturing, we move forward and we get these contracts put in place. That’s what I’m going to try to do today and I know you really want to do that because you have been consistent over the years trying to do that, for whatever reason we have gotten off the track. Mr. Pisco is a well recognized engineer in this community, he has great support from his colleagues, great support from the construction industry, has been working diligently in overtime on many matters since he has taken office. If there is a political reason why he shouldn’t be confirmed I understand that, but we are not here to do that today. Right now, in our view, he is the Commissioner. Let’s get our work on. We can agree to disagree and move to whatever you think is best, I respect that and you respect what we do. So I would like to move forward with this agenda to move the contracts forward.”

Mr. Jenkins said, “Absolutely, again, in all due respect, we are saying the Laws of Westchester County we are expecting them to be followed unless there is somewhere in this book that says something otherwise the law is in effect. The County Attorney cannot give you an opinion to say violate the law.”

Mr. Plunkett said, “The County Attorney has told us that in this book, it requires a mandatory referendum. That’s what he has told us and because he has told us that Mr. Chairman, I respectfully suggest if you have a different opinion on that, even though he is your Attorney, he is the Attorney for the County, I suggest then whoever your Attorney is speak to the County Attorney. It’s that simple. I respect you in your position as Chairman of the Board and as head of 17 legislators, but I do respect the County Attorney as the Attorney for Westchester County. I would like to if I could just move forward and have Commissioner Pisco make the motions you can take whatever positions you want we will do the business of the County we will agree to disagree and I understand your position.”

Mr. Jenkins said, “Again, based on your point and your excellent comments about trying to move forward and giving people the surety that the contracts that they are

entering into are valid, which is why we suggested again if you have a problem with the law we say have the right people at the table. If you want to have Mr. Pisco at the table that's your choice. We are suggesting that you make sure we have the Budget Director because this way when we don't agree on something because you and I, you're sitting in for the County Executive and as Chairman of the Board representing the BOL and the 17 Legislators, certainly that could be the two votes that are necessary to move those contracts forward. All we are trying to do is make sure that the right people are sitting around the table for things when we don't agree on. It's not we are disagreeing on moving forward, on putting two particular items on the table. It seems to me to be one of those crazy scenarios where we're just trying to put our foot down and say "hey" I was willing to put this suggestion on the two contracts one of them is the contract for the BOL and the other one was for a contract for a testing facility. There is no controversy in that at all so again, from a suggestion to trying to say this is the case, we were trying to do the same thing and move those particular contracts forward. Be that as it may, we will have that objection on the record for that particular item. Would you like me to continue or would you like to put those items on the table, since you rejected my motion?"

Mr. Plunkett replied, "I just want to make it clear that I hope and from what you are saying that this week maybe as the legislator's representative someone will vote for the matters. Last week, unfortunately you got up and left. Two weeks ago the 45 matters Vice Chairman Lyndon Williams voted against them. I'm hoping that today, should you have this objection, that you would vote for the contracts that are not being held over so that we can move the government forward and making sure that there is no objection. I recognize Commissioner Pisco, please make the motion."

Mr. Pisco said, "Thank you. First, at the request of the Office for Women, I move to amend item 4 (ID #24850) to amend all references in the memorandum and in the resolution to the contract not-to-exceed amount from \$40,000 to read \$59,790, to correctly reflect the budget for this contract."

Mr. Plunkett seconded the motion and it was unanimously approved.

Mr. Pisco continued, "I move to add two items to today's agenda. The first item is urgent in order to timely reserve space at New Rochelle High School for the upcoming civil service tests. Accordingly, I propose to add item 28 (ID#25277), a resolution to authorize the County to enter into an agreement with the New Rochelle City School District to use the High School in order to conduct the civil service examination on April 14, 2012.

The second item is urgent to permit the Board of Legislators to lock in a limited time price discount for McKinney's Statutes updates for three years, which offer will expire on March 28th. Accordingly, I move to add item 29 (ID #25270) for an agreement with West, A Thomson Reuters business, for \$14,890."

Mr. Plunkett seconded both motions.

Mr. Jenkins asked, "Before you do that, if that's what Mr. Pisco just read, you read the Board of Legislators?"

Mr. Plunkett responded, "The second item is urgent to permit the Board of Legislators to lock in a limited time price discount."

Mr. Jenkins said, "The Board of Legislators wouldn't be doing that Mr. Chairman."

Mr. Plunkett said, "This is a resolution that was proffered from the Board. There is a second on the table. All in favor of these two motions?"

Mr. Pisco responded, "Aye."

Mr. Jenkins asked, "Your motion is to put it on the agenda?"

Mr. Plunkett responded, "My motion is to add items 28 and 29, not my motion, I seconded the motion of Commissioner Pisco."

Mr. Jenkins said, "We are going to support this motion Mr. Chairman again, and we will register our complaint about Mr. Pisco in a minute."

Mr. Plunkett said, "Note the unanimous support for that motion to put items 28 and 29 on the agenda."

Mr. Jenkins asked, "We are registering the similar complaint that we did for Mr. Pisco. Mr. Pisco's appointment as Commissioner of Public Works was not referred to a committee. It was not moved to be considered. From a consideration perspective in your duties as Deputy County Executive and in staff that we have, the County Attorney certainly can answer this particular question as well, from the authority to consider an extension in a contract you have the ability as the Executive branch of government to consider or not consider an item for an extension of a contract for example I believe that you would agree with that. Would you agree with that position?"

Mr. Plunkett asked, "I'm not sure of the context in which you are asking the question. Is there a specific contract that you want to look at on the agenda?"

Mr. Jenkins responded, "Just specifically, suggesting again from an authority to consider any particular item that is in front of you appropriately would be like a contract extension, you certainly would have the right to extend or not extend a contract and enter into a discussion. The Board at the same time has the ability to consider or not consider a recommendation for a particular position. That is what happened with Mr. Pisco's case. There is no Board vote required again in the County Charter for anything. The County Executive in his communication to the Board of Legislators that was dated on 1/26/12 to the Board of Legislators that respectfully recommended and urged the Honorable Board to adopt the attached resolution confirming the appointment of Jay T. Pisco as Commissioner of Public Works. The communication for the County Executive was not referred to the Committee and therefore failed. It will not be considered in this particular agenda timeframe. It is not sitting in committee where he will be able to act. Mr. Pisco's appointment at the particular time is a nullity to use the words the County Attorney likes to use. There is no vote that is necessary. It will not come in front of the Board. It will not be considered. No different by the way than the administration considering an extension of a contract. That was the context I was trying to refer it to. There is no law that requires you to extend a contract. There is no law that requires us to do anything different. The rules of the County Board do not require a referral to the Committee. The Committee is just an extension. The actions of the Board are on the floor and the Board had chosen in its wisdom not to move forward on Mr. Pisco's appointment. Again, we have said many times in this room, we fully expect that based on your glowing recommendation of Mr. Pisco, he would certainly have a place in County government and certainly in a department of the administration's choosing but he will not be the Commissioner and there will not be another opportunity to reconsider that. Mr. Meehan appropriately did suggest when the vote was taken on the February 13th meeting that there was an opportunity for the Board to reconsider at the next dated meeting which was February 27<sup>th</sup>. There was no such reconsideration for that and that particular appointment is now gone. We are going on to the next thing for that particular point. As far as the items on the agenda today and again that is why we keep suggesting to have the right people here so we can make sure that we give the people of Westchester those assurances that you had referred to that we all believe should be happening to put people to work to make sure that we have good

contracts that are enforced.”

Mr. Plunkett said, “Can I answer that first. First of all I don’t understand or accept the context in which you asked the question about the authority of the County Executive. I just want that to be clear on the record. With respect to Mr. Pisco, you’ve already put this on the record. The County Executive himself last week read the conclusion from the County Attorney dated 2/27/12 which I believe is part of the record of last week’s A&C meeting. Just to be clear I will read it again slowly into the record.

“It appears that the vote taken by the BOL which failed was the motion to refer the communication from the County Executive regarding the appointment of Jay T. Pisco as Commissioner of Public Works and Transportation to the Committee on Appointments. Such a motion was a procedural vote and not a substantive vote to confirm or reject his confirmation. Therefore, under the rule set forth by the Court in *Berenson v. O’Rourke*, Westchester County Supreme Court Index No. 15670/91, Judge Burrows, Jay T. Pisco remains an acting commissioner, pending a confirmation vote by the County Legislature.”

“Based upon that Mr. Chairman, and recognizing your argument and having it in the record for the third straight week I would like to just take a vote on the matters before the Board today so we can move the business of the County forward.”

Mr. Jenkins said, “Mr. Chairman, at that particular point and time you have asked me for additional items, again what we will do is submit the rules of the County Board for the record again, because there is no such rule, there is no such referral and in the communication from the County Executive there is no request to refer it to committee. It is a consideration by the Board. The Board does not have to refer anything to committee. We can take votes on each and every item as it comes in on the floor as it is our right to do. There is no such animal to refer it to committee, etc. That appointment is not going to happen. That is all we are going to continue to say and we are going to keep making that point until we have the right people sitting around the table because we are concerned about that. However, with that being said, on our requirements for disclosure on business relationships, is there a requirement that any member, including you, that has a voting matter and has any contractual arrangement or had a contractual arrangement with any contractor that is on A & C currently in front of us on our agenda today would that be required to be disclosed to the public?”

Mr. Plunkett responded, “If you have a specific resolution you would like to reference. You are asking generic questions in the context that is unable to be understood Mr. Chairman. We have a vote on the table, if you have an objection with respect to a vote on a specific item on the agenda please voice it, we respect that. We need to take a vote on these items so that we can move forward and we can get the business of the county done. We hear your objections. We disagree and we think it’s important to move the county’s business forward. I would ask that if we could take a vote on the matters.”

Mr. Jenkins asked, “Mr. Chairman, on this particular item. We will specifically go through the specific items if you need to go through them individually etc., but the question is regarding disclosure, would any of us if we have a business relationship, had a business relationship with any contractor that is in our list right now would that need to be disclosed? I would direct that to our County Attorney to answer that question.”

Mr. Meehan said, “I don’t understand the question.”

Mr. Jenkins asked, “If we have a business relationship, in the case that we have today, we have several contracts with Arben Group and Mr. Plunkett represented the

Arben Group in several matters of litigation and is the attorney of record for several of those matters. My question is whether or not that would need to be disclosed in this particular context?"

Mr. Plunkett responded, "I represented them many years ago. I have no current or business relationship with them."

Mr. Jenkins said, "My question would be, and it's a fair point, I'm just asking a question whether or not that would need to be disclosed."

Mr. Meehan said, "I need to see all the facts and we will review that under the provision of the County's Code of Ethics. Just your summary statement to me may not be all the facts. I would need to review all the facts before I would render advice on that point."

Mr. Jenkins replied, "That's a fair point. I'm just asking whether or not from an ethics perspective that we would need to make sure to disclose and certainly we don't have the numbers and we were not really planning on overring any of those particular items. It was just a question on disclosure, whether or not this has to be done. If it makes more sense Mr. Chairman, what we can do is go back through the period of time for any of the contracts that may have been advanced. Because you are the main person that puts the things on the A & C Agenda as well as a voting member when the County Executive is out of town, to be able to put that on the record and be able to say that I had this past relationship and basically that is the end of it. We have done that several times for members of Board on the floor, including Mr. Kaplowitz, etc., on specific advice of the County Attorney and certainly Mr. Chairman with respect to your ability to have that conversation separately with the County Attorney. Just a question in general and not on a specific item."

Mr. Plunkett said, "All of these Contracts, you know better than anybody, Mr. Chairman, are done in public bidding. So there is no contract that is entered into for construction work that isn't done by public bid process and goes through the complete vetting of the different departments that have public bidding responsibilities. Be that as it may, are we ready to vote Mr. Chairman?"

Mr. Jenkins responded "The other items I will reserve until afterward. The other item that we overred which was Cornell Cooperative. The reason that we overred that particular item so that we can do the research is because that particular item's funds are in the budget of the Board of Legislators. We did bring up as well, the proposed Budget for 2012 from the County Executive. As far as the columns not following the Charter as the Charter requirements are concerned, the requested amounts and the allowed amounts shall be the amount that the County Charter section 167, which says that requested amounts shall be the amount that the department requested and the allowed amount would be for the proposed budget would be the amount of money that the County Executive's offices allowed to be presented to the Board. Besides that, for item #2170 which is Cornell Cooperative, that particular item is in the Miscellaneous Budget. That Miscellaneous Budget item is a Board of Legislators item. As far as the veto of that particular item, the County Executive vetoed that particular item. We overrode that particular item. We put into the Budget Act, language specifically about how dollars might be transferred between those departments including that which is what the County Executive objected to. By the way, in the Budget Act that would not allow money to be transferred between departmental lines in this particular case. Cornell Cooperative was a Board of Legislators add. We put it in the Board of Legislators fund which was 2505 in the Miscellaneous Budget and that particular account is controlled by the Board of Legislators. It is not an opportunity for the County Executive's office, the administration or anyone else to go into. No different than the Board of Legislators going into another department's budget without the proper approval and transfer. That is why we are overring that particular item and we are expecting that research is going to be done over the next week to resolve that particular item."

Mr. Plunkett said, "You are overring the Cornell Cooperative Extension contract because the name of the moving party is not accurate in your view. Is that correct?"

Mr. Jenkins replies "That is correct. As a matter of fact, the Budget Director replied to us and stated that is correct. It is not a line that is controlled by the administration and should not have been advanced. Someone advancing something, as we all know, that is not the issue."

Mr. Plunkett asked "Do you want me to ask Mr. Pisco to make a motion to change the entity that is moving this from the Youth Bureau to the Board of Legislators or would you not want me to make that motion?"

Mr. Jenkins said "If that is the motion that you so choose."

Mr. Plunkett said, "We will over to next week. Note that the Board of Legislators is holding over Cornell Cooperative Extension Item #2 on the agenda to next week. We will sort out with the Chairman and his team the appropriate format and process best to be used for this particular resolution. Anything else Mr. Chairman?"

Mr. Jenkins said "Other than that Mr. Chairman, we are prepared to vote on the items in front of us with the exception of the ones that we held over."

Mr. Plunkett asked, "All those in favor of approving Agenda items 1-29 except for items 2, 9, 15 and 18 which are held over by the Board of Legislators, please say aye." The vote was unanimous.

Mr. Plunkett asked if there was anything else to be discussed. Mr. Jenkins said that he had some items that he would like to put on the record.

"The Board is serving notice at this particular time that on item #24370 to enter into an agreement with the New York Power Authority, the Board will be taking all appropriate actions to void that particular contract action because we strongly feel at this point in time, the numbers we had received from our initial analysis show that the county is spending a million dollars more than it needs to in financing. Mr. Chairman, I have this information that I am going to share with you and the Board members. That particular item is to show that we have had contracts with NYPA before, including the window projects that we are just completing. As a matter of fact under your administration, we went to bid and had bonding for the November 2011 timeframe. This was a NYPA project where NYPA did the job but the county financed the project and that was in order to make sure that we were saving the dollars for the people of Westchester County and in this case, it appears from the information that we received on it, that the people of Westchester are spending a million dollars more than necessary with this NYPA contract and the Board is going to take all appropriate action to have that particular contract voided and to move forward with having discussions and doing additional analysis and quite frankly it may end up that NYPA still does the project but the county does the funding based on our great credit rating that we worked on together."

Mr. Plunkett said, "May I just say that as I understand the resolution, the County was saving a significant amount of money over the course of the 15 year agreement with NYPA. The Budget office has done an analysis and I believe the Department of Public Works has done an analysis. The interest rate that we are getting from NYPA is currently well below the interest rate the county would be getting from its market opportunities. There is also a cost that the project will save energy savings of over a million dollars over the course of the project. However, if there is an opportunity to save money and if you bring it to our attention, I assure you that I will have the Budget Department take a look at it and work with whomever is necessary to review the information. But as of now, the resolution, I believe was passed 2-3 weeks ago. It is our view that the contract with NYPA is a very favorable contract for the County."

Mr. Jenkins replied, "As you pointed out Mr. Chairman, NYPA is not a fixed rate program and therefore we cannot guarantee that those rates don't stay at a fixed level. Again, for the

benefit of Westchester County, we will continue to do that. It is just for record purposes and the Board will be taking whatever appropriate action to deal with that.”

Mr. Plunkett said, “The Budget Department is fully aware of the NYPA program. As of now, I think the projection from the economic forecasters is that the rate is going to be favorable as we go through this contract. However, there are outs to this contract. We have looked at it closely; we respect your views so please provide it to us in writing and we will take a hard look at it.”

Mr. Jenkins replied “We also have the other contract to include in the resolution.”

Mr. Plunkett said, “Please let the record show that Mr. Jenkins has presented a copy of a June 24<sup>th</sup> 2009 memorandum from Ralph L. Butler, PE, Commissioner of Public Works to the Board of Acquisition and Contract, which is a packet of documents with a subject matter of ‘Authorization to enter into an Energy Efficiency Customer Installation Commitment Agreement known as a CIC with the New York Power Authority for window replacement at the Michaelian Office building, 112 East Post Road, the Coachman Center and other DPW facilities, Agreement # 08-914.’”

Mr. Jenkins said, “I appreciate you identifying the packet since there was a lot of information put together. This shows we have done this deal in the past with NYPA-where NYPA does the work and they are able to save dollars on the construction cost because they can do it a lot more efficiently with those particular things. But the financing that worked out for us, and quite frankly in this case, Mr. Chairman, we should note that this particular project was authorized by A & C in June 2009 and we went to financing for this particular project in November 2011 because it makes more sense for us to do it that way to have available options. One way doesn’t stop us from doing it. One way prevents us from doing it. So that is a concern.”

Mr. Robertson said, “For the record, the overarching agreement with NYPA allows us to finance in a number of different ways. We have financed both through using them for construction and issuing their own debt and also on several projects which Mr. Butler actually put through in 2009 where we are paying it off through the electricity. As you said we have outs in the Contract. We can do either one of two things. We can pay off the contract by issuing our own debt or we could refinance with NYPA at a fixed rate but we have many different options under the major overarching agreement with NYPA on financing. So, if interest rates and I discussed this at length with the Budget Director, if interest rates would move against us we could go back to NYPA and advise that we want to finance long term on our own and get out of this contract.”

Mr. Jenkins said, “Mr. Chairman. Thank you Mr. Robertson. A quick question. My understanding was that the Board needed to authorize bonding for the Capital Project in order for us to do that prior to the project starting. So if the project starts and we now decide we’d like to change the financing that we are not able to do that. That is what I understood.”

Mr. Robertson said, “We would have to go back to the Board and create a Capital Project. There were many cases where we didn’t create Capital Projects and I believe at one prior meeting, and this is something Ralph Butler did because I remember him pushing in 2009, to get 6 or 7 projects on, including the solar panels. We didn’t create a Capital Project for that. That was paid out of the electricity bill.”

Mr. Jenkins replied,” Right and that is the point Mr. Chairman. So what happens is while the Budget Department has done the analysis that says we have something else to do because the contract was never approved by the Board of Legislators, authorizing us to have bonding for it. The question is not the financing methodology. We will not be able to go backwards and say now we are going to finance this capital project because it is already started. That is the point that the Board is making.”

Mr. Plunkett said, “I’m not sure Mr. Robertson concurs with that but your point is well taken in the sense that if there is money to be found and saved we should all work together to try

and do that. I assure you we will do that. Right now you heard Mr. Robertson. The savings are beneficial to the county and we can relook at this if you think that is appropriate.”

Mr. Jenkins said, “Right, I just want to make sure that we have that on the record because again going backwards I don’t think we can by New York State Municipal Finance Law if I recall correctly. Mr. Robertson and Mr. Meehan have come down many times to us and said that we can’t go backwards.

Mr. Jenkins continued, “A final point Mr. Chairman, on our TANF dollars, we have been trying to work through this particular scenario where the Board of Acquisition and Contract had authorized the Department of Social Services to move forward on things and I know we have been working diligently on this particular item. The Board’s position on #21572. I’m sorry there are 4 different resolutions, I apologize for not having copies and I will send to everyone. You and I have been working through this particular process trying to get it resolved but for item #21572, from 9/1/11, which is an A & C Contract that authorized the Boys and Gils Club of New Rochelle to do a program for at risk youth that they do in City Park. It is in Legislator Marcotte’s district.

Mr. Plunkett “I am going to give these to the Secretary and she can run copies off for us after the meeting.”

Mr. Jenkins said, “That’s fine, that was # 21572, and then there are #s 21328, 21313 and 21312. All four of those were 100% TANF programs that we authorized here at the Board of Acquisition and Contract to move forward. They were advanced from the Department of Social Services. They were moved forward and they submitted letters in the beginning of December 2011 that said their contracts were no longer in the best interest of the county. We are going to continue to follow up on these particular items. I know the administration and you specifically have been working trying to get this particular thing resolved. It is going to be March now and those particular young folks, at risk youth for whatever reason, we thought these things made sense at the time. The TANF funding, we had that funding, we did not lose that funding and if the department chose to shift the dollars around in their department then it is the department’s business to be able to do that obviously in consultation with the administration. But this Board of Acquisition and Contract authorized these contracts to move forward and for the period of time, which I guess it is until the end of the school year of 2012. We have gotten several complaints from the organizations and we keep trying to say to them hold off as the administration is working hard looking through them. We have had several complaints from different legislative districts on both sides of the aisle and it is a concern and we just want to put it on the record. Thank you so much Mr. Chairman and I look forward to us getting together on the floor right now.”

Mr. Plunkett replied, “We have been working with the Board of Legislators. The Social Services Department has informed us that the TANF funding has been discontinued and therefore the programs that were to be funded, which were the four programs that the resolutions have been entered into the record are not being funded by TANF monies and therefore would only be supported by tax dollars so the Department of Social Services felt that there were some alternative programs and these programs needed to be discontinued at the end of the calendar year. However, in saying that and having had meetings with Mr. Jenkins and his team and the Budget Director and the Social Services Commissioner and deputies, we are still looking into the issues. If there is funding that is available we will certainly take a hard look at the programs. If it is tax money funding then of course that raises a different issue we have to look at.”

Mr. Jenkins replied, “Absolutely.”

Mr. Plunkett continued “Just so the record reflects there are a number of different perspectives on the issue that was raised by the Chairman. Anything further Mr. Jenkins?”

“No thank you Mr. Chairman.”

**“Mr. Pisco, do you want to add anything? Then the meeting is adjourned.” The motion was unanimously approved.**

**Acquisition & Contract.** Minutes of the meeting of 3/1/12 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. (25108) **County Executive** - Enter into an agreement with ProAct, Inc., to provide a Pharmacy Prescription Drug Discount Card Plan which will enable county residents to purchase prescription drugs at discounted rates for a three year term, from 4/1/12 – 3/31/15.

R. Astorino

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

2. (24819) **CE/Youth Bureau – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with Cornell Cooperative Extension Association of Westchester County, to conduct a number of county-wide educational programs in accordance with an agreed-upon scope of services, to be held at the County’s Hilltop Hanover Farm and Environmental Center, as well as various other locations, from 1/1/12 – 12/31/12, for an amount not to exceed \$990,000, under the listed terms and conditions.

M. Cabaleiro

3. (24849) **CE/Office for Women** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Women’s Enterprise Development Center, Inc., White Plains, for microenterprise training and assistance to poor and minority women.

D. Balistreri

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

4. (24850) **CE/Office for Women** - Enter into an agreement with the Women’s Enterprise Development Center, Inc., to provide microenterprise training and assistance to poor and minority women to assist them in reaching economic self-sufficiency, from 1/1/12 – 12/31/12, for an amount not to exceed \$59,790.00.

D. Balistreri

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

5. (24841) **CE/Office for Women** - Enter into **1)** an agreement with My Sisters’ Place, Inc., for provision of non-residential domestic violence support services for victims; **2)** My Sisters’ Place will subcontract with Hope’s Door, Inc., to provide additional non-residential domestic violence support services to immigrant and non-immigrant victims; and **3)** subcontract with Victims Assistance Services of Westchester Community Opportunity Program, Inc., to provide safety planning education, orientation and advocacy services to victims seeking Orders of Protection in the Yonkers Family Court, for an amount not to exceed \$1,555,784, from 1/1/12 – 12/31/14, under the listed terms and conditions.

D. Balistreri

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

6. (24845) **Human Resources** - Enter into an agreement with the White Plains City School District to use the School District's premises and facilities to conduct civil service examinations, from 1/1/12 – 12/31/13, for an amount not to exceed \$100,000, under the listed terms and conditions.

K. Oristano

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

7. (24826) **Planning** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Westchester Housing Fund, Inc., d/b/a Community Capital Resources to provide assistance to the Department of Planning in the provision of affordable housing and to provide assistance to small businesses.

E. Buroughs

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

8. (24828) **Planning** - Enter into an agreement with the Westchester Housing Fund, Inc., d/b/a Community Capital Resources, to carry out fair and affordable housing and small business activities, for an amount not to exceed \$100,000, from 1/1/12 – 12/31/12, under the listed terms and conditions.

E. Buroughs

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

9. (24734) **Emergency Services – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with the Cortlandt Community Volunteer Ambulance Corps, Inc., to use and operate a specialized trailer to assist the County's emergency response efforts by providing deployment and support services during a disaster, commencing upon execution and continuing for a five (5) year term.

J. Cullen

10. (24151) **Social Services** - Enter into an agreement with the Westchester Coalition for the Hungry and Homeless, Inc., to partially fund a position to assist emergency food providers in securing additional outside funding and to assist non-profit soup kitchens, food pantries and shelters with expenses, from 1/1/12 – 12/31/12, for an amount not to exceed \$72,563.

K. McGuire

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

11. (24847) **Social Services** - Enter into agreements with three separate contractors, to provide sector based skills training to upgrade employee skill sets and competencies, herein identified as: **1)** Westchester Hotel Association, Inc., for a not to exceed amount of \$123,360, from 2/1/12 – 6/30/12; **2)** Fenbar Precision Machinists, Inc., for a not to exceed amount of \$33,200, from 2/1/12 – 6/30/12; **3)** Robison Oil, Inc., for an amount of \$32,000, from 2/1/12 – 6/30/12.

K. McGuire

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

12. (24863) **Social Services** - Amend the agreements for the provision to non-custodial parents who are receiving public assistance under the Safety Net Program with services to prepare for, find and retain employment including case management services, from 6/1/11 – 12/31/12, by increasing the aggregate amount of three agreements by \$356,556 from \$610,300 to a

total not to exceed amount of \$966,856.

K. McGuire

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

13. (24870) **Social Services** - Amend a 12/9/10 Resolution (amended on 12/22/11) to enter into agreements with One Hundred Eighty-One (181) licensed child care centers, licensed family group program and registered school-age programs for the provision of child care services to Title XX eligible families, is amended to authorize the County to enter into agreements, commencing upon execution, with the following licensed providers: Baldeo, Inc., Monique Cobb-Morris d/b/a M & M Child Care, Smiley Faces Daycare Center, Inc., and The Learning Tree Child Care Services, Inc.

K. McGuire

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

14. (24513) **Health** - Enter into contracts with Hudson River HealthCare, Inc., Mt. Vernon Neighborhood Health Center, Inc., and Open Door Family Medical Center, Inc., to provide access to specified communicable disease prevention and control services and specified public health services to uninsured Westchester County residents, from 1/1/12 – 12/31/12, and in an amount not to exceed \$3,028,850, under the listed terms and conditions.

S. Amler

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

15. (24855) **Probation – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into a grant agreement awarded under the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program from the Office on Violence Against Women of the U.S. Department of Justice, in the amount of \$1,000,000, and subcontract, with the listed agencies, to sustain the Family Justice Center for a two-year period, from 10/1/11 – 9/30/13.

R. Pozzi

16. (24786) **Parks** - Enter into a license agreement with Sound Shore Medical Center of Westchester, New Rochelle, for a fund-raising event at Playland on Saturday, May 5, 2012 (Rain Date – Sunday, May 6, 2012), for an approximate fee of \$40,000.

K. O'Connor

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

17. (24869) **Parks** - Enter into a License Agreement with the Town of North Castle, Armonk, for continued use of vacant land known as several parcels of Sheet 28, Bronx River Parkway, from 4/1/12 – 3/31/13, for a license fee of \$27,348.

K. O'Connor

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

18. (24897) **DPW/Transportation – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with the New York State Department of Transportation, to enable NYSDOT to provide Federal funds to the County for its continued participation in the Subregional Transportation Planning Program, from 4/1/12 – 3/31/22, under the listed terms and conditions.

J. Pisco

19. (24876) **DPW/Transportation** - Enter into an agreement with ACS Transport Solutions, Inc., and Iron Mountain Intellectual Property Management, Inc., to place in escrow the software and firmware source and/or object code necessary to ensure maintenance of the computer-aided dispatch and automatic vehicle location system for the County's Bee-Line Bus System, for one (1) year with automatic year renewals until terminated by the parties. (Agreement #12-905)

Pisco/Beirne

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

20. (24875) **DPW/Transportation** - Enter into Agreement #11-927, with Lockwood, Kessler & Bartlett, Inc., Syosset, NY, for Construction Administration Services, in connection with the Replacement of the Bronx River Parkway Bridges (at Crane Rd) over the Bronx River and Metro-North Railroad, Village of Scarsdale and Town of Greenburgh, New York, for a total compensation of \$3,472,369, from 4/1/12 – 12/31/16; and approval of the two (2) listed subconsultants.

J. Pisco

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

21. (24877) **DPW/Transportation** - Amend Agreement #10-939, with PB Americas, Inc., NYC, for engineering services, in connection with the Central Avenue Bus Rapid Transit System Improvements, Cities of White Plains and Yonkers and Town of Greenburgh, New York, for a fee of \$64,433.25, from 4/1/12 – 12/31/14; and approval of M.J. Engineering and Land Surveying, P.C., Clifton Park, NY, as a subconsultant.

J. Pisco

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

22. (24878) **DPW/Transportation** – Contract No. 05-542, with ELQ Industries, Inc., for Resurfacing and Related Improvements, North and South Ridge Street, From Rye/Rye Brook Line to Winding Wood Road A Distance of 2.38 Miles, Village of Rye Brook, New York. Completed work and Final Contract Amount of \$2,272,972.

J. Pisco

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

23. (24880) **DPW/Transportation** – Contract No. 11-551, for Resurfacing and Additional Improvements, West and East Main Street, Route 9 to Cortlandt/Peekskill Line A Distance of 2.14 Miles, City of Peekskill, New York. Advertise for bids.

J. Pisco

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

24. (24881) **DPW/Transportation** – Contract No. 11-553, for Roofing Replacement, Screen and Grit Building, Yonkers Joint Wastewater Treatment Plant, Yonkers, New York. Advertise for bids.

J. Pisco

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

25. (24882) **DPW/Transportation** – Contract No. 09-514, for Biological Nutrient Removal Facilities, New Rochelle Wastewater Treatment Plant, New Rochelle, New York. Approved thirteen (13) listed subcontractors.

J. Pisco

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

approved by the members present.

26. (24764) **Public Utility** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Timothy Carey, for consulting services to the County of Westchester Public Utility Service Agency and the County of Westchester.

V. Vesce

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

27. (24634) **Public Utility** – Enter into an agreement with Timothy Carey to provide consulting services to the County and the County of Westchester Public Utility Agency Service (COWPUSA), from 1/1/12 – 12/31/12, for an amount not to exceed \$50,000.

V. Vesce

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

28. (25277) **Human Resources** – Enter into an agreement with the New Rochelle City School District for a permit to use New Rochelle High School to conduct a civil service examination on 4/12/12, for a not to exceed amount of \$5,000.

K. Oristano

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

29. (25270) **Board of Legislators** – Enter into an agreement with West, a Thomson Reuters business, for the provision of McKinneys statutes of New York updates and supplements for a three (3) year period, from 3/1/12 – 2/28/15, for a total amount not to exceed \$14,890.

K. Jenkins

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

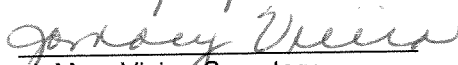
This meeting was recorded and an electronic copy of the minutes is on file with the Board of Acquisition and Contract.

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 3/14/12

  
\_\_\_\_\_  
JoMary Vieira, Secretary

**Sec. 209.151. Approval of local law by County Executive.**

[§ 35 of the Laws of 1948, Ch. 852]

1. Every local law, after its passage by the County Board, shall be certified by the clerk thereof and presented within three days from the date of passage to the County Executive for approval. If approved, he shall return it with his approval within ten days.
2. No local law shall take effect until the same has received the written approval of the County Executive, provided that if any local law is not returned to the County Board by such County Executive with a statement in writing of his reasons for not approving the same within ten days after its presentation to him by the Clerk of the County Board, such local law shall be deemed approved in like manner as if he had signed it. If the County Executive returns such local law with his disapproval, the Clerk shall present the same with such objections to the County Board at its next regular, adjourned or monthly meeting and such objections shall be entered in its journal. The County Board, within 30 days thereafter, may reconsider the same. If after such reconsideration at least two-thirds of the total voting power of the County Board be cast in favor of repassing such local law, it shall be deemed adopted, notwithstanding the disapproval of the County Executive. Only one vote shall be had upon such reconsideration. The vote shall be taken by ayes and noes and shall be entered in the journal. At any time prior to the return of a local law by such County Executive, the County Board may recall the same and reconsider its action thereon.

**Statutory references**—Approval of local laws, Municipal Home Rule Law, § 21.

TO: Board of Acquisition and Contract

FROM: Ralph L. Butler, PE  
Commissioner of Public Works

DATE: June 24, 2009

SUBJECT: Authorization to enter into an Energy Efficiency Customer Installation Commitment Agreement (CIC) with the New York Power Authority (NYPA) for Window Replacement at the Michaelian Office Building, 112 East Post Road, the Coachman Center, and other DPW facilities. (Agreement No. 08-914)

On May 29, 2008 your Honorable Board authorized the County of Westchester to enter into an agreement with the Power Authority of the State of New York, also known as the New York Power Authority, ("NYPA") for the study and design of Energy Efficiency and Clean Energy Projects at various County facilities for the period July 1, 2008 through June 30, 2013.

The Agreement under which the County purchases electricity from NYPA provides, among other things, that NYPA and the County will work in partnership to identify energy efficiencies. NYPA is willing to undertake a technical review of County designed projects which will include suggested modifications to the plans before the contracts are bid in order to enable the County to realize the potential for energy savings at County facilities. For each of these projects, NYPA will be responsible for a feasibility report, preparation of design(s) and specifications, construction management, equipment procurement, installation, disposal of waste, and financing. The Project work may be performed through the services of qualified contractors or subcontractors or the Authority may itself act as Contractor.

Pursuant to the terms of the Energy Efficiency and Clean Energy Projects Agreement and the authorization granted by your Honorable Board, if the County determines to proceed with the construction of any project and to retain NYPA's services in connection with the project, the County must enter into a separate Customer Installation Commitment ("CIC") agreement with NYPA for each approved project. The aforesaid agreements and their funding are subject to your Honorable Board's approval.

The County has identified the Michaelian Office Building, 112 East Post Road, the Coachman Center, and other DPW facilities as opportunities to be renovated with new energy efficient windows. NYPA's recommendations for these facilities consist of, but are not limited to, the replacement of existing single glazed with double glazed windows. For this project, NYPA will be responsible for a feasibility report, preparation of design(s) and specifications, construction management, equipment procurement, installation, and financing. The replacement windows will incorporate low-E coating, thermal barrier frame, and meet New York State Energy Code for thermal transmission and air infiltration. The work will be completed at a cost not to exceed \$6,275,000.00. Estimated annual savings for this project is \$120,000.00.

This agreement addresses the County Executive's priority areas of Health and Environment and Fiscal Responsibility. If the work contemplated in connection with this resolution is not addressed at this time, the existing windows at these three buildings will continue to cause the buildings to lose heat during the winter months and gain heat in the summer months. These conditions will adversely affect the County's goal of conserving energy and decreasing burden to the taxpayer.

Board of Acquisition and Contract

Agreement No. 08-914

New York Power Authority (NYPA) Energy Efficiency Customer Installation Commitment (CIC)

Page 2

The Department will utilize Primavera Software Management tools to track scheduling and accomplishments by NYPA and perform on-site inspections to ensure the successful completion of the aforementioned Agreements. It is recognized and understood that the County shall evaluate the performance of these Agreements by NYPA and shall use such evaluation in deciding to award future contracts to NYPA.

This agreement is exempt from the procedures of the Procurement Policy under section 3(a)(iii) of said policy.

Your approval of the attached resolution is respectfully requested.

APPROVED BOARD OF ACQUISITION & CONTRACT - 7-9-2009 - JOMARY VIEIRA, SECRETARY

# RESOLUTION

Upon communication from the Commissioner of Public Works, be it:

RESOLVED, that the County has identified the Michaelian Office Building, 112 East Post Road, the Coachman Center, and other DPW facilities as opportunities to be renovated with new energy efficient windows. NYPA's recommendations at these facilities consist of, but are not limited to, the replacement of existing single glazed with double glazed windows. For this project, NYPA will be responsible for a feasibility report, preparation of design(s) and specifications, construction management, equipment procurement, installation, and financing. The replacement windows will incorporate low-E coating, thermal barrier frame, and meet New York State Energy Code for thermal transmission and air infiltration. The work will be completed at a cost not to exceed \$6,275,000.00. Annual savings for this project is \$120,000.00; and be it further

RESOLVED, that the Agreement is subject to County appropriations; and be it further

RESOLVED, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute any and all appropriate documents necessary to effectuate the purposes of this resolution in the manner prescribed by law.

\_\_\_\_\_  
Philip T. Kruck  
Deputy Commissioner, Department of Public Works

PTK/MC/JD

Agreement No. 08-914

Account to be Charged/Credited

**Window Replacement**  
M.O.B.  
112 E.P.R.  
Coachman

Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
346	46	B014B03C	6120-02		\$3,475,000.00
346	46	B014B04C	6120-02		\$2,400,000.00
320	22	BSS1001S	6120-02		\$400,000.00
				Total:	<b>\$6,275,000.00</b>

Budget Funding Year(s): 2009 Start Date: 06/01/09 End Date: 6/30/13  
(must match resolution)

Funding Source: Tax Dollars: 100% County Contractor Federal I.D. No.: \_\_\_\_\_  
State Aid: \_\_\_\_\_ Social Security No.: \_\_\_\_\_  
\$6,275,000.00 Federal Aid: \_\_\_\_\_ Vendor No.: \_\_\_\_\_  
(must match resolution) Other: \_\_\_\_\_ Encumbrance No.: \_\_\_\_\_

SI3A10  
+  
SI3A11

Reference B014B

**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER, NEW YORK**

Your Committee is in receipt of a transmittal from the County Executive recommending approval of an Act, which if adopted, would authorize the County of Westchester (the "County") to amend its 2008 Capital Budget for capital project B014B - Exterior Infrastructure Repairs, White Plains Complex (2006-2010) ("B014B").

Your Committee is also in receipt of a communication from the County Executive recommending approval of a related Bond Act in the amount of \$5,900,000. The Bond act, which was prepared by the law firm of Hawkins, Delafield & Wood LLP, shall fund the construction phase for the replacement of the windows in the Michaelian Office Building with energy efficient double glazed windows and thermal barrier frames. The Bond Act, if approved by your Honorable Board, will also fund the design, construction management and construction for the replacement of the windows and other related work at 112 East Post Road, White Plains.

The Department of Public Works (the "Department") has advised that, through the facility management program, the County continually reviews its facilities to promote and incorporate energy efficiency measures. These windows will incorporate double glazing, low-E coating, thermal barrier frame, and meet New York State Energy Code for thermal transmission and air infiltration. The replacement of these windows is expected to provide a thirty (30) year payback to the County. These windows will also eliminate water infiltration and prevent farther damage to the infrastructure. The Department further advises that the existing exterior windows in the Michaelian Office Building are original to the building and were installed in the 1930's, with interior windows being added in the mid 1980's and the existing windows at 112 East Post Road were installed in the 1980's. Thus, the windows at both buildings are past their useful life expectancies. The specifications of the project have been reviewed by the New York Power Authority

("NYPA") to ensure energy efficiency and compliance with LEED recommendations as per the United States Green Building Council. In addition, NYPA will continue to provide technical expertise and recommendations to ensure that all possible energy efficiencies are being addressed and implemented into the project.

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The Capital Budget Amendment is being requested to combine the 2008 (\$2,450,000) appropriated amount, the 2009 (\$1,650,000) request as well as an additional amount of \$1,800,000 from "Under Review". Combining these various appropriations and requests will provide energy savings one (1) year earlier, minimize the disruption to the facilities, and reduce the overall construction cost.

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Please note that your Honorable Board previously authorized the County to issue bonds for prior separable components of this capital project as follows: Bond Act No. 75-2007, in the amount of \$100,000, which financed waterproofing and masonry repairs at 112 East Post Road, White Plains; and Bond Act No. 82-2007, in the amount of \$275,000 which financed design and construction management for window replacement at the Michaelian Office Building.

The Planning Department has advised that, based on its review, the above capital project is a "Type II" action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR Part 617, which is an action determined not to have a significant effect on the environment and therefore does not require further environmental review. Your Committee has reviewed the annexed SEQRA status sheet prepared by the Planning Department and concurs with this conclusion.

Please note that Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board with respect to the physical planning

aspects of the project. This is a financing change only and there is no change in project scope. Therefore, no further action by the Planning Board is required.

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt both Acts, noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendments.

Based on the importance of this project to the County, your Committee recommends favorable action on the annexed Acts.

Dated: Sept. 22, 2008  
White Plains, NY

*[Signature]*  
*[Signature]*  
Judith Myers  
Dante R. Pugliese  
P. [Signature] WOP  
Waiman Banta  
Bernice Spachman WOP  
Z. G. [Signature] (A.)

*[Signature]*  
*[Signature]*  
Vito Pinto  
Judith Myers  
Dante R. Pugliese  
P. [Signature] WOP  
Luis Brown  
Waiman Banta  
Bernice Spachman WOP

COMMITTEES ON:

BUDGET + APPROPRIATIONS

GOV'T OPERATIONS

# EXTERIOR INFRASTRUCTURE REPAIRS, WHITE PLAINS COMPLEX (2006-2011) ( B014B )

**User Department :** Public Works  
**Project Location:** Public Works ;  
**Managing Department(s) :** Public Works ;  
**Estimated Completion Date:** 2011

**Planning Board Recommendation:** Project has historical implications. Project approved in concept but subject to subsequent staff review.

**FIVE YEAR CAPITAL PROGRAM (in thousands)**

	Est Ult Cost	Appropriated	Exp / Obl	2008	2009	2010	2011	2012	Under Review
Gross	4,750	375	22	2,450	1,650	110	165		
Non County Share									
<b>Total</b>	<b>4,750</b>	<b>375</b>	<b>22</b>	<b>2,450</b>	<b>1,650</b>	<b>110</b>	<b>165</b>	<b>110</b>	<b>165</b>

**Project Description**

The project funds the rehabilitation of the building exterior including masonry repairs, window repair/replacements, waterproofing, painting, security landscaping, and site work in the White Plains Complex (MOB, Low Rise Building, Richard J. Daronco Courthouse, Parking Structure, 112 East Post Road, 85 Court Street, and 143 Grand Street).

**Current Year Description**

The 2008 request will fund the construction phase of the window replacement for MOB1 as well as the design and construction management phase of the window replacement at 112 East Post Road, White Plains.

**Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2008		2,450,000		2,450,000

**Impact on Operating Budget**

The Operating Budget will be impacted by the issuance of the bonds. In addition, the repairs of the infrastructure maintains the County's assets in good condition deferring future repair costs. The replacement of the windows will provide better insulation for heating and air conditioning.

**Project Status**

The project's earlier appropriation for waterproofing at 112 East Post Road has begun. In addition the initial design for the window replacement at MOB1 has commenced as well. The 2009 request funds the construction of window replacement at 112 East Post Road. The 2010 request funds repair work at the Parking Garage, White Plains Complex, selected fire sprinkler rehabilitation, and rust removal. The 2011 request funds selected facade waterproofing and repairs at MOB1.

**Appropriation History**

Year	Amount	Description
2006	100,000	112 E. Post Rd - waterproofing & masonry repairs - IN CONSTRUCTION.
2007	275,000	Design & construction management for window replacement at MOB#1 - IN DESIGN
<b>Total</b>	<b>375,000</b>	

**EXTERIOR INFRASTRUCTURE REPAIRS, WHITE PLAINS COMPLEX (2006-2011)  
( B014B )**

Prior Appropriations		Appropriated	Collected	Uncollected
Bond Proceeds		375,000		375,000
<b>Total</b>		<b>375,000</b>		<b>375,000</b>

Bond Issued		Amount	Date Sold	Amount	Balance
Bond Act		100,000			100,000
75 07					
82 07		275,000			275,000
<b>Total</b>		<b>375,000</b>			<b>375,000</b>

K  
-80

**CAPITAL PROJECT FACT SHEET**

**Project:** B014B Exterior Infrastructure Repairs,  
White Plains Complex (2006-2010)

**Date Prepared:** 07/07/2008

**Category:** Buildings, Land & Miscellaneous **Department:** Public Works

**Legislative District:** 5

**Overall Project Description:** This project involves the rehabilitation of building exteriors in the White Plains Complex (which includes the Michaelian Office Building, Low Rise Building, Richard J. Daronco County Courthouse, Parking Structure, 85 Court Street, 143 Grand Street, and 112 East Post Road). Masonry repairs, window repair/replacement waterproofing, painting, security, landscaping, and site work are included.

- Best Management   
  Energy Efficiencies   
  Infrastructure   
  Life Safety   
  Project Labor Agreement  
 Revenue   
  Security   
  Other

**FIVE-YEAR CAPITAL PROGRAM (in thousands)**

	Estimated Ultimate Total Cost	Appropriated	2008	2009	2010	2011	2012	Under Review
<b>Gross</b>	6,550	375	2,450	1,650	110	165	0	1,800
<b>Less Non-County Shares</b>	0							
<b>Net</b>	6,550	375	2,450	1,650	110	165	0	1,800

**Expended/Obligated Amount (in thousands) as of 07/07/08 :** \$97

**Current Bond Description:** 2008 funding is requested for the design and construction management in connection with the Replacement of Windows and other related work at 112 East Post Road. Funding also requested the construction of the Window Replacement for MOB. 2009 funding is requested for the construction of Window Replacement at 112 East Post Road.

The CBA is to combine the 2009 request (\$1,650M) and the Under Review amount (\$1,800M). Combining projects will benefit the energy savings a year earlier, minimize the disruption to the facility, and reduce the overall construction cost. These requests have been escalated due to higher cost of the energy efficient windows recommended by NYPA at both locations and an additional amount of \$1,800,000 is requested and is shown Under Review.

**Amt. Requested:** \$5,900,000

**PPU:** 15

**SEQOR Classification:** Type II

**Comments:** CBA is requested to combine 2009 and Under Review requests.

**Energy Efficiencies:** This project has been reviewed by NYPA for energy savings and has provided recommendations to ensure that all energy efficiencies are being implemented into the project and NYPA will oversee construction of the project.

**Appropriation History (in thousands):**

2006:	\$	100	Design and construction management for waterproofing and masonry repairs for 112 East Post Rd
2007:	\$	275	Design and construction management at MOB.
2008:	\$	2,450	Design and construction management at 112 East Post Road and Construction at MOB for window replacement.
Total:	\$	2,825	

**Financing History (in thousands):**

CAPITAL PROJECT FACT SHEET

2007: \$ 100 (Bond Act #75) Waterproofing & masonry repairs 112 East Post Road  
2007: \$ 275 (Bond Act #82) Design of window replacement MOB  
Total: \$ 375

**Recommended By:**

<u>Arthur Vietro</u>	<u>8/6/08</u>	<u>Anthony LaCroce</u>	<u>07/10/08</u>
Budget Department	Date	Department of Public Works	Date
<u>Patrick Ntarelli</u>	<u>7/18/08</u>	<u>Anthony LaCroce</u>	<u>07/10/08</u>
Department of Planning	Date	Requesting Department	Date

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## SEQR STATUS SHEET

PROJECT: Exterior Infrastructure Repairs, White Plains Complex  
(2006-2010) (B014B)

DEPARTMENT: Public Works

### Description

This project involves the rehabilitation of building exteriors in the White Plains Complex (which includes the Michaelian Office Building, Low Rise Building, Richard J. Daronco County Courthouse, Parking Structure, 85 Court Street, 143 Grand Street and 112 East Post Road). Masonry repairs, window repair/replacement, waterproofing, painting, security, landscaping, and site work are included.

Prior requests funded the design, construction management and construction in connection with the waterproofing, masonry repairs and all related work at 112 East Post Road.

The current request is for the design and construction management in connection with the replacement of windows and other related work at 112 East Post Road and the construction of the window replacement at the Michaelian Office Building (MOB). Since the MOB is eligible for listing on the National Register of Historic Places, the design of the window replacement will be reviewed by historic preservation staff of the County Planning Department and the County's Historic Preservation Advisory Committee. Mitigation measures will be implemented, as required, to minimize impacts on the historic character of the building.

### SEQR Status

Type II. This project is classified as a Type II action pursuant to Section 617.5(c)(2), "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part."

WCDP  
January 2008

SI 3A10

ACT No. 176-2008

2008

AN ACT amending the County

Infrastructure  
(2006-2010)

Capital Budget by creating the  
Capital Project B014B Exterior  
Repairs, White Plains Complex

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The Capital section of the 2008 Budget is hereby amended as follows by adding thereto the appropriations for the purposes and in the amounts set forth below:

2008	Previous 2008		Revised
	<u>Appropriation</u>	<u>Change</u>	<u>Appropriation</u>
I. APPROPRIATION	\$2,825,000	\$3,450,000	\$6,275,000

Section 2. The estimated method of financing in the Capital Section of the 2007 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$2,825,000	\$3,450,000	\$6,275,000
Non County Shares			
Cash			
Total	\$2,825,000	\$3,450,000	\$6,275,000

Section 3. This ACT shall take effect immediately.

SI3A11

REFERENCE B014B

ACT NO. 177-2008

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,900,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PARTIAL RECONSTRUCTION OF TWO COUNTY OFFICE BUILDINGS LOCATED AT 112 EAST POST ROAD AND 148 MARTINE AVENUE, IN THE CITY OF WHITE PLAINS, STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS \$5,900,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,900,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted 09/22, 2008)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, \$5,900,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of partial reconstruction of two County office buildings in the City of White Plains, at the estimated total maximum cost of \$5,900,000; including (a) design and construction management for the replacement of windows and other related work at 112 East Post Road, at the estimated maximum cost of \$2,400,000 and (b) design and construction management for the replacement of windows and other related work for the Michaelian Office Building at 148 Martine Avenue, at the estimated maximum cost of \$3,500,000,

all as set forth in the County's 2008 Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the 2008 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The total estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$5,900,000. The plan of financing includes the issuance of \$5,900,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The buildings to be reconstructed are of at least Class "B" construction, as defined by Section 11.00 a.11(b) of the Law, and the period of probable usefulness of the objects or purposes referred to in Section 1.(a) and (b) for which \$2,400,000 bonds and \$3,500,000 bonds are respectively authorized by this Act are to be issued, within the limitations of Section 11.00 a.12(a)(2) of the Law, is fifteen (15) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$5,900,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$5,900,000 as the estimated total cost of the aforesaid objects or purposes is hereby approved, and as the amount of bonds herein authorized is not in excess of \$10,000,000, this Act is not subject to referendum.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Act shall take effect immediately upon approval by the County Executive.

\* \* \*

STATE OF NEW YORK        )  
  )  
COUNTY OF WESTCHESTER )

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on September 22, 2008 with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date Given  
September 17, 2008

The Journal News  
The New York Times  
WFAS  
WHUD  
WVOX  
News Channel 12

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

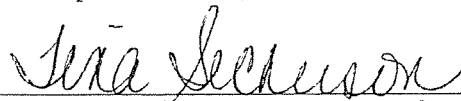
Designated Location(s)  
of posted notice

Date of Posting

Public Notice Bulletin Board  
8th Floor  
Michaelian Office Building  
148 Martine Avenue  
White Plains, New York

September 17, 2008

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on September 23, 2008.



\_\_\_\_\_  
Tina Seckerson, Clerk  
Westchester County Board of Legislators

(CORPORATE SEAL)

The foregoing Bond Act was duly put to a vote which resulted as follows:

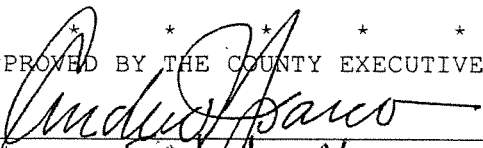
AYES:                                   Legislator Martin Rogowsky  
  Legislator Thomas Abinanti  
  Legislator Jose Alvarado  
  Legislator Lois Bronz  
  Legislator William Burton  
  Legislator Peter Harckham  
  Legislator Kenneth Jenkins  
  Legislator Michael Kaplowitz  
  Legislator Judith Myers  
  Legislator John Nonna  
  Legislator Vito Pinto  
  Legislator William Ryan  
  Legislator Bernice Spreckman  
  Legislator Lyndon Williams

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NOES:                                   Legislator George Oros  
  Legislator Gordon Burrows  
  Legislator James Maisano

ABSENT:                               None

The Bond Act was thereupon declared duly adopted.

APPROVED BY THE COUNTY EXECUTIVE  
  
Date: September 26, 2008

STATE OF NEW YORK            )  
  ) ss.  
COUNTY OF WESTCHESTER    )

**I HEREBY CERTIFY** that I have compared the foregoing Act No. 176 - 2008 and (Bond) Act No. 177 - 2008 with the originals on file in my office and that the same are correct transcripts therefrom and of the whole of said original Act and (Bond) Act which were duly adopted by the Westchester County Board of Legislators of the County of Westchester on September 22, 2008 and approved by the County Executive on September 26, 2008.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 26<sup>th</sup> day of September, 2008.



Tina Seckerson

Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

(seal)



21572

Robert P. Astorino  
County Executive

Department of Social Services

Kevin M. McGuire  
Commissioner



**Date:** September 1, 2011

**To:** Board of Acquisition and Contract

**From:** Kevin M. McGuire  
Commissioner  
Department of Social Services

**Re:** Resolution authorizing the County of Westchester to enter into an Agreement with the Boys and Girls Club of New Rochelle, Inc. for the provision of the Project Learn program which will provide educational enhancement services for at-risk youth from low income families for a period commencing on September 1, 2011 and terminating on August 31, 2012 for an amount not to exceed \$22,500 to be paid pursuant to an approved program budget and subject to appropriation

Authority is requested for the County of Westchester to enter into an agreement with the Boys and Girls Club of New Rochelle, Inc., to implement the Project Learn program, which will provide educational enhancement services for at-risk youth from low income families for a period commencing on September 1, 2011 and terminating on August 31, 2012 for an amount not to exceed \$22,500 to be paid pursuant to an approved program budget and subject to appropriation.

Since 1929, the Boys & Girls Club of New Rochelle, Inc. has been in the forefront of youth development, working with young people who need the most, regardless of economic, social and family circumstances. The Boys & Girls Club has worked closely with young people from disadvantaged economic, social and family circumstances for more than three generations. The Club provides after school, school vacation, holiday and summer programming to children and youth ages 6 to 18. The Project Learn Educational Enhancement Program will be conducted at three (3) clubhouses: Mascaro, Remington and Respect. The program will provide support needed for 30 children year round who are served by the three facilities and who qualify under the Temporary Assistance for Needy Families (TANF) criteria. Project Learn will serve youth ages 6-18. Referrals will come through effective collaborations with schools, law enforcement agencies, city and county departments, community, faith-based organizations and parents.

help avert the need for additional services such as foster care and non-secure detention facilities. Preventing children from entering these institutions can result in substantial savings for the County and the taxpayers.

- **Family Foster Care cost annualized per youth-** The cost of Foster care in a Family Setting can range from \$17.10 to \$58.65 per day per youth depending on the age and level of care provided. That translates into an annualized foster care cost from **\$6,241.50 to \$21,407.25 per youth.**
- **Residential Foster Care cost annualized per youth-** The cost of Residential Foster Care can range from \$50.22 up to \$562 per day per youth. That translates into an annualized cost for residential care from **\$18,330.30 to \$205,130 per youth.**
- **Non-Secure Detention cost annualized per youth-** The average cost to maintain a youth in Non-Secured Detention is \$323 per diem. This translates into an annualized cost of **\$117,895 per youth.**
- **Secured Detention cost annualized per youth-** The average cost to maintain a youth in a Secured Detention facility is \$317 per diem per youth. That translates into an annualized cost of **\$115,705 per youth.**
- **Boys & Girls Club, Inc cost annualized per youth-** Boys & Girls Club, Inc has an annualized program cost of \$22,500. The program expects to serve 30 youth. That translates into an estimated per diem of \$2.05 and an annualized cost of **\$750 per youth.**

The **Performance Measurement Indicators** will be tracked and monitored to evaluate the performance of the Project Learn Program and to determine outcomes realized by youth through the use of mutually established performance measurement indicators formulated by the Department and approved by the County Budget Office. They include, but are not limited to, reviewing periodic reports submitted by the vendor and site visits.

The **results of the Performance Measurement Indicators for the current contract** show that for the period September 1, 2010 through June 30, 2011, 33 TANF eligible youth were served. Out of the 33 youth, 50% showed improvement in grades as measured by their report cards. Of the same 33 youth served, 100% had a school attendance rate of 90% or better. Of the 33 youth served, there was 100% participation in homework assistance and tutoring services.

The proposed agreement with the Boys and Girls Club of New Rochelle, Inc. is exempt from the procedures of the Westchester County Procurement Policy pursuant to Section 3(a) (xviii) of that policy.

Approval of the attached resolution by your Honorable Board is respectfully requested.

21328

Robert P. Astorino  
County Executive

Department of Social Services

Kevin M. McGuire  
Commissioner

**Date:** August 29, 2011

**To:** Honorable Members of the Board of Acquisition & Contract

**From:** Kevin M. McGuire  
Commissioner, Department of Social Services

**Re:** **Resolution authorizing the County of Westchester to enter into an agreement with Nepperhan Community Center, Inc. (NCC) pursuant to which NCC will provide an "Achieving Success" after school program for students ages 13-17 who are eligible for Temporary Assistance for Needy Families (TANF) services (up to 200% of the Federal poverty level) for a term commencing on September 1, 2011 and terminating on August 31, 2012 for an amount not to exceed \$69,300 to be paid on a monthly basis in accordance with an approved program budget and subject to appropriation**

Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize the County of Westchester, acting by and through the Department of Social Services (the Department), to enter into an agreement with Nepperhan Community Center, Inc. (NCC) pursuant to which NCC will provide an "Achieving Success" after school program for students ages 13-17 who qualify for Temporary Assistance for Needy Families (TANF) services (up to 200% of the Federal poverty level) for a term commencing on September 1, 2011 and terminating on August 31, 2012 for an amount not to exceed \$69,300 to be paid on a monthly basis in accordance with an approved program budget and subject to appropriation.

A 10-month contract term was selected under the previous agreement in order to align the agreement with the contract terms for all after-school programs. The previous not to exceed amount of \$57,750 reflected a 10-month budget while the \$69,300

requested for the proposed contract reflects a full 12- month budget. There will be no change in the number of youth served.

The services to be provided pursuant to this agreement will serve a **public purpose** by promoting the self-sufficiency and economic security of the TANF youth population in Westchester County by assisting them in overcoming educational and employment barriers through the academic and job readiness services provided by this program.

The **goals and objectives** of the “Achieving Success” after school program are to provide the following benefits to students:

- To help participants succeed in school through academic enrichment and remedial tutorial services in order to obtain a high school diploma or GED
- To provide mental health and family counseling as well as intervention services to help stabilize the family structure in order to address the substance abuse and mental health issues faced by the students and their families
- To provide participants training in job readiness and employment skills to help them secure jobs

The proposed agreement will allow for the continuation of a productive partnership with NCC for the provision of valuable services to youth facing truancy issues, multiple suspensions from school, gang affiliations and lack of connectedness to the community, with a focus on single parent families and students facing academic deficiencies. These are the students who have dropped out of high school and have re-enrolled in continuing education to secure their GED or are at risk of dropping out of high school. The target population is mainly comprised of youth who come from low income families who pre-dominantly reside in the South West section of Yonkers. They are unemployable, lack marketable skills and are academically deficient.

The **goals and objectives are in the best interest of the County in terms of public safety** in that the services provided are aimed at improving school performance and attendance and reducing truancy and the potential for gang affiliation. The program further supports public safety by engaging the students in a viable after school structured environment that will keep them off the streets and discourage them from getting involved in possible criminal and gang activities.

The **goals and objectives are in the best interest of the County in terms of public health** because the services provided address health and safety issues related to youth being unattended and left without a safe and nurturing environment. Under the direction and supervision of the adults at NCC, the program is confident that they can reduce the incidence of juvenile delinquency and crimes which negatively impact the health and safety of the youth and the community. The “Achieving Success” after school program is designed to help students overcome various stumbling blocks to overall well-

being, such as drugs and alcohol use, by creating a consortium of providers to assist in the delivery of services best suited for the students' success.

**The goals and objectives are in the best interest of the County in terms of fiscal responsibility** because the intervention services provided pursuant to this agreement will enable the participants to succeed in their academic and employment careers leading to self sufficiency and economic independence. The services provided through the "Achieving Success" after school program prepares youth for the job market and prevents youth from becoming entrenched in the juvenile justice system. The benefit to the County of Westchester and taxpayers is the cost avoidance in the provision of public funds for sustenance to students who participated in the program and the diversion of the cost associated with the juvenile justice system.

**The goals and objectives will be tracked and monitored using the performance measurement indicators** developed by the department and approved by the County Budget Office. Performance Measure Indicators to be tracked by the Department will include number of students enrolled in academic enrichment and tutoring, improved grades, school attendance, number of students enrolled in Job Readiness and identification of barriers to participation and academic success. The vendor will submit monthly statistics and quarterly performance reports in the format approved by the Department. The Department will be responsible for approving milestones and tracking the vendor's achievements by reviewing the performance reports submitted by the vendor and making onsite visits.

**Based on the Performance Measure Indicators, the Department is able to report that** from the period of November 2010 through July 2011, fifty-eight (58) TANF eligible students participated in the "Achieving Success" after school program. During the same period:

- 57% of the students improved their academic performance
- 89% of the students achieved a school attendance rate above 90%
- 89% of the students participated in academic enhancement

This agreement is exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 3(a) xviii as this procurement is for the purpose of recreation projects, youth service projects and other appropriate programs and services for the prevention of delinquency and youth crime and the advancement of the moral, physical, mental and social well-being of the youth of Westchester County.

Accordingly, authority is requested for the County of Westchester, acting by and through the Department of Social Services, to enter into an agreement with Nepperhan Community Center (NCC), Inc. to provide the aforesaid services.

A resolution requesting the same is attached for your Honorable Board's approval.

**RESOLUTION**

Upon a communication from the Commissioner of the Department of Social Services, be it hereby

**RESOLVED**, that the County of Westchester, acting by and through its Department of Social Services, is hereby authorized to enter into an agreement with Nepperhan Community Center, Inc. (NCC) pursuant to which NCC will provide the "Achieving Success" after school program for students ages 13-17 who qualify for Temporary Assistance for Needy Families (TANF) services (up to 200% of the Federal poverty level) for a term commencing on September 1, 2011 and terminating on August 31, 2012 for an amount not to exceed \$69,300 to be paid on a monthly basis pursuant to an approved budget and subject to appropriation; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effectuate the purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
263	22	413L	4380	T413	\$69,300

Budget Funding Year(s): 2011    Start Date: 09/01/11    End Date: 08/31/12  
 (must match resolution)

Funding Source

Tax Dollars:

State Aid:

\$69,300  
 (must match resolution)

Federal Aid: 100%

Other:

TRUST FACT SHEET		
TRUST Name:	FFFS - TANF Services	
DATES	9/01/11-08/31/12	
TRUST #	T413	
UNIT	413L	
TOTAL AMOUNT	\$255,312	
PROGRAM PERSON:	Philippa Seltzer	
BUDGET		
Account Number	Category	Amount
4380	Sub - Contractors	\$255,312
Total		\$255,312
FUNDING AGENCIES		
Account Number	Agency	Amount
9853	Indirect Federal	\$255,312
Total		\$255,312
CONTRACTORS		
Name	Contract Number	Amount
Nepperhan Community Center 10/27	#21328 661-11	\$69,300
YMCA Yonkers 4/27	#21313	\$36,000
Westchester Rise 10/27	#21312	\$127,512
Boys and Girls Club of New Rochelle 4/27	#21572	\$22,500
Total		255,312

21313

Robert P. Astorino  
County Executive

Department of Social Services

Kevin M. McGuire  
Commissioner

DATE: August 29, 2011

TO: Board of Acquisition and Contract

FROM: Kevin M. McGuire, Commissioner  
Department of Social Services

SUBJECT: Resolution authorizing the County of Westchester to enter into an agreement with the Young Men's Christian Association of Yonkers, Inc. (the "YMCA") for the provision of an after school activity and summer day program for TANF eligible youth for the period September 1, 2011 through August 31, 2012 for an amount not to exceed \$36,000 to be paid pursuant to an approved program budget and subject to appropriation

Authority is hereby requested for the County of Westchester, acting by and through its Department of Social Services, to enter into an agreement with the Young Men's Christian Association of Yonkers, Inc. (the "YMCA") for the period from September 1, 2011 through August 31, 2012 in an amount not to exceed \$36,000 to be paid pursuant to an approved program budget and subject to appropriation.

**The services to be provided pursuant to this agreement achieve a public purpose by** creating a structured after school program for the TANF eligible youth population in Westchester County. The after school program at the YMCA in Yonkers is designed to improve school performance and attendance of youth participants as well as provide an alternative to activities that may result in criminal behavior.

The purpose for this program is supported by the Yonkers Juvenile Crime Enforcement Coalition which identified truancy as one of its highest priority issues. Members of the Coalition included representatives from the Yonkers Public Schools, Yonkers Police Department, Westchester County Department of Social Services, Family Court, Probation Department, Westchester County Law Department, District Attorney's Office and several Community Based Organizations who gathered together in order to determine the best course of action for youth in the City of Yonkers.

The Coalition cited truancy as a major problem, causing low educational performance by many of these students. Many students reported that they were not attending school because they could not keep up with the work due to falling behind in previous years. The Coalition concluded that extra intervention would be necessary, not only to turn around the academic performance of these youth, but also to keep them away from criminal activity.

The **goals and objectives** of this program are to offer an after school tutoring program and summer day program to help TANF eligible students, ages 13 to 18, achieve greater success in their academic learning and find alternatives to activities that may otherwise result in criminal behavior. The YMCA will offer a tutoring program during the months in which school is in session for a minimum of two hours and a maximum of six hours of tutoring weekly. During the summer months, the YMCA will provide day camp activities specifically designed for this age group. This will include trips as well as recreational indoor and outdoor activities for these students.

The **goals and objectives of this program are in the best interests of the County in terms of public safety and security** in that this program encourages positive youth and community development aimed at reducing the occurrence of truancy and involvement of youth with the criminal justice system. Snyder and Sickmund reported that 60% of all juvenile crime occurs on school days, and juvenile crime is at its peak following school dismissal (*Juvenile Offenders and Victims: 1997 Update on Violence*, Office of Juvenile Justice and Delinquency Prevention, Washington, D.C.: U.S. Department of Justice, 1997). Children are also at a much greater risk of being victims of a violent crime during the hours following school (*Juvenile Offenders and Victims: A National Report*, Office of Juvenile Justice and Delinquency Prevention, Washington, D.C.: U.S. Department of Justice, 1995). The YMCA of Yonkers after school program offers a safe, structured and positive environment that helps reduce juvenile delinquency and insulates children from victimization. The program will keep these children off the streets and discourage them from getting involved in potential criminal and gang related activities. Some additional benefits of this program include an increase in the number of hours spent on homework and high-yield learning activities, improved attitude towards learning, remedial support, and improved grades in school resulting in improved self-esteem and overall behavior.

The **goals and objectives of this program are in the best interests of the County in terms of public health** in that this program promotes and supports the overall well-being of youth, families and the surrounding community. The services provided by the program support youth in their homes and reduce family stressors created by youth involved in negative activities in the community. The goals and objectives of this program address the educational and social needs of these students by providing services that will enable them to succeed in their academic and employment pursuits, thus promoting the welfare of these TANF families. As youth become engaged in positive activities such as school engagement, successful academic performances and legal employment, they begin to acquire the skills required to become productive members of society.

The **goals and objectives are in the best interests of the County in terms of fiscal responsibility** in that this program provides the targeted population with the opportunity to enhance and achieve their academic and employment pursuits, thereby becoming economically independent in the long run. This would, in turn, reduce their reliance on public assistance to support them. The alternative activities offered by the YMCA of Yonkers aid in the diversion of out-of-home placements and the costs associated with such placements. Preventing children from

entering the foster care and juvenile justice systems results in substantial savings for the County and the taxpayers.

- **Family Foster Care cost annualized per youth** - The cost of foster care in a Family Foster setting can range from \$17.10 to \$58.65 per day per youth depending on the age and level of care provided. That translates into an **annualized foster care cost from \$6,241.50 to \$21,407.25 per youth.**
- **Residential Foster Care cost annualized per youth** - The cost of Residential Foster Care costs can range from \$50.22 up to \$562 per day per youth. That translates into an **annualized cost for residential care from \$18,330.30 to \$205,130 per youth.**
- **Non-Secured Detention cost annualized per youth** - The average cost to maintain a youth in Non-Secured Detention is \$323 per diem. This translates into an **annualized cost of \$117,895 per youth.**
- **Secured Detention cost annualized per youth** - The average cost to maintain a youth in a Secured Detention facility is \$317 per diem per youth. That translates into an **annualized cost of \$115,705 per youth.**
- **The YMCA of Yonkers Program cost annualized per youth** - This program has an annualized program cost of \$36,000. The program expects to serve 40 youth annually, with a per diem cost of \$2.25. That translates into an **annual cost of \$900 per youth.**

The goals and objectives of this contract will be tracked and monitored using the mutually established Performance Measurement Indicators formulated by the Department and approved by the Westchester County Budget Office. Performance Measurement reports include, but are not limited to, monthly and quarterly reports on the participants submitted by the vendor agency to the program office. The program office will maintain responsibility for evaluating the effectiveness of the program.

Based on the Performance Measurement Indicators, the Department is able to report that the program served a total of 30 TANF students during the 2010-2011 school year. Of the 30 served, 100% participated in homework help and tutoring at least 6 hours per week. Of the 30 served, 100% experienced improved grades as measured by their academic progress reports. Of the same 30 youth, 100% had improved school attendance.

This Agreement is exempt from the requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3 (a) xviii as the agreement is for the advancement and social well being of youth in Westchester County.

Accordingly, the County of Westchester is hereby requesting authorization to enter into an agreement with the Young Men's Christian Association of Yonkers, Inc. (the "YMCA") for the purpose of providing the aforesaid services.

A resolution requesting the same is attached for your Honorable Board's approval.

**RESOLUTION**

Upon a communication from the Commissioner of Social Services, be it hereby

**RESOLVED**, that the County of Westchester is hereby authorized to enter into an agreement with the Young Men's Christian Association of Yonkers, Inc. (the "YMCA") for the provision of operating an after school activity and summer day program for TANF eligible youth who reside in Yonkers for the period September 1, 2011 through August 31, 2012 for an amount not to exceed \$36,000 to be paid in accordance with an approved program budget and subject to appropriation; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to take such actions and execute such documents as may be necessary and appropriate to effectuate the purposes hereof.

Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	
2011 263	22	413L	4380	T413	\$36,000

Budget Funding Year(s): 2011  
(must match resolution)

Start Date: 09/01/11 End Date: 08/31/12

Funding Source

Tax Dollars:

State Aid:

Federal Aid: 100%

Other:

\$36,000

(must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/2/2011 - JOAN M. HILL, SECRETARY



21312

Robert P. Astorino  
County Executive

Department of Social Services

Kevin M. McGuire  
Commissioner

**Date:** August 4, 2011

**To:** Honorable Members of the Board of Acquisition & Contract

**From:** Kevin M. McGuire  
Commissioner, Department of Social Services

**Re:** Resolution authorizing the County of Westchester to enter into an agreement with Westchester RISE (Referral and Information Services and Education), Inc., pursuant to which Westchester RISE will provide a Student Transition Assistance and Job Readiness Program for students in grades 9-12, who are eligible for Temporary Assistance for Needy Families (TANF) services (up to 200% of the Federal poverty level) at Woodlands High School for a term commencing on September 1, 2011 and terminating on August 31, 2012 for an amount not to exceed \$127,512 to be paid on a monthly basis pursuant to an approved budget and subject to appropriation

Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize the County of Westchester, acting by and through the Department of Social Services (the Department), to enter into an agreement with Westchester RISE (Referral and Information Services and Education), Inc., pursuant to which Westchester RISE will provide a Student Transition Assistance and Job Readiness Program for students, in grades 9-12 who qualify for Temporary Assistance for Needy Families (TANF) services (up to 200% of the Federal poverty level) for a term commencing on September 1, 2011 and terminating on August 31, 2012 for an amount not to exceed \$127,512 to be paid on a monthly basis pursuant to an approved budget and subject to appropriation.

The previous contract period was for 11 months. The current request is for a full 12-month period. The goal was to align all after-school related programs with the

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/27/2011 - JOMARY VIEIRA, SECRETARY

calendared school year in order to accurately measure student academic performance. Westchester RISE is a minority-owned business.

Westchester RISE (Referral and Information Services and Education), Inc. is an organization which acknowledges the importance in developing innovative and effective ways to link people with academic, health and human services they need. Under the proposed agreement, Westchester RISE will provide academic tutoring, case management, college and career counseling, job readiness and job placement services for the participants of the program. Through this program, Westchester RISE will offer students and their parents an orientation to the school system regarding educational expectations as well as an assessment of the educational needs of the students. The program will address the need for supplemental educational and social services for students and provide intervention that will encourage the youth to succeed in and out of school.

The services to be provided pursuant to this agreement will serve a **public purpose** as these services promote self-sufficiency and economic security of the TANF youth population in Westchester County by assisting them to overcome educational and employment barriers through the academic and job readiness services provided by this program.

The **goals and objectives** of the Student Transition Assistance and Job Readiness Program are to address the need for supplemental educational, mental health and social services for students and their families and to provide intervention that will enable student success.

The **goals and objectives are in the best interest of the County in terms of public safety** because this program recognizes that students experience challenges outside of the school setting which ultimately impact school performance. Researchers have demonstrated that the odds of a student dropping out of school are influenced by many forces beyond the classroom (*Reducing the High School Dropout Rate*, KIDS COUNT Indicator Brief, July 2009, The Annie E. Casey Foundation). Snyder and Sickmund reported that 60% of all juvenile crime occurs on school days, and juvenile crime is at its peak after school dismissal (*Juvenile Offenders and Victims: 1997 Update on Violence*, Office of Juvenile Justice and Delinquency Prevention, Washington, D.C.: U.S. Department of Justice, 1997). Children are also at a much greater risk of being a victim of a violent crime during the hours after school (*Juvenile Offenders and Victims: A National Report*, Office of Juvenile Justice and Delinquency Prevention, Washington, D.C.: U.S. Department of Justice, 1995). The service provided by Westchester RISE identifies the barriers that interfere with a student's academic performance and the barriers that jeopardize the safety and well-being of the student, their families and the community. Westchester RISE will provide linkages and referrals to community providers trained to meet the specific needs of students enrolled in the program.

The **goals and objectives are in the best interest of the County in terms of public health** in that the services provided are aimed at improving a student's access to resources that would lessen the impact that transitioning and poverty has on their

development. Families living in poverty are less able to provide nutrition and materials required for a child's healthy development (*Reducing the High School Dropout Rate*, KIDS COUNT Indicator Brief, July 2009, The Annie E. Casey Foundation). The program supports the health and well-being of the students enrolled by identifying any health related barriers that may exist with the family and referring the student and family to the appropriate health and human service provider.

The **goals and objectives are in the best interest of the County in terms of fiscal responsibility** as the services provided help avert the need for students to become dependent on publicly supported programs when they become adults. The families of the students enrolled in the Student Transition Assistance and Job Readiness Program qualify for Temporary Assistance for Needy Families (TANF), up to 200% of the Federal poverty level. Students from economically disadvantaged families are at a higher risk of leaving school without a diploma (Kennally & Monrad, 2007, *Approaches to Dropout Prevention: Heeding Early Warning Signs with Appropriate Interventions*, National High School Center at the American Institutes of Research). Over the past three decades, adults without a high school diploma have seen a decline in real income and have dropped further behind individuals with more education (*Left Behind in America: The Nation's Dropout Crisis*, Center for Labor Market Studies, 2009, as cited in *Reducing the High School Dropout Rate*, KIDS COUNT Indicator Brief, July 2009, The Annie E. Casey Foundation). Westchester RISE will continue the Job Readiness Program that would prepare students for the workplace and strengthen their ability to become self-sufficient. The benefit to the County of Westchester and taxpayers is the cost avoidance in the provision of public funds for sustenance to students who participated in the program.

The **goals and objectives will be tracked and monitored using the performance measurement indicators** developed by the department and approved by the County Budget Office. Performance Measure Indicators to be tracked by the Department will include number of students enrolled in tutoring, improved grades, school attendance, number of students enrolled in Job Readiness and identification of barriers to participation and academic success. The vendor will submit monthly statistics and quarterly performance reports in the format approved by the Department. The Department will be responsible for setting the milestones and tracking the vendor's achievements by reviewing the performance reports submitted by the vendor and making onsite visits.

**Based on the Performance Measure Indicators, the Department is able to report that** from the period of October 2010 through June 2011, eighty-nine (89) TANF eligible students participated in the Student Transition Assistance and Job Readiness Program. This represents a 33% increase in the number of youth participants from 2010. During the same period:

- 79% of the students had improved grades
- 74% of the students improved their attendance
- 85% of the students were identified as having a barrier to participation and required academic support.

- 74% of the students were enrolled in the Job Readiness Program

This agreement is exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 3 (a) xviii as this procurement is for the purpose of contracting for the creation and support of recreation projects, youth service projects and other appropriate programs and services for the prevention of delinquency and youth crime and the advancement of the moral, physical, mental and social well-being of the youth of Westchester County.

Accordingly, authority is requested for the County of Westchester, acting by and through the Department of Social Services, to enter into an agreement with Westchester RISE, Inc. to provide the aforesaid services.

A resolution requesting the same is attached for your Honorable Board's approval.

APPROVED BOARD OF ACQUISITION & CONTRACT

10/27/2017 JOMARY ALLEN SECRETARY

**RESOLUTION**

Upon a communication from the Commissioner of the Department of Social Services, be it hereby

**RESOLVED**, that the County of Westchester, acting by and through its Department of Social Services, is hereby authorized to enter into an agreement with Westchester RISE, Inc. pursuant to which Westchester RISE, Inc. will provide a Student Transition Assistance and Job Readiness Program for students in grades 9-12 who are eligible for Temporary Assistance for Needy Families (TANF) services (up to 200% of the Federal poverty level) at Woodlands High School for a term commencing on September 1, 2011 and terminating on August 31, 2012 for an amount not to exceed \$127,512 to be paid on a monthly basis pursuant to an approved budget and subject appropriation; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effectuate the purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
263	22	413L	4380	T413	\$127,512

Budget Funding Year(s): 2011 Start Date: 09/01/11 End Date: 08/31/12  
 (must match resolution)

Funding Source

\$127,512  
 (must match resolution)

Tax Dollars  
 State Aid  
 Federal Aid: 100%  
 Other

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION JUDY VERA, SECRETARY