

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

Acting County Executive  
Vice Chairman, Board of Legislators  
Comm. - Public Works & Transportation  
Deputy County Attorney  
Deputy Commissioner, Dept. of Finance  
County Executive's Office  
County Executive's Office  
County Executive's Office  
County Executive's Office  
Budget  
Board of Legislators  
Board of Legislators  
Board of Legislators  
Journal News  
Secretary BAC  
Assistant Secretary BAC

Kevin Plunkett  
Lyndon Williams  
Jay Pisco  
Jim Robertson  
Mario Arena  
Christine Sculti  
Bill Mooney  
David Odell  
Bill Rodriguez  
Patricia Haggerty  
Anne Reasoner  
Allie Moncado  
Anthony Amiano  
Elizabeth Ganga  
JoMary Vieira  
Joan Cocciardi

**Mr. Plunkett presided.**

**Mr. Plunkett said, "The County Executive is not in the office and has asked me as Deputy County Executive to chair this 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. Williams said, "The usual objections."**

**Mr. Plunkett said, "Note for the record Vice-Chairman Williams has put on the record the usual objections from the Board of Legislators."**

**Mr. Plunkett said, "I note for the record the filing of the minutes for last week's meeting. I also note the receipt and filing of the SEQRA review prepared by the Planning Department for today's meeting. Unless there is any objection, I move that the Board consider agenda items 1 – 29, except for item 12 which is Social Services resolution which is held over by the Board of Legislators. The floor is open for discussion of agenda items by the members of the Board".**

**Mr. Williams said, "Just as a matter of a motion the Board would like to add to the agenda two items. One is Cornell Cooperative Extension resolution #27563 and secondly the Westchester Jewish Community Services resolution #26265 for the record."**

**Mr. Plunkett said, "Let me take the motion that I made first so that we at least have some action on that and then we will address your motions. Is that okay Mr. Williams?"**

**Mr. Williams responded, "Yes."**

Mr. Plunkett said, "I made a motion for the Board to consider agenda items 1-29 except for item 12 which I understand is being held over by the Board of Legislators. Is there a second to that motion?"

Mr. Williams seconded the motion and it was unanimously added to the Agenda.

Mr. Plunkett continued, "You have made a motion, as I understand it, to add two items. If you don't mind we will take them individually?"

Mr. Williams responded, "Yes."

Mr. Plunkett said, "The first one, as I understand, is your motion to add resolution #27563, a resolution authorizing the County of Westchester to enter into an agreement with Cornell Cooperative Extension Association of Westchester County to conduct a number of countywide educational programs. Is there a second to the motion? Hearing none the motion does not carry."

Mr. Williams said, "For the record I would just point out that the motion is not debatable. The Board of Legislators, pursuant to 161.51 of the Westchester County Laws are permitted to place items on the Agenda and these items, as far as the Board of Legislators are concerned, are deemed properly placed pursuant to the section of the Westchester County Laws."

Mr. Plunkett responded, "Thank you and as you know the validity of that law is before a judge in court and until the judge rules on that validity of that law the opinion we have from the County Attorney that the law is not in effect and, accordingly, the motion that you made would require a second to be placed on the agenda. Such a second was not heard, so therefore, the resolution is not on the agenda recognizing your objection to that."

Mr. Williams said, "I just want to place on the record so that we are clear that we believe the law has been enacted. The County has not challenged the validity of the law before any court and has indicated that it has no intentions to challenge the validity of the law and, therefore, the law is in effect as of the time it was enacted. Although this matter, there is a case pending before the judge, before the court, until the court declares this law, if it does, to be invalid, until the court has done that, then that act is part of the laws of Westchester County and the Board is expressing, through my comments here, it's intention that the executive is required to enforce the laws of Westchester County as enacted. Therefore, the motion that was made to place the item on the agenda should have been placed as of right and we have reviewed their decision to not carry through with that as a violation of Section 161.51."

Mr. Plunkett said, "Two comments. Your position is noted for the record. We've been advised by the County Attorney, the County Executive has, that the law you have referenced is not valid. It was not adopted correctly. It was not filed timely with the appropriate state office and accordingly the law is not in effect and, therefore, the provisions that you have cited are not applicable today."

Mr. Plunkett continued, "The second thing and I think even more importantly, since we'll get direction from the court on the debate you and I are having, Vice Chairman Williams, the Board of Acquisition and Contract has already passed a resolution awarding the \$990,000 to Cornell Cooperative Extension on the 15th of March. Our Youth Bureau is presently discussing the Contract terms with the representatives of Cornell Cooperative Extension in order to make sure that the County hold CCE accountable and at the same time, CCE is able to provide the services they provide, so that resolution was passed on March 15th."

Mr. Williams said, "Just one point on that matter. I would submit that the resolution that was adopted wasn't properly adopted and had no legal validity because the votes that were taken on that resolution on this very Board were improper in that there was a member of the Board voting who did not have a legal capacity to vote, to cast a vote. Therefore, that vote is null and void."

Mr. Plunkett said, "Your position is duly noted. We disagree. You have a second motion. A motion to move resolution # 26265 authority to enter into an Agreement with Westchester Jewish Services, Inc., (WJCS) pursuant to which WJCS will provide a geriatric care specialist to support the needs of the elderly population in Westchester County for the period February 1, 2012 to January 31, 2013 in an amount not to exceed \$40,375."

Mr. Plunkett seconded the motion and it was unanimously added to the Agenda.

Mr. Plunkett continued, "With respect to that particular resolution, I communicated with the Chairman, Mr. Jenkins earlier in the week that it is the County Executive's position that the Contract be administered through the Department of Senior Services and Programs since it is a geriatric care specialist authorization. Accordingly, I will work with the Chairman and his team to work out the language in the Contract that we will be signing in order to provide those services."

Mr. Plunkett advised the Secretary to add item #30 to the Agenda.

Mr. Williams said, "It is the Board's position that the Budget Director should have been present at this meeting and we note his absence for the record."

Mr. Plunkett said, "It is my understanding when Chairman Jenkins brought that to our attention, Commissioner Pisco's presence here is part of the litigation that is pending in front of the judge to be determined and secondly, Mr. Soule is on vacation this week."

Mr. Williams asked, "Is his absence because he is on vacation or is his absence due to the position taken that he is not a member of the Board pursuant to the act that the Board of Legislators passed?"

Mr. Plunkett replied, "The latter. I was just informing you that he was on vacation just as a point of interest. We are again taking the view that law which you have cited is not valid and we are waiting for direction from the Court."

Mr. Robertson commented, "Just for clarification on the record, Mr. Williams put the usual objection on the record. Chairman Jenkins sometimes calls it the normal objection. I always understood that to mean the presence of Commissioner Pisco."

Mr. Plunkett said, "I did too. I think Mr. Williams was just saying the normal and usual objection."

Mr. Williams agreed, "We believe that at this stage at this particular meeting, there are some legal matters in our opinion have been resolved and have been finalized by virtue of actions taken by the County Attorney in the most recent court proceedings and, therefore, we expected, based on those actions that there would have been a different composition and a different way of moving forward on this Board."

Mr. Robertson continued, "Just for the record. I am not aware of any action that has been taken by the County Attorney."

Mr. Williams replied, "Or inactions. Actions or inactions."

Mr. Plunkett asked Mr. Robertson if he was aware of any inactions taken by the county Attorney. Mr. Robertson responded, "No Mr. Chairman."

**Acquisition & Contract.** Minutes of the meeting of 8/9/12 and the SEQR Review for agenda items.

J. Vieira

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

1. (28127) **CE/Youth Bureau** - Enter into an agreement with the City of White Plains to operate the Step Up! 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

**Held Over By Board of Legislators – 8/9/12**

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

2. (28128) **CE/Youth Bureau** - Enter into an agreement with the City of White Plains to operate the Clubmen Higher Aims program, from 1/1/12 – 12/31/14, in a total amount not to exceed \$161,538, under the listed terms and conditions.

M. Cabaleiro

**Held Over By Board of Legislators – 8/9/12**

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

3. (28130) **CE/Youth Bureau** - Enter into an agreement with the City of White Plains to operate the Healthy and 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

**Held Over By Board of Legislators – 8/9/12**

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

4. (28135) **CE/Youth Bureau** - Enter into an agreement with the City of New Rochelle to operate the Strive 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

**Held Over By Board of Legislators – 8/9/12**

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

5. (28136) **CE/Youth Bureau** - Enter into an agreement with the City of Peekskill to operate the Advancing Leadership for Teens 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

**Held Over By Board of Legislators – 8/9/12**

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

6. (28107) **Information Technology** - Amend agreement (IT-604) with Motorola, Inc., in order to increase the scope of the defense and indemnification provisions; extend the end date of the agreement from 12/31/10 to 10/31/12; and change the name of the contractor to Motorola Solutions Inc.

M. Beirne

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

7. (28277) **Information Technology** - Enter into an agreement (IT-1249) with Atria Consulting, LLC, NYC, for the provision of information technology professional consulting services on an as-needed basis, for a total amount not to exceed \$540,000, from 7/16/12 – 3/31/14, under the listed terms and conditions.

M. Beirne

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

8. (28256) **Information Technology** - Amend Contract IT-1094 with Syscon Justice Systems, Ltd., Richmond, British Columbia, for one year of software support and maintenance services for the application software (known as the iTAG Offender Management System) licensed to and in use by the Department of Correction, by extending for one year, from 10/1/12 – 9/30/13, for a total not to exceed contract amount of \$347,789.

Beirne/Cheverko

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

9. (28121) **Law/Risk Management** - Secure Business Auto Insurance from the Selective Insurance Company of New York through the Sprain Agency, Mahopac, for the "Small Bus", ParaTransit and Senior Programs & Services Fleets, with a premium insurance package amount of \$447,625, from 8/22/12 – 8/22/13, under the listed terms and conditions.

R. Meehan

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

10. (28103) **Social Services** - Enter into agreements with eleven (11) agencies, for the purpose of providing summer employment enrichment programs for economically disadvantaged youth under 21 years of age through funding awarded to the Department of Social Services Office of Workforce Investment by the New York State Office of Temporary and Disability Assistance for the Temporary Assistance to Needy Families 2012 Summer Youth Employment Program, from 5/1/12 – 9/30/12, for a total aggregate amount not to exceed \$518,304, under the listed terms and conditions.

K. McGuire

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

11. (28252) **Social Services** - Enter into an agreement with the United States Department of Housing and Urban Development in order to accept a grant in the amount of \$345,652, under HUD's Supportive Housing Program, to pay for work and services related to the County's Homeless Management Information System, from 2/1/12 – 1/31/13.

K. McGuire

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

12. (28253) **Social Services – OVER BY BOARD OF LEGISLATORS.** Request authority to enter into an agreement with the United States Department of Housing and Urban Development to accept a grant in the amount of \$48,530 to be used to implement a supportive housing program to pay rental expenses for housing homeless youth transitioning out of foster care, from 9/1/12 – 8/31/13.

K. McGuire

13. (28254) **Social Services** - Enter into an agreement with the United States Department of Housing and Urban Development to accept a grant in the amount of \$205,485, to be used to implement a supportive housing program to provide operational housing support for transitional housing units at the Coachman Family Center in White Plains, from 9/1/12 – 8/31/13.

K. McGuire

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

14. (28338) **Senior Programs** - Enter into an agreement with J&R Tours Inc., to provide group transportation services to Westchester County seniors, from 1/1/12 – 12/31/12, for a not to exceed amount of \$66,124, under the listed terms and conditions.

M. Carpenter

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

15. (28248) **Health** - Assign an agreement with an Early Intervention Related Services Provider, Donna Klein and Associates, Inc., from 7/1/10 – 6/30/15, for the provision of services to children with disabilities, to Westchester Therapy Solutions – Occupational, Physical and Speech Therapy, PLLC, effective 9/1/12.

S. Amler

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

16. (28255) **Health** - Enter into agreements with Westchester County School Districts, to accept Federal IDEA Flow-through Funds for Part B, Section 611 and 619 for the periods 7/1/12 – 8/31/13 or 9/1/12 – 8/31/13, as specified by the school districts and in amounts to be determined by the respective school districts' October 1<sup>st</sup>, 2011, Federal Count, under the listed terms and conditions.

S. Amler

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

17. (28280) **Public Safety** - Pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, to exempt from procurement an agreement with Wheelabrator Westchester, L.P.

G. Longworth

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

18. (28250) **Public Safety** - Amend an agreement with Wheelabrator Westchester, L.P., for the disposal and incineration of solid waste/evidence and household pharmaceuticals that must be witnessed by a police officer at the time of disposal, from 10/1/09 – 9/30/12, for a total contract amount not to exceed \$12,300 in order to: **1)** extend the term of the agreement for an additional 3 years for a new contract end date of 9/30/15 and **2)** increase the contract amount by \$12,300, for a new total contract amount of \$24,600, under the listed terms and conditions.

G. Longworth

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

19. (28328) **Probation** - Enter into an agreement with the New York State Division of Criminal Justice Services, in an amount not to exceed \$145,250 in State funds for the Departments of Public Safety and Probation to participate in Operation Impact, from 7/1/12 – 6/30/13.

Pozzi/Longworth

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

20. (27837) **Parks** - Enter into a permit agreement with the Correction Officers' Benevolent Association of NYC, for the exclusive use of Playland Park for its employees and invited guests from 11:00am to 7:00pm on Saturday, September 15, 2012, with a rain date on Sunday, September 16, 2012, for a fee of \$128,000, under the listed terms and conditions.

K. O'Connor

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

21. (28295) **DPW/Transportation** - Enter into Agreement #12-902, with DY Consulting Engineers, PC d/b/a DY Consultants (MBE), Garden City, NY, for engineering services associated with the Airport Master Plan, Phase I – Study, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, New York, for a total compensation fee of \$1,382,705.63, from 8/31/12 – 12/31/16, and approval of the six (6) listed subconsultants.

J. Pisco

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

22. (28296) **DPW/Transportation** - Enter into Agreement #12-903 (a Multi-Phased Agreement), with TRC Engineers, Inc., Hawthorne, for engineering services associated with the Storm Water Management Upgrades, Phase I – Engineering Design, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, New York, for a total compensation fee of \$336,600, from 8/31/12 – 12/31/16, and approval of Shumaker Consulting Engineering & Land Surveying, PC, Binghamton, NY, as a subconsultant.

J. Pisco

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

23. (28297) **DPW/Transportation** – Contract No. 07-503, with Globe Fence & Railings, Inc., for Replacement of Traffic Control Signs – Phase II, Various Locations, Westchester County, New York. Completed work and Final Contract Amount of \$286,931.95.

J. Pisco

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

24. (28298) **DPW/Transportation** – Contract No. 08-549, with Titan Construction Group Inc., for Building Renovations, 1932 Jail, Norwood E. Jackson Correctional Center, Valhalla Campus, Valhalla, New York. Completed work and Final Contract Amount of \$8,381,499.

J. Pisco

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

25. (28299) **DPW/Transportation** – Contract No. 11-531, with D&M Electrical Contracting, Inc., for Emergency Replacement of Overhead Primary System, Mountain Lakes Park, Town of North Salem, New York. Completed work and Final Contract Amount of \$267,885.

J. Pisco

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

26. (28300) **DPW/Transportation** – Contract No. 12-523, for Terminal Facilities Lighting Upgrade, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, New York. Advertise for bids.

J. Pisco

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

27. (28301) **DPW/Transportation** - Contract No. 12-524, for Installation of Air Circulation Fans at the Terminal Building, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, New York. Advertise for bids.

J. Pisco

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

28. (28302) **DPW/Transportation** - Contract No. 12-534, for Roofing Replacement, 25 Moore Avenue, Mount Kisco, New York. Advertise for bids.

J. Pisco

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

29. (28320) **DPW/Transportation** – Enter into Agreement #12-908, with GHD Consulting Engineers, LLC, Cazenovia, NY, for engineering services associated with the Boiler and Generator Replacement, Ossining Wastewater Treatment Plant, Ossining, New York, from 9/15/12 – 12/31/17, for a total compensation of \$730,000 and approval of LynStaar Engineering, PC (WBE), Pleasantville, as a subconsultant.

J. Pisco

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

30. (26265) **Board of Legislators** – Enter into an agreement with Westchester Jewish Community Services, Inc., to provide a Geriatric Care Specialist to support the needs of the elderly population in Westchester County, from 2/1/12 – 1/31/13, in an amount not to exceed \$40,375.

K. Jenkins

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


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

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

  
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Mary Vieira, Secretary

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

Dated 8/21/12

  
\_\_\_\_\_  
Mary Vieira, Secretary