

**MINUTES OF THE MEETING OF THE
COUNTY OF WESTCHESTER
BOARD OF ACQUISITION AND CONTRACT
HELD ON THURSDAY, MARCH 15, 2012 AT 11:00 A.M.**

County Executive	Robert P. Astorino
Majority Leader, Board of Legislators	Peter Harkham
Comm. - Public Works & Transportation	Jay Pisco
Deputy County Executive	Kevin Plunkett
Deputy County Attorney	Jim Robertson
County Executive's Office	Christine Sculti
Commissioner, Dept. of Finance	AnnMarie Berg
Deputy Commissioner, Dept. of Finance	Dennis Kelly
Budget	Patricia Haggerty
Board of Legislators	Catherine Borgia
Board of Legislators	Anne Reasoner
Board of Legislators	Thomas Staudter
Board of Legislators	Larry Goldstein
Secretary BAC	JoMary Vieira
Assistant Secretary BAC	Joan Cocciardi

Mr. Astorino presided.

Mr. Astorino said, "Before we begin the meeting, has the Secretary checked the reception area to make sure that all members of the public who wish to attend this meeting have been invited into this conference room?"

Ms. Vieira confirmed that she had done so.

Mr. Astorino noted Mr. Pisco wished to make a motion.

Mr. Pisco said, "At the request of the Commissioner of Social Services I move to add item 19 (ID #25517) to today's agenda. This is a resolution to enter into agreements with Westhab, Inc., the Urban League of Westchester County, Inc., the Yonkers Chamber of Commerce and Career Team, LLC to provide Employment Related Program Services for DSS Temporary Assistance Customers, for the term April 1, 2012 through March 31, 2013 in the total amount not to exceed \$4,712,250 to be paid pursuant to approved budgets and subject to appropriations. It is requested that the Board act on this now, so that this employment program can be in place by the anticipated commencement date."

Mr. Harkham seconded the motion and item 19 (#25517) was added to the agenda.

Mr. Harkham said, "Two items. One, it's the BOL position that A&C as it is comprised today, is in violation of Local Law 6 2012 and any contract passed without the voted two legitimate members of A&C is null and void. We just have a written statement to put in the record on that. The Board also respectfully requests the administration pull resolution #1 from the agenda today."

Mr. Astorino asked, "Are you making a motion to table it? We are not pulling it so you're making a motion to table."

Mr. Harkham replied, "Yes, if we could table that, that would be great."

Mr. Harkham made a motion to table item #1. Mr. Astorino asked if there was a second to the motion. Hearing none, motion failed.

Mr. Harkham said, "May I move to sever it then, so the BOL can vote against that? Then we will be voting in favor of all the other items."

Mr. Harkham made a motion to sever item #1. Mr. Astorino seconded the motion and it was unanimously approved.

Acquisition & Contract. Minutes of the meeting of 3/8/12 and the SEQR Review for agenda items.

J. Vieira

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

1. (24819) **CE/Youth Bureau** - 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

Held Over By Board of Legislators – 3/8/12

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

2. (24734) **Emergency Services** - 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

Held Over By Board of Legislators – 3/8/12

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

3. (24855) **Probation** - 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

Held Over By Board of Legislators – 3/8/12

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

4. (24897) **DPW/Transportation** - 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

Held Over By Board of Legislators – 3/8/12

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

5. (24968) **CE/Youth Bureau – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with Westchester Jewish Community Services, Inc., to operate a positive youth development program, from 1/1/12 – 12/31/14, for a total amount not to exceed \$685,065, under the listed terms and conditions.

M. Cabaleiro

6. (24969) **CE/Youth Bureau** - Enter into an agreement with Center for Human Options, Inc., to operate a positive youth development program, from 1/1/12 – 12/31/14, for a total amount not to exceed \$415,386, under the listed terms and conditions.

M. Cabaleiro

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

7. (24978) **CE/Office for Women** - Enter into an agreement with My Sisters' Place, Inc., for the provision of domestic violence education and training services, from 1/1/12 – 12/31/14, for an amount not to exceed \$960,035.

D. Balistreri

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

-
8. (24964) **Information Technology** - Amend an Agreement (IT-1204) with Diebold Enterprise Security Systems, for maintenance and support of the access control system, the vision badging and visitor management systems at various Westchester County locations, for the purpose of changing the corporate name of the vendor **from** Diebold Enterprise Security Systems **to** Diebold, Incorporated.

Beirne/Longworth/Pisco

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

9. (25139) **County Clerk – OVER BY BOARD OF LEGISLATORS.** Request authority to amend an agreement with New York State Industries for the Disabled, Inc., to provide data imaging services for records of the Office of the Westchester County Clerk, from 1/1/10 – 12/31/12, for a total aggregate amount not to exceed \$2,220,000 to add to the scope of services and approval of Westchester Arc, White Plains, as a subcontractor for additional services.

Idoni/Beirne

10. (24953) **Social Services – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with Pathways to Housing, Inc., to operate up to sixty-five (65) units of scattered site housing for individuals previously placed in the Westchester County Shelter System, from 2/1/12 – 1/31/13, for a total amount not to exceed \$1,454,998, under the listed terms and conditions.

K. McGuire

11. (24980) **Health** - Advertise for bids for Transportation of Children with Special Needs (approximately 500 children), from 9/1/12 – 8/31/17.

S. Amler

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

12. (25216) **Community College – OVER BY BOARD OF LEGISLATORS.** Request authority to amend an agreement with TouchNet Information Systems, Inc., for the provision of in-person credit card and web-based payment services in order to license an additional software module that will allow secure credit card payments from a web application, for a one-time fee of \$7,500, for implementation and training services, and the total amount payable to TouchNet over the five (5) year term of the agreement shall be increased by \$42,776, for a new total amount not to exceed \$251,836, under the listed terms and conditions.

J. Hankin

13. (24988) **Parks – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with Friends of Westchester County Parks, Inc., Mt. Kisco, to provide for the operation and management of Camp Morty, a sleep away camp facility for Westchester's children between the ages of 8 and 13 who are under the care of the Department of Social Services, to be located at Sal J. Prezioso Mountain Lakes Park, North Salem, from 4/15/12 – 12/31/12, in the amount of \$425,000.

O'Connor/McGuire

14. (24879) **DPW/Transportation –** Contract No. 11-549, for Bus Stop Improvements, Various Locations, Cities of White Plains and Yonkers and Town of Greenburgh, New York. Advertise for bids.

J. Pisco

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

15. (24997) **DPW/Transportation – OVER BY BOARD OF LEGISLATORS.** Contract No. 09-516, with Arben Group LLC, for Water System Distribution Improvements, Water District No. 3, Mount Pleasant, New York. Approval of Change Order No. 1 in the amount of \$300,000.

J. Pisco

16. (24999) **DPW/Transportation – OVER BY BOARD OF LEGISLATORS.** Contract No. 06-541, with Arben Group LLC, for Performance Maintenance III, Blind Brook Wastewater Treatment Plant, Rye, New York, be amended to extend the end date to 12/31/13.

J. Pisco

17. (25000) **DPW/Transportation – OVER BY BOARD OF LEGISLATORS.** Contract No. 08-531, with Arben Group LLC, for Shaft 22 Facility Improvements, Water District No. 1, Yonkers, New York, be amended to extend the end date to 12/31/13.

J. Pisco

18. (24975) **DEF –** Contract No. EF-1201, for Inspection and Repair of Cranes & Hoists, Various Locations, Westchester County, New York. Advertise for bids.

T. Lauro

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

19. (25517) **Social Services – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into agreements with Westhab, Inc., to provide employment related program services for Temporary Assistance recipients, in the amount of \$1,233,750, the Urban League of Westchester County, Inc., in the amount of \$1,066,875, the Yonkers Chamber of Commerce in the amount of \$1,470,625, and with Career Team, LLC in the amount of \$941,000, from 4/1/12 – 3/31/13, in the total aggregate amount not to exceed \$4,712,250.

K. McGuire

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

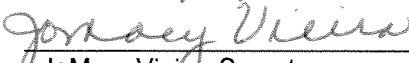
There being no further business, the Chair declared the meeting adjourned. All approved resolutions are on file electronically with the Board of Acquisition and Contract.



JoMary Vieira, Secretary

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

Dated 3/19/12



JoMary Vieira, Secretary

#1 Resolution for Cornell Cooperative

At the meeting of A&C on March 8th the following transpired regarding resolution #24819 for Cornell Cooperative:

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. Plisco 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?"

The Board respectfully requests that the Administration pull this resolution from the agenda. If that is not done the Board will vote against this resolution and the Board will be moving its own resolution forward for Cornell Cooperative at the appropriate time.

Local Law 6-2012 entitled “a Local Law amending the Laws of Westchester County, in relation to the Board of Acquisition and Contract” is now effective. Consequently, A&C now comprises of the County Executive, the Chairman of the Board of Legislators and the Budget Director.

It is well-settled in this state that an “executive branch may not override enactments which have emerged from the lawmaking process. It is required to implement policy declarations of the Legislature, unless vetoed or judicially invalidated.”

Assuming, *arguendo*, that Local Law 6-2012 was not properly enacted and was judicially invalidated, any vote taken by Jay Pisco is null and void as the Board of legislators rejected his appointment on February 13, 2011.

Based on all of the foregoing, any contract purportedly passed today without the requisite affirmative vote of 2 legitimate members of A&C is likewise null and void.