

**MINUTES OF THE MEETING OF THE
COUNTY OF WESTCHESTER
BOARD OF ACQUISITION AND CONTRACT
HELD ON THURSDAY, APRIL 5, 2012 AT 11:00 A.M.**

Acting County Executive	Kevin Plunkett
Chairman, Board of Legislators	Ken Jenkins
County Attorney	Robert Meehan
Deputy County Attorney	Jim Robertson
County Executive's Office	Bill Mooney
County Executive's Office	Christine Sculti
Deputy Commissioner, Dept. of Finance	Dennis Kelly
Budget	Patricia Haggerty
Board of Legislators	Anne Reasoner
Board of Legislators	Olivia Rhodes
Board of Legislators	David Tubiolo
Secretary BAC	JoMary Vieira
Assistant Secretary BAC	Valerie Rodriguez

Mr. Plunkett presided.

Mr. Plunkett said, "It is April 5th at 11:02 A.M. The County Executive is out of his office on business and has asked me as the Deputy County Executive to chair today's meeting."

Mr. Plunkett continued, "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. Plunkett called the meeting of the Board of Acquisition and Contract to order. Present were Mr. Plunkett, Acting County Executive and Ken Jenkins, Chair, Board of Legislators.

Mr. Plunkett said, "Before we proceed with the meeting, I note that the County Attorney is here. At last week's convening, which was not a meeting, the County Attorney rendered a report on a matter that is pending in Court. I understand that he has an update on that matter. I acknowledge and recognize our County Attorney, Mr. Robert Meehan."

Mr. Meehan said, "Thank you Mr. Plunkett. As you stated, at last week's meeting I reported that the Supreme Court in an action with an index # of 2584/2012 issued a restraining order postponing the meetings of the Board of Acquisition and Contract. I report that on Tuesday, an application was made to the Appellate Division, 2nd Dept. for a modification of that order. An order was issued by Associate Justice of the Appellate Division modifying the order of the Supreme Court as follows:

'Ordered, that pending the hearing and determination of the instant motion, upon the consent of the parties, the business of the Board of Acquisition and Contracts may be conducted by Kenneth W. Jenkins and Robert P. Astorino to the extent that they can agree, including but not limited to emergency matters and other necessary business coming before them as member of the Board of Acquisition and Contracts.'

Mr. Plunkett said "I acknowledge receipt of the Court Order signed by the Honorable Jeffrey Cohen, Associate Justice, Appellate Division, 2nd Dept., dated April 3, 2012. Chairman Jenkins, any objection to having this noted in the record?"

Mr. Jenkins replied "No objections."

Mr. Plunkett said, "Madam Secretary, please note that in the record."

Mr. Jenkins said, "And no objection as you are the County Executive when the County Executive is not here. There is no objection because it is noted in his order that it should be "A" or "B". So we are not objecting to that."

Mr. Plunkett said, "Thank you very much. That was my next order of business but we are passed that. We are here to do the business of the County. The County Chairman of the Board of Legislators is here, so we will proceed with the meeting."

Mr. Plunkett said, "I note for the record the filing of the minutes of the meeting on March 22nd. I believe that meeting was one in which Chairman Jenkins was in attendance. I note for the record the minutes of March 29th which was not a meeting but which was a gathering to allow the County Attorney to bring the people that were present, advised of the status of the lawsuit. I also acknowledge the receipt and filing of the SEQR review as prepared by the Planning Department for today's meeting."

Mr. Plunkett continued, "Prior to the consideration of the Agenda, I move to add items 82 and 83 to the agenda."

"Item 82 (ID# 25874) would authorize a 3rd amendment to a contract with Westhab, Inc. for the Homeless Prevention and Rapid Rehousing Program so as to increase the contract amount not-to-exceed by an additional \$40,120.00 for a total amount of \$1,042,526.00. These funds would allow an additional 28 HRHP participants to continue to receive 2 months of rental subsidies."

Mr. Plunkett asked, "Any comments on that motion? Do I have a second to that motion?"

Mr. Jenkins replied, "We will not be seconding this item. Mr. Chairman. We had some additional questions on that one."

Mr. Plunkett said, "Please note for the record that the motion was made. It was not seconded, therefore the motion failed."

Mr. Plunkett continued, "The next item - Item 83 (ID# 25843) would authorize an agreement with the WCHCC, pursuant to OSHA, to establish a medical surveillance program for the employees of the Department of Health's Occupational and Environmental Health Unit. As per section 3307(4) of the Public Authorities Law, both the Board of Legislators and A&C must approve contracts with the WCHCC. The Board of Legislators previously approved this agreement by Act No. 2012-17 and A&C must now also approve the contract."

Mr. Plunkett asked, "Is there a second to the motion?" Mr. Jenkins seconded.

Mr. Plunkett said, "Please note for the record, the seconding by Chairman Jenkins. All in favor of adding item # 83 to the Agenda, please say Aye." Mr. Jenkins responded with Aye.

Mr. Plunkett said, "Thank you. The motion carries. The secretary shall add item #83 to the Agenda. Item #82 is not added to the Agenda."

Mr. Plunkett continued, "Unless there is any objection, I move that the Board consider Agenda items #1-83, except for item #82 - which if it was on the agenda, it is not on the agenda. I have not heard that there are any being held over by the Board of Legislators, so hearing none, the floor is open for discussion on the Agenda items that are before the Board."

Mr. Jenkins replied, "Mr. Chairman, we have reviewed all the items and we are prepared to vote." Mr. Plunkett said, "Hearing that, unless there is an objection, I move on Agenda items 1-83, not including item #82 if it happened to be on the Agenda and there are none held over by the Board of Legislators. All those in favor of approving Agenda items #1-83, except for

item #82 should it be on the agenda, please say Aye.” Mr. Jenkins responded with Aye.

Mr. Plunkett continued, “There being none opposed. I want to determine if there are any other matters to be discussed at this meeting.” Mr. Jenkins said, “No.” Mr. Plunkett said, “I have none. I want to thank Chairman Jenkins for having the business of the County proceed.” Mr. Jenkins said, “I always look forward to doing that and have a Happy Passover or Easter.” Mr. Plunkett said, “Likewise to Mr. Chairman and everyone in the room. Unless there is a further action or further discussion, I will make a motion to adjourn.” Mr. Jenkins seconded the motion. The meeting was adjourned.

Acquisition & Contract. Minutes of the Meeting of 3/22/12, and Minutes of 3/29/12 and the SEQR Review for agenda items.

J. Vieira

1. (25159) **CE/Youth Bureau** - Enter into an agreement with Boys and Girls Club of Northern Westchester, Inc., to provide a positive youth development program, from 1/1/12 – 12/31/14, in a total amount not to exceed \$623,079.

M. Cabaleiro

Held Over By Board of Legislators – 3/22/12

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

2. (25161) **CE/Youth Bureau** - Enter into an agreement with Family Services of Westchester, Inc., to operate a positive youth development program, from 1/1/12 – 12/31/14, in a total amount not to exceed \$623,079.

M. Cabaleiro

Held Over By Board of Legislators – 3/22/12

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

3. (25164) **CE/Youth Bureau** - Enter into an agreement with the Young Women’s Christian Association of Yonkers, to operate the P.E.A.R.L. program, from 1/1/12 – 12/31/14, in a total amount not to exceed \$207,693.

M. Cabaleiro

Held Over By Board of Legislators – 3/22/12

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

4. (25166) **CE/Youth Bureau** - Enter into an agreement with Hudson River Museum, Inc., to operate the Junior Docent – Economic Security program, from 1/1/12 – 12/31/14, in a total amount not to exceed \$207,693.

M. Cabaleiro

Held Over By Board of Legislators – 3/22/12

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

5. (25167) **CE/Youth Bureau** - Enter into an agreement with Don Bosco Community Center of Port

Chester, Inc., to operate the Boys and Girls Club – Salesian Oratory program, from 1/1/12 – 12/31/14, in a total amount not to exceed \$207,693.

M. Cabaleiro

Held Over By Board of Legislators – 3/22/12

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

6. (25195) **CE/Youth Bureau** - Enter into an agreement with the Jewish Council of Yonkers, Inc., to operate the School Readiness program, from 1/1/12 – 12/31/14, in a total amount not to exceed \$207,693.

M. Cabaleiro

Held Over By Board of Legislators – 3/22/12

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

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- (24265) **Planning** - Amend the agreement with Martino Real Estate, LLC, to provide professional services to assist with the identification and purchase of foreclosed properties, in order to change the contract expiration date from 2/28/12 to 2/28/14, and increase the dollar amount an additional \$15,000, for a new total amount of \$85,000, under the listed terms and conditions.

E. Buroughs

Held Over By Board of Legislators – 3/22/12

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

8. (25196) **Social Services** - Amend the agreements with AMERICAN MEDICAL ALERT CORPORATION, LIFELINE SYSTEMS COMPANY and LIFESTATION, for Personal Emergency Response System services under Title XIX of the Social Security Act, from 1/1/09 - 12/31/11, for an amount not to exceed \$600,000 by; **1)** extending the end date to 8/31/12; and **2)** increasing the amount an additional \$133,333, for a new total not to exceed amount of \$733,333, under the listed terms and conditions.

K. McGuire

Held Over By Board of Legislators – 3/22/12

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

9. (24550) **Senior Programs** - Authority to **1)** enter into an agreement with the State of New York, acting by and through the New York State Office for the Aging, to accept a grant in the amount of \$44,235 to implement the New York State AAA Transportation Program, from 4/1/11 – 3/31/12; and **2)** enter into agreements with nine (9) subcontractors, to operate transportation programs for the elderly pursuant to the AAA Transportation Program, in the total aggregate amount not to exceed \$37,535, from 4/1/11 – 3/31/12.

M. Carpenter

Held Over By Board of Legislators – 3/22/12

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

approved by the members present.

10. (24715) **Senior Programs** - Advertise for bids for Group Transportation Services for Seniors in Westchester County, for a one year contract term, from 1/1/12 – 12/31/12, under the listed terms and conditions.

M. Carpenter

Held Over By Board of Legislators – 3/22/12

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

11. (24921) **Mental Health** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Program Design and Development, LLC, to provide assistance in managing Housing and Urban Development Shelter Plus Care Program contracts.

G. Mitchell

Held Over By Board of Legislators – 3/22/12

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

12. (24924) **Mental Health** - Enter into an agreement with Program Design and Development, LLC, to assist the County in managing the Housing and Urban Development Shelter Plus Care Program contracts and the requirements and procedures of HUD as they relate to the Continuum of Care Program and PD&D will also assist the County with the preparation of its 2012 HUD Continuum of Care application, from 1/1/12 – 12/31/12, for an amount not to exceed \$43,200.

G. Mitchell

Held Over By Board of Legislators – 3/22/12

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

13. (25149) **DPW/Transportation** – Amend Agreement No. 03-926 with Stearns & Wheeler, LLC, to **1)** change the name of the Consultant to GHD Consulting Engineers, LLC; and **2)** to provide for continued design services during construction and continued construction administration services for the additional time during which construction activities have been extended in connection with Odor Control Improvements and Electrical Equipment Upgrade at the North Yonkers Pump Station, for a fee of \$50,000 and a completion date of 12/31/12.

J. Pisco

Held Over By Board of Legislators – 3/22/12

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

14. (25151) **DPW/Transportation** – Amend Agreement No. 06-919 with Stearns & Wheeler, LLC, to **1)** change the name of the Consultant to GHD Consulting Engineers, LLC; and **2)** to provide for continued design services during construction and continued construction administration services for the additional time during which construction activities have been extended in connection with the new automated bar screen at the Blind Brook

Wastewater Treatment Plant, for an additional fee of \$352,800 and a new completion date of 12/31/13.

J. Pisco

Held Over By Board of Legislators – 3/22/12

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

15. (25385) **Parks** - Enter into a license agreement for use of Playland Park, Playland Parkway, Rye, with Big Bar Entertainment, LLC, Bronx, to hold approximately six ticketed concerts on Mondays and three free concerts, from 5/7/12 – 9/10/12, for an estimated amount of \$175,092, under the listed terms and conditions.

K. O'Connor

Held Over By Board of Legislators – 3/22/12

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

16. (25658) **Social Services** – Enter in an MOU with the New York State Office of Children & Family Services to accept a Child Care Fraud Prevention and Detection Incentive grant in the amount of \$98,810, to be used to help prevent and reduce fraud in the child care subsidy program, from 4/1/12 – 3/31/13.

K. McGuire

Held Over By Board of Legislators – 3/22/12

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

17. (24543) **County Executive** - Enter into an agreement with the Westchester Library System, to provide services to county residents to include continued: **1)** maintenance and development of the Library System's Cataloging and Inter-Library Loan Department's online catalog; **2)** conducting youth outreach programs; **3)** career and educational counseling services; **4)** operation of the Library System's delivery service to deliver library materials between member libraries and obtain them from other non-Library System libraries within the United States and **5)** services to allow downloading of audio and electronic books, from 1/1/12 – 12/31/12, for a not to exceed amount of \$1,050,000.

K. Plunkett

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

18. (24544) **County Executive** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with the Animal Welfare League of Westchester County, Inc., to provide public humane education services, from 3/15/12 – 3/14/13.

K. Plunkett

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

19. (25291) **CE/Youth Bureau** - Enter into an agreement with the Children's Health and Research Foundation to operate the Healthy from Birth for Life program, from 1/1/12 – 12/31/14, in a total amount not to exceed \$207,693, under the listed terms and conditions.

M. Cabaleiro

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

20. (25294) **CE/Youth Bureau** - Enter into an agreement with Congregations Linked in Urban Strategy to Effect Renewal, Inc., to operate the Study Buddy program, from 1/1/12 – 12/31/14, in a total amount not to exceed \$207,693, under the listed terms and conditions.

M. Cabaleiro

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

21. (25295) **CE/Youth Bureau** - Enter into an agreement with the Open Door Family Medical Center, Inc. to operate the Fit for Life program, from 1/1/12 – 12/31/14, in a total amount not to exceed \$207,693, under the listed terms and conditions.

M. Cabaleiro

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

22. (25300) **CE/Youth Bureau** - Enter into an agreement with the Young Women's Christian Association of White Plains and Central Westchester, Inc. to operate the GEMS program, from 1/1/12 – 12/31/14, in a total amount not to exceed \$207,693, under the listed terms and conditions.

M. Cabaleiro

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

23. (25307) **CE/Youth Bureau** - Enter into an agreement with El Centro Hispano, Inc. to operate the El Centro Hispano Youth Enrichment Program, from 1/1/12 – 12/31/14, in a total amount not to exceed \$207,693, under the listed terms and conditions.

M. Cabaleiro

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

24. (25659) **Parks** – Contract PRC-775 - Awarded to State Payroll Pick-Up Service, Inc., Uniondale, NY, for Armored Car Services for Pick-Up of Daily Receipts at Various Department of Parks, Recreation and Conservation Facilities, from 4/7/12 – 4/6/17, for a not to exceed contract amount of \$394,895.

K. O'Connor

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

25. (25322) **CE/Youth Bureau** - Enter into an agreement with Student Advocacy, Inc. to operate the Dignity for All Students Advocacy Program, from 1/1/12 – 12/31/14, in a total amount not to exceed \$207,693, under the listed terms and conditions.

M. Cabaleiro

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

26. (25338) **CE/Youth Bureau** - Enter into an agreement with Family Ties of Westchester to operate the Daughters of Destiny Program, from 1/1/12 – 12/31/14, in a total amount not to exceed \$206,145, under the listed terms and conditions.

M. Cabaleiro

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

27. (25340) **CE/Youth Bureau** - Enter into an agreement with My Sisters' Place, Inc. to operate the Real Tween - DVA program, from 1/1/12 – 12/31/14, in a total amount not to exceed \$207,693, under the listed terms and conditions.

M. Cabaleiro

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

28. (25342) **CE/Youth Bureau** - Enter into an agreement with Nepperhan Community Center, Inc. to operate the Youth Corps Health, Fitness and Drum Corp program, from 1/1/12 – 12/31/14, in a total amount not to exceed \$207,693, under the listed terms and conditions.

M. Cabaleiro

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

29. (25911) **Human Resources** – Rescind a resolution approved on 3/1/12, to enter into an agreement with Mount Vernon City School District for a permit to use Mount Vernon High School, in order to conduct a civil service examination on 4/14/12; and enter into an agreement with the Port Chester – Rye Union Free School District for a permit to use Port Chester High School, in order to conduct a civil service examination on 4/14/12.

K. Oristano

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

30. (25384) **Information Technology** - Amend an agreement (IT-1195) with Gartner, Inc., Stamford, CT., for a variety of research and advisory service products for information technology professionals, by increasing the amount of contract by \$81,010, for a new total not to exceed contract amount of \$162,020, and extending the term for one - year to a new end date of 4/30/13.

M. Beirne

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

31. (25206) **Social Services** - Enter into an agreement ("MOU") with the State of New York, acting by and through its Office of Temporary and Disability Assistance ("OTDA"), pursuant to which OTDA will give the Department up to 217 new personal computers, as well as provide delivery and installation, to support timely and accurate case processing and administration of the temporary assistance, food stamp, home energy assistance, and employment programs, for a period commencing upon execution and continuing until all equipment provided to the County by OTDA under the MOU is disposed of.

McGuire/Beirne

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

32. (24856) **Senior Programs** - Enter into an agreement with the State of New York, Office for the Aging, to accept a grant in the sum of \$1,245,118 to provide funding for various support services to the elderly under Title IIIB of the Older Americans Act, from 1/1/12 – 12/31/12.

M. Carpenter

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

33. (25193) **Senior Programs** - Authority to **1)** enter into an agreement with the New York State Executive Department Office for the Aging to accept a Title III-D Program grant in an amount not to exceed \$88,304, to implement breast cancer screening and counseling programs, health and wellness programs and medication management programs, from 1/1/12 – 12/31/12; and **2)** enter into agreements with the contractors listed in Schedule "A", in the individual amounts listed, to implement breast cancer screening and counseling programs, health and wellness programs and medication management programs, 1/1/12 – 12/31/12, in the total aggregate amount not to exceed \$74,680, under the listed terms and conditions.

M. Carpenter

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

34. (25298) **Senior Programs** – Enter into agreements with ten (10) subcontractors set forth listed in Schedule "A", to operate various support services for the elderly under Title IIIB of the Older Americans Act, for a total aggregate amount not to exceed \$610,073, from 1/1/12 – 12/31/12, under the listed terms and conditions.

M. Carpenter

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

35. (25315) **Senior Programs** - Enter into an agreement with DOROT, Inc. to provide In-Home Contact/Support services to persons 60 years or older, residing in Westchester County, from 1/1/12 – 12/31/12, in an amount not to exceed \$53,907, under the listed terms and conditions.

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

36. (25279) **Mental Health** - Amend an agreement with Family Ties of Westchester, Inc., in order to, **a)** modify the scope of services of the agreement to include additional services, and **b)** increase the amount not to exceed by \$2,326,025, for a new amount not to exceed of \$4,102,413, to pay for the additional services to be provided.

G. Mitchell

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

37. (25302) **Health** - Enter into contract to accept continued funding from the New York State Department of Health for the Immunization Action Plan grant, from 4/1/12 – 3/31/13, in the not to exceed amount of \$330,000.

S. Amler

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

38. (25473) **College** - Contract No. WCC-12-906, with Mengler Mechanical, Inc., for Physical Education Building Renovation/Improvements, Westchester Community College, Valhalla, New York. Approval of the five (5) listed subcontractors.

J. Hankin

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

39. (25239) **Public Safety** - Advertise for bids for Security Services at the Grasslands Shelter at 25 Operations Drive, Valhalla Campus, Valhalla, New York.

G. Longworth

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

40. (25119) **Probation** - Amend an agreement with the New York State Division of Criminal Justice Services to accept a grant in an amount not to exceed \$71,171 in Federal funds, for the Department to operate the Detention Services Program, from 9/1/10 – 8/31/11, by retroactively extending the term for an additional four (4) month period, from 9/1/11 – 12/31/11; and amend an agreement with Westchester Jewish Community Services, in an amount not to exceed \$41,147 in Federal funds for the Department to operate the Detention Services Program, from 9/1/10 – 8/31/11, by **1)** retroactively extending the term for an additional four (4) month period, from 9/1/11 – 12/31/11; and **2)** retroactively decreasing the not to exceed amount by \$21,145.13, to a new not to exceed amount of \$20,001.87.

R. Pozzi

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

41. (25281) **Parks** - Enter into a license agreement with the Ecuadorian Civil Committee of Westchester, Sleepy Hollow, for use of certain areas of Croton Point Park for the purpose of holding a festival celebrating Ecuadorian Heritage to be held on Sunday, August 12, 2012, rain or shine, between the hours of 10:00 am and 7:00 pm, for a license fee of \$30,430, under the listed terms and conditions.

K. O'Connor

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

42. (24787) **Parks** - Enter into an agreement with Metro-North Commuter Railroad, NYC, to co-sponsor a combination discount package to Playland Park to be sold by Metro-North at all New Haven, Hudson and Harlem Line stations, from 5/12/12 – 9/9/12, under the listed terms and conditions.

O'Connor/Pisco

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

43. (25314) **DPW/Transportation** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Farrokh Hormozi, Ph.D. to perform a Certification and Precision Analysis for 2011 Passenger Mile Data for the Westchester County Bee-Line System.

J. Pisco

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

44. (25303) **DPW/Transportation** – Contract No. 11-221 – for Guide Railing Replacement, Bronx River Parkway and Various County Roadways, Westchester County, New York. Award to Low Bidder, Central Industries, Inc. (WBE), Yonkers, in the amount of \$383,445. (4 bids)

J. Pisco

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

45. (25304) **DPW/Transportation** - Contract No. 11-552 – for Lighting Installation, 2199 Saw Mill River Road, Elmsford, New York. Award to Low Bidder, Pat Kearns Electric, Ltd., Carmel, in the amount of \$17,125. (8 bids)

J. Pisco

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

46. (25305) **DPW/Transportation** - Contract No. 12-203 – for Pavement Sweeping and Litter Removal Services, Playland Park, Rye, New York. Award to the sole bidder, Three D Industrial

Maintenance Corp., Hawthorne, in the amount of \$501,594. (1 bid)

J. Pisco

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

47. (25306) **DPW/Transportation** – Contract No. 08-512, with PCI Industries Corp., for Resurfacing and Drainage Improvements, Virginia Road from Hillside Avenue to the Bronx River Parkway, A distance of 0.36 Miles, Towns of Mount Pleasant and Greenburgh, New York. Acceptance of completed work and approval of Final Contract Amount of \$247,341.

J. Pisco

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

48. (25310) **DPW/Transportation** – Contract No. 11-516, with Yonkers Excavating Corp. (WBE), for New Electrical and Communications Duct Bank, Westchester County Airport, Towns of Harrison and North Castle, and Village of Rye Brook, New York. Acceptance of completed work and approval of Final Contract Amount of \$99,000.

J. Pisco

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

49. (25313) **DPW/Transportation** - Contract No. 08-531, with Arben Group LLC, for Shaft 22 Facility Improvements, Water District No. 1, Yonkers, New York. Approval of Mackenzie Painting (WBE), Stratford, CT, as a subcontractor.

J. Pisco

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

50. (25327) **DPW/Transportation** – Contract No. 12-202, for Service Contract for Plumbing Repairs, Various Locations, Westchester County, New York. Award to Low Bidder, Joe Lombardo Plumbing & Heating of Rockland, Inc., Suffern, in the amount of \$137,805. (2 bids)

J. Pisco

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

51. (25328) **DPW/Transportation** – Contract No. 08-534, for Emergency Generator Replacement, Yonkers Joint Wastewater Treatment Plant, Yonkers, New York. Award to Low Bidder, Verde Electric Corp., Mount Vernon, in the amount of \$4,828,000. Approval of Southeast Mechanical Corp. (HVAC Work), Brewster, as a subcontractor. (3 bids)

J. Pisco

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

52. (25329) **DPW/Transportation** – Contract No. 11-546, for Electrical Upgrade, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, New York. Award to Verde Electric Corp., Mount Vernon, in the amount of \$2,180,000. Approval of Southeast Mechanical Corp., Brewster, and L.J. Coppola, Inc., Thornwood, as subcontractors.
(5 bids)

J. Pisco

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

53. (25331) **DPW/Transportation** – Amend Contract No. 10-533, with ELQ Industries, Inc., for Rental Car Parking Area Resurfacing, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, New York, by extending the end date to 6/30/13.

J. Pisco

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

54. (25332) **DPW/Transportation** – Amend Contract No. 06-525, with Arben Group LLC, for Dewatering Equipment Rehabilitation, Yonkers Joint Wastewater Treatment Plant, Yonkers, New York, by extending the end date to 12/31/12.

J. Pisco

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

55. (25333) **DPW/Transportation** - Amend Contract No. 05-524-E, with RLJ Electric Corp., for New Automatic Skimming Equipment, Yonkers Joint Wastewater Treatment Plant, Yonkers, New York, by extending the end date to 11/30/12.

J. Pisco

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

56. (25334) **DPW/Transportation** - Amend Contract No. 05-524-GC, with Spectraserv Inc., for New Automatic Skimming Equipment, Yonkers Joint Wastewater Treatment Plant, Yonkers, New York, by extending the end date to 11/30/12.

J. Pisco

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

57. (25336) **DPW/Transportation** - Amend Contract No. 04-542-GC-Rev., with BMJ Construction Co., Inc., for Performance Maintenance III, Port Chester Wastewater Treatment Plant, Port Chester, New York, by extending the end date to 12/31/12.

J. Pisco

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

58. (25337) **DPW/Transportation** - Amend Contract No. 04-505, with E-J Electric Installation Co., for Pump Station Monitoring and Alarm Project, Westchester County, New York, by extending the end date to 10/31/12.

J. Pisco

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

59. (25363) **DPW/Transportation** - Enter into Contract No. 12-204 with the New York State Industries for the Disabled, for Janitorial Services at 450 Saw Mill River Road, Ardsley, New York, for a three (3) year period, from 4/1/12 - 3/31/15, for an amount not to exceed \$176,298.44. Approval of Jawonio, Inc., New City, as a subcontractor.

J. Pisco

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

60. (25401) **Board of Legislators** - Enter into an agreement with My Sisters' Place, Inc., to provide case management services and on-site temporary child care through its Top Drop program, for an amount not to exceed \$60,600, from 1/1/12 - 12/31/12.

Jenkins/Balistreri

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

61. (24546) **CE/Board of Legislators** - Enter into an agreement with the Westchester Arts Council, Inc., d/b/a ArtsWestchester to administer and deliver the County of Westchester's cultural services to County residents, manage a County-wide arts in-education program, and provide marketing and information services informing County residents and visitors of the numerous arts opportunities available throughout the county, in an amount not to exceed \$1,000,000, from 1/1/12 - 12/31/12, under the listed terms and conditions.

Plunkett/Jenkins

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

62. (25290) **CE/Youth Bureau** - Enter into an agreement with Groundwork Hudson Valley, 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.

K. Cabaleiro

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

63. (25320) **CE/Youth Bureau** - Enter into an agreement with Yonkers Family YMCA 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.

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

64. (23819) **County Attorney** - Exercise its second one-year renewal option under its agreement with law firms performing "Of Counsel" Legal Services to the County Attorney pursuant to the County's Self-Insurance Program, extending the end date of the agreements to 12/31/12, in the amount of \$2,700,000.

R. Meehan

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

65. (25507) **Planning** - Amend a prior resolution (12/14/06) for the agreement with the Village of Croton-on-Hudson, in which the County will lease riverfront property from the Village and will contribute funds toward the construction of a trailway and other improvements thereon, to be operated and maintained by the Village and accessible to all County residents, to increase the grant amount by \$200,000.

E. Buroughs

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

66. (25533) **Planning** - Enter into a third amendment to the grant amendment with the New York State Division of Housing and Community Renewal for the Weatherization Assistance Program, in order to change the expiration date from 3/31/12 to 6/30/12.

E. Buroughs

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

67. (25535) **Planning** - Approve a second amendment to the agreement with the Community Environmental Center to provide energy audits, training and technical services that will assist in the provision of energy efficient improvements to multi-family rental buildings occupied by very low income households, in order to change the expiration date from 3/31/12 – 6/30/12.

E. Buroughs

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

68. (25403) **Social Services** - Amend an agreement with the State of New York, for an amount not to exceed \$98,700 to support subsidized employment opportunities combined with paid education and training under the Transitional Jobs 2 Program, from 1/1/11 – 9/30/11, in order to: **1)** accept a supplemental grant allocation in the amount of \$79,565, increasing the not to exceed grant allocation to a new total not to exceed amount of \$178,265; **2)** extend the end date of the agreement to 6/30/12; **3)** amend an agreement with Westhab, Inc. to provide education, training and subsidized job placement services under the Transitional Jobs 2 Program, from 1/1/11 – 9/30/11, made available through the above said grant agreement in order to increase the not to exceed amount by \$79,565, for a new total

not to exceed amount of \$178,265; and 4) extend the end date to 6/30/12.

K. McGuire

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

69. (25414) **Social Services** - Enter into an agreement with Caring for the Homeless of Peekskill, Inc., for the operation of a 24-hour adult shelter program for up to nineteen (19) homeless single men and women and an overnight warming site/drop-in center for up to seven (7) homeless single males/females at a facility known as Jan Peek House, Peekskill, from 2/1/12 – 1/31/13, in an amount not to exceed \$742,129; and enter into a subcontract with Grace Church Community Center, Inc., for management consulting services.

K. McGuire

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

70. (25478) **Social Services** - Enter into agreements with Westhab, Inc. and Community Housing Innovations, Inc., from 4/1/12 – 3/31/13, to administer a Rental Assistance Program to assist up to 30 families and 36 single adults who are employed and/or transitioning off public assistance and disabled single adults, for an aggregate amount not to exceed \$1,009,000, under the listed terms and conditions.

K. McGuire

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

71. (25479) **Social Services** - Amend an agreement with Mount Vernon Neighborhood Health Center, Inc., to provide medical screening of assisted homeless families and singles for the assessment of health needs to address any barriers to employment, movement from homelessness and independence from public assistance by: **1)** extending the termination date from 3/31/12 to 6/30/12; and **2)** increasing the not to exceed amount by \$92,500, for a new total not to exceed amount of \$555,000.

K. McGuire

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

72. (25521) **Social Services** - Advertise for Transportation Services for Homeless School Age Children and Children Placed in Court Directed Custody and in Foster Care for the Westchester County Department of Social Services, for a five (5) year period commencing on 9/1/12.

McGuire/Pisco

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

73. (25465) **Senior Programs** - Enter into agreements with the Medicare Rights Center, the Westchester Library System, and Family Services of Westchester to provide information and assistance for the elderly under Title IIIB of the Older Americans Act, from 1/1/12 – 12/31/12, in the total aggregate amount not to exceed \$91,400, in the individual amounts set forth in Schedule "A", under the listed terms and conditions.

M. Carpenter

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

74. (25524) **Health** - Amend an agreement with Mitchell & McCormick, Inc. to provide an updated Web-based Integrated Health Record, Case Management, Billing and Data Reporting Software System, from 12/15/10 – 12/14/11, for a not to exceed amount of \$350,000, by extending the end date to 12/31/12.

Amler/Beirne

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

75. (25122) **District Attorney** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Lexis Nexis, a Reed Elsevier, Inc. business, for the provision of computer-assisted research services for the Westchester County District Attorney's Office.

J. DiFiore

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

76. (25123) **District Attorney** – Enter into an agreement with Lexis Nexis, a Reed Elsevier business, for the provision of computer-assisted general research services, from 3/1/12 – 2/28/15, for a not to exceed amount of \$4,284, under the listed terms and conditions.

J. DiFiore

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

77. (25531) **Public Safety** - Enter into a License Agreement with the Consolidated Edison Company of New York, Inc. for the use of a portion of its property located at 9th Street, Verplanck, NY, for periodic marine training services to be conducted by the Department, from 3/1/12 – 2/29/16.

G. Longworth

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

78. (25511) **DPW/Transportation** – Contract No. WCA-12001, for Street Sweeping Services, Westchester County Airport. Award to Sole Bidder, Three D Industrial Maintenance Corp., Hawthorne, in an amount of \$300,000, from 4/1/12 – 3/31/15. (1 bid)

J. Pisco

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

79. (25510) **DPW/Transportation** – Contract No. 06-552 – for Replacement of Bronx River Parkway Bridges (at Crane Road) Over Bronx River and Metro-North Railroad, Town of Greenburgh and Village of Scarsdale, New York. Award to Low Bidder, E.E. Cruz & Company, Inc., NYC, in the amount of \$39,425,000. (8 bids)

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

80. (25512) **DPW/Transportation** – Contract No.11-523, with Landi Contracting, Inc. (WBE), for Emergency Repairs to Stream Bank At Hawley Road, North Salem, New York. Acceptance of completed work and approval of Final Contract Amount of \$68,000.

J. Pisco

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

81. (25273) **DEF** - Enter into an agreement with Process and Compression Systems, a division of Cameron International Corporation, for the provision of inspection and maintenance services for the existing enterprise engines located at the Yonkers Joint Wastewater Treatment Plant, for a total amount not to exceed \$150,000, from 1/1/12 – 12/31/12.

T. Lauro

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

82. (25874) **Planning** – Request authority to enter into a third agreement with Westhab, Inc., for the Homeless Prevention and Rapid Re-Housing Program, in order to increase the dollar amount an additional \$40,120, for a new amount of \$1,042,526.

E. Buroughs

Mr. Plunkett voted in the affirmative. Mr. Jenkins voted in the negative. The resolution was not added.

- 83.(25843) **Health** – Enter into an agreement with the Westchester County Health Care Corporation (“WCDH”) pursuant to the Occupational Safety and Health Act of 1970 and 29 CFR 1910.120, to establish a medical surveillance program for the employees of the WCDH’s Occupational and Environmental Health Unit who may be exposed to hazardous substances or health hazards, commencing upon execution and expiring on 12/31/16, for a total amount not to exceed \$110,000.

S. Amler

Mr. Plunkett voted in the affirmative. Mr. Jenkins voted in the affirmative. The resolution was added 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 4/9/12


JoMary Vieira, Secretary

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: SECOND DEPARTMENT

ORIGINAL

-----X
KENNETH W. JENKINS, in his capacity as Chairman
And Member of the Westchester County Board of
Legislators, and Member of the Westchester County
Board of Acquisition & Contract, LYNDON
WILLIAMS, in his capacity as Vice-Chairman and
Member of the Westchester County Board of
Legislators, and PETER HARCKHAM, as Member
of the Westchester County Board of Legislators

ORDER TO SHOW CAUSE

Appellate Division
No. 2012 - 3038

Sup. Ct. Index No. 2584/12

Petitioners/Plaintiffs/Respondents,

-against-

ROBERT P. ASTORINO, in his capacity as Westchester
County Executive, and Member of the Westchester
County Board of Acquisition & Contract, JAY T. PISCO,
Individually and in his capacity as the purported
Commissioner/Acting Commissioner of the Department
Of Public Works & Transportation and a purported
Member of the Westchester County Board of Acquisition
& Contract, and ROBERT F. MEEHAN, in his capacity as
Westchester County Attorney,

Respondents/Defendants/Appellants.
-----X

FEE PAID
MP 8

Upon the annexed affirmation of JAMES CASTRO-BLANCO, dated the 3rd day of
April , 2012, the Order of the Westchester County Supreme Court dated and entered March 29,
2012 (WARHIT, Acting J.) granting *inter alia*, a Temporary Restraining Order ("TRO") against
the Respondents/Defendants/Appellants, the Affidavit of Intention to Move for Permission
Appeal & Seek to Vacate, Stay, and/or Modify the TRO, the accompanying exhibits of
Respondents/Defendants/Appellants, and all the pleadings and proceedings heretofore had
herein;

RECEIVED
12 APR -3 AM 10:27
APPELLATE DIVISION
SECOND DEPARTMENT

¹ Notably, the TRO was issued by the lower court as a "Decision, Order and Judgment"
which "conclude[d] the matter." Thus, although Appellants have moved for permission to
appeal, Appellants further submit that this appeal is as of right.

NOTE: On the return date all motions and
proceedings are deemed submitted. Oral argument
is not permitted (22 NYCRR 670.5(b)).

LET the Petitioners/Plaintiffs/Respondents, show cause before this Court at a term thereof, to be held at the Courthouse, 45 Monroe Place Brooklyn, New York, ~~Westchester~~ ~~County~~, on the 11th day of April, 2012, at 9³⁰ o'clock in the forenoon of that day or as soon thereafter as counsel can be heard, why an Order should not be made: (1) granting County Respondents/Defendants/Appellants permission to appeal the Order of the Westchester County Supreme Court (WARHIT, Acting J.) dated March 29, 2012; (2) vacating the Temporary Restraining Order in its entirety or, in the alternative, staying the enforcement of the Temporary Restraining Order against County Respondents/Defendants/Appellants herein, pending a determination of the instant motion; (3) vacating, or in the alternative, staying the enforcement of the Temporary Restraining Order against Respondents/Defendants/Appellant pending a determination of the appeal herein; and (4) granting a preference in the hearing and determination of the appeal herein,

Sufficient cause appearing therefor, it is

Pending the hearing and determination of the instant motion, upon the consent of the parties, the business of the Board of Acquisition and Contracts may be conducted by Kenneth W. Jenkins and Robert P. Astorino to the extent that they can agree, including for permission to appeal, but not limited to emergency matters and other necessary business coming before them as members of the Board of Acquisition and Contracts.

CAC

~~ORDERED, that the Order of the Westchester County Supreme Court (WARHIT, Acting J.) dated and entered on March 29, 2012, which granted Petitioners/Plaintiffs/Respondents herein a Temporary Restraining Order is stayed pending the determination of the instant motion for permission to appeal;~~

LET service of this Order by certified or registered mail and the moving papers upon

which it was granted upon the Petitioners-Respondents or their attorneys, on or before the 3rd day of April, 2012, be deemed good and sufficient service.

B

Dated: April 3, 2012
Brooklyn NY

Jeffrey McLoher
Hon. Jeffrey McLoher, Associate Justice
Appellate Division 2nd Dept.